

## Development Control Committee – 23 July 2018

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<b>Application Number:</b>	<b>CM/19/17</b>
<b>Title:</b>	<b>The importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure</b>
<b>Site Location:</b>	<b>Thorney Mill Rail Siding, Thorney Mill Road, Iver</b>
<b>Applicant:</b>	<b>Buckinghamshire County Council</b>
<b>Author:</b>	<b>Head of Planning &amp; Environment</b>
<b>Contact Officer:</b>	<b>Gemma Crossley <a href="mailto:dcplanning@buckscc.gov.uk">dcplanning@buckscc.gov.uk</a></b>
<b>Contact Number:</b>	<b>01296 382092</b>
<b>Electoral divisions affected:</b>	<b>Iver</b>
<b>Local Members:</b>	<b>Luisa Sullivan</b>

### Summary Recommendation(s):

The Development Control Committee is invited to:

- a) INDICATE SUPPORT for application number CM/19/17 for the proposed importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings, Thorney Mill lane, Iver;
- b) RESOLVE that the application be forwarded to the Secretary of State in accordance with the provision of the Town and Country Planning (Consultation) (England) Direction 2009;
- c) That in the event that the Secretary of State does not intervene, the Head of Planning be authorised to APPROVE application CM/19/17 for the proposed importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings subject to conditions to be determined by the Head of Planning and Environment, including those set out in Appendix A and the completion of a Planning Obligation to secure the following:



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- I. Routing agreement to avoid Iver High Street and minimise traffic through the Sutton Lane/A4 London Road Junction and M4 Junction 5 where possible.
- II. All HGV's within the applicants own fleet that travel to and from the site shall be in full compliance with the Euro VI Standards and the applicant shall encourage contracted HGV's to travel to and from the site in full compliance with the Euro VI Standards.
- III. A financial contribution to Slough Borough Council's Low Emission Strategy, in particular to fund a Clean Air Zone (CAZ) feasibility study and implementation plan for Brands Hill.
- IV. A financial contribution towards Highways Improvements at the Sutton Lane / A4 London Road Junction.

## **Appendices:**

## **Appendix A: Draft Conditions**

## **SUPPORTING INFORMATION**

### **Introduction**

1. Application CM/19/17 was submitted by PDE Consulting Ltd on behalf of Breedon Southern Ltd, being received on 20<sup>th</sup> March 2017. The application was registered and sent out for consultation on 17<sup>th</sup> May 2017. It was advertised as a departure by newspaper advert, site notice and neighbour notification. Further information was submitted and further consultation is being undertaken. The thirteen-week determination deadline was the 16<sup>th</sup> August 2017, although this has been extended to the 31<sup>st</sup> July 2018 with the agreement of the applicant.
2. The applicant submitted a request to Buckinghamshire County Council (BCC) for the proposed development to be screened in accordance with the Environmental Impact Assessment (EIA) Regulations (The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (since replaced by the EIA regs 2017)). BCC adopted a Screening Opinion on 11<sup>th</sup> April 2016 (reference CX/15/15) concluding that the development is not EIA development and therefore that an ES would not be required.

### **Site Description**

3. The application site is located to the east of a currently disused north-south orientated railway line which branches off of the West Drayton to Iver railway line. The site lies to the east of Thorney Park Golf Course and to the west of the County boundary with West Drayton (see location plan below). It is accessed from Thorney Mill Road, which borders the site to the south and lies adjacent to another industrial site, previously used by Aggregate Industries as an aggregate depot, with a number of subsequent uses. The site is located within South Buckinghamshire District and lies 1.6km to the southeast of Iver and 2.8km to the east of Slough. The development site is long and narrow, running alongside the railway line and measuring just under 2 hectares. It currently comprises hardstanding, vegetation, railway infrastructure and an open sided building in the southwest corner of the site. The site is bordered to the north by the River Colne and Public Right of Way IVE/21/3, which runs in an east-west direction between residential areas in West Drayton and Thorney Park Golf Course.

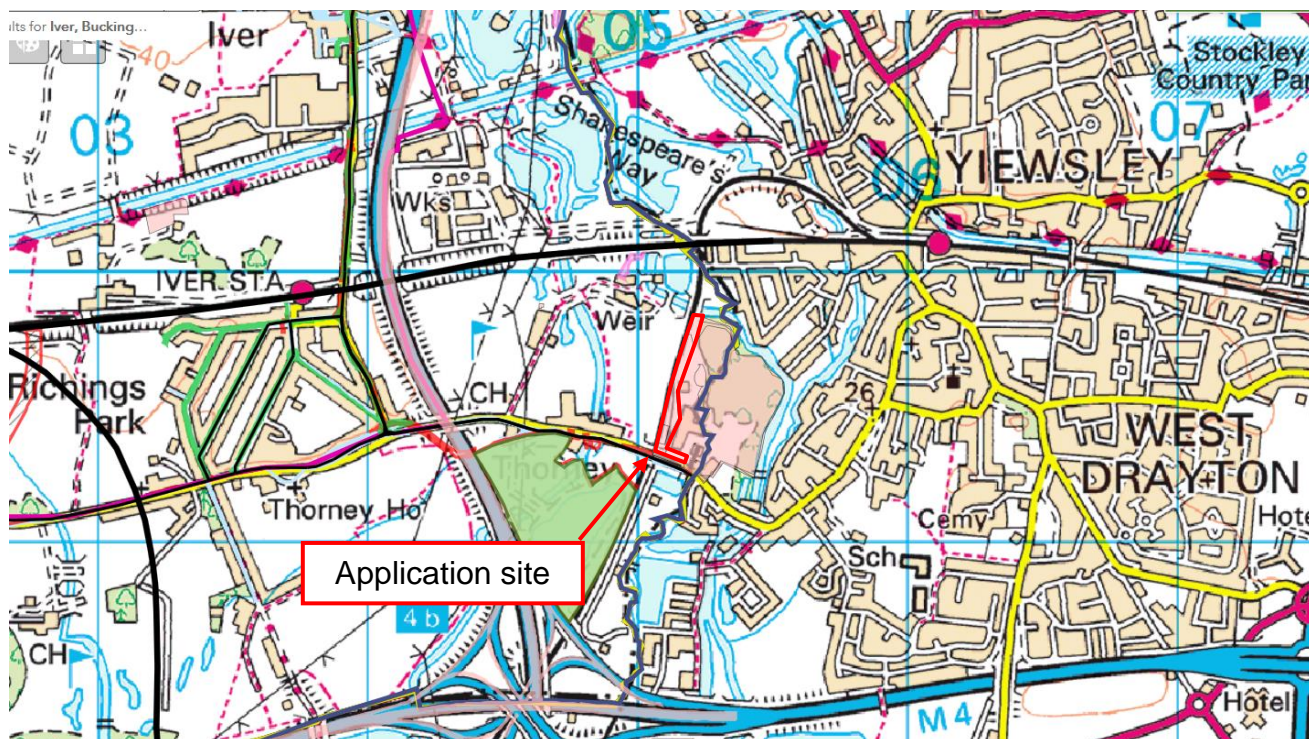


Figure 1: Site Location Plan

4. The nearest residential receptor is located immediately adjacent to the site access, just 30m to the east. Mayfield caravan park is located to the south of Thorney Mill Road, opposite the application site. The closest caravan being just 30m from the site boundary. Further residential receptors are also located on Thorney Mill Road to the west, at least 130m from the site and in West Drayton, at least 100m to the east and northeast.
5. The site is located within the Green Belt and Colne Valley Park. A cluster of Sites of Special Scientific Interest (SSSI's) and Special Protect Areas (SPA's) are located at Wraybury, Hythe End and Staines Moor, which lay circa 4.3km to the southwest of the application site. Mabey's Meadow and Frays Island Nature Reserve is a local nature reserve and park and a Site of Metropolitan Importance located circa 200m to the east of the application site.
6. There are a number of Listed Buildings located in West Drayton. The Frays, a Grade II\* Listed Building, is the closest being located 425m to the east of the site and a Grade II Stable range is located at Thorney Farm, 500m to the west of the site. West Drayton Conservation Area lies circa 300m to the east of the application site.
7. The site is located within Flood Zone 1, as designated by the Environment Agency, which is at the lowest risk of flooding from rivers and sea, less than 1 in 1000 annual probability (<0.1%). It is not located within a Source Protection Zone (SPZ).

### Proposed Development

8. Application CM/19/17 seeks permission for the importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Sidings, Thorney Mill Road, near Iver. The site is currently vacant, although has previously been used as an aggregate depot and unauthorised waste transfer facility.
9. The aggregates would be imported by rail. Once they arrive on-site, a teamster, which is a piece of plant, will be used to unload the rail wagons and convey the aggregates into purpose built aggregate storage bays along the eastern side of the site. The

imported aggregates would be stored on site until such time as they are required within the concrete batching plant or for transport offsite. It is proposed that 210,000 tonnes of aggregates would be imported to the site via rail per annum, with circa 100,000 tonnes per annum (tpa) being transported off-site in HGV's, with the remaining 110,000 tpa being used within the concrete batching plant. The applicant states that on occasion, where certain aggregates cannot be sourced from rail served locations or it would be more expedient for them to be imported by road, this would be done by 'back-hauling', i.e. aggregates being imported in HGV's that would otherwise be arriving empty.

10. The concrete batching plant is proposed to make use of circa 110,000tpa of aggregates imported to the site per annum. It would also require the importation of cement and additives. Cement would be imported by tanker, which would be transferred into one of three silos, via a pneumatic hose. This process is designed to be airtight to prevent the escape of cement into the air. The additives required are either fibres imported in sacks or chemicals imported in IBC type containers. Both of these would be imported by road. Water is also required in the process, which wherever possible will be recycled surface water collected on site.
11. It is anticipated that the proposed development would result in 82 HGV movements per day (41 in, 41 out). This is based on the following:

Imports per annum	Exports per annum		Payload	Days per annum	Number of HGV loads	Number of HGV movements
210,000t aggregates imported by rail	100kt exported aggregates by road		30t HGV's	275 days per annum	13	26
	110kt aggregates to concrete plant	50km <sup>3</sup> concrete products per annum	8m <sup>3</sup> concrete mixers	275 days per annum	23	46
Imported supplies, i.e. cement and additives					5	10
<b>Total</b>					<b>41</b>	<b>82</b>

12. The applicant states that the aggregate and concrete would serve a target market within a 20 mile radius of the site, although it may also travel further. The applicant states that there is great demand within the target area due to the forecast growth in housing in this area. The proposed concrete batching plant will replace one of the applicant's former operations, based at All Souls Farm near George Green.
13. The construction phase of the development would involve minor re-profiling of the existing ground contours. This may require the export of a nominal amount of surplus materials, which would be taken to a suitable facility for recycling where possible. A small area of the woodland and scrub area in the north of the site will be cleared and part of the bund removed to provide a turning area of vehicles. Hardstanding areas would be laid and foundations for the built aspects. The concrete plant, storage bays and buildings can then be constructed/installed. The site may require some minor reconfiguration of the rail sidings to improve operational efficiency.

14. It is proposed that the concrete batching plant and ancillary operations would operate between the following hours:
- 07:00 – 23:00 Monday to Friday
  - 07:00 – 16:00 Saturdays
  - No operations on Sundays and Bank Holidays
15. It is proposed that the operation of importation and storage of aggregates by rail would operate over the following hours, due to the delivery times available on the rail network:
- 24 hours per day Monday to Friday
  - 7:00 – 16:00 on Saturdays
16. It is proposed that the development would employ 7 full time, permanent employees, 4 concrete mixer units, 2 to run and maintain the operation of the yard and concrete batching plant and 1 sales representative.
17. All vehicular access to the site would be via the existing access onto Thorney Mill Road, which would require some minor modification. HGV's would travel west along Thorney Mill Road, onto Ritchings Way and onwards to the M4/M25 junction. HGV's would not travel north towards the village of Iver.
18. The application is supported by the following environmental assessments:
- Transport Statement
  - Air Quality and Dust Assessment
  - Landscape and Visual Impact Assessment
  - Ecological Appraisal
  - Heritage Statement
  - Noise Assessment
  - Contaminated Land Assessment
19. An Arboricultural Impact Assessment was carried out following a request from the Landscape Adviser for a Tree Survey of the tree and scrub vegetation to the north of the site, including what vegetation is proposed for removal and for retention. The AIA identified no significant trees on the mound at the northern end of the site. The only trees are Poplars on the adjacent property. The mound contains shrubs up to 3.5m in height and one poor quality stunted Ash tree of circa 4m high. The AIA concludes that the vegetation on the mound could be removed as they are not worthy of retention. It recommends that mitigation planting along the public footpath could take place if required to enhance the visual amenity and that the retained Poplars are protected using fencing along the eastern boundary of the site (see the guidelines within the British Standard 5837).

### **Relevant Planning History**

20. This site has a long planning history, which includes use as a railway siding. The site is currently vacant. The most relevant and recent planning history is summarised below:

**02/08/2010 - Certificate of Proposed Lawful Use or Development (CPLUD) - Ref: 10/00739/CM**

21. For 'The importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail' issued to D B Schenker Rail (UK) Limited as a statutory 'railway undertaker' pursuant to the permitted development rights under the Town and Country Planning General Permitted Development Order 1995, Schedule 2, Part 17, Class A. The corresponding class under the current general permitted development order would be that set out in Town and Country Planning General Permitted Development (England) Order 2015, Schedule 2, Part 8, Class A.
22. It should be noted that the site is owned by Network Rail, who are a Statutory Railway Undertaker.
23. **06/01/2012** - An **Enforcement Notice** and a **Stop Notice** were served on the landowner and operator for the unauthorised change of use of land to mixed use of railway sidings and the use of land for processing and export of waste by road. This required the cessation of the processing and export of waste by road.
24. **12/07/2012** - **Planning Permission (Ref. 12/00634/CM)** was **refused** for the 'Proposed change of use of land to mixed use of railway sidings and the use of land for processing inert waste, including the crushing of hardcore, the screening of hardcore and soils, and movement of waste by road in association with the lawful use for the importation and deposit of material required in connection with the movement of traffic by rail'. The application followed from the previously served Enforcement and Stop Notices.
25. The reasons for refusal of consent were that:
  - (1) The applicant has failed to demonstrate that the development would not have an adverse impact on the local highway network or on the local amenity through the impact of HGVs accessing and egressing the site, therefore it would be contrary to policies 28 and 30 of the Buckinghamshire Minerals and Waste Local Plan (MWLP), policies TR5 and TR10 of the South Bucks District Local Plan (SBDLP) and policy CP7 of the South Bucks District Core Strategy (SBCS);
  - (2) The applicant has failed to demonstrate that very special circumstances exist to justify the use of the land for waste processing and to justify the erection of plant and machinery in the Green Belt, therefore the development would be contrary to policy GB1 of the SBDLP and policy 27 of the MWLP.
26. **26/06/2013** – A further **Enforcement Notice** was subsequently served on the landowner and operator for the further unauthorised processing of waste and deposition of waste not made in connection with the movement of traffic by rail and thus not authorised by the Certificate of Proposed Lawful Use or Development Ref. 1000739/CM.
27. **19/07/2013** - A **Enforcement Notice** was served against the unauthorised change of use of the land from use as a railway siding to a mixed use of railway sidings and use for the disposal and processing of waste. The notice required the cessation of the importation of waste by road for the purposes of disposal or storage.
28. **04/08/2013** - An **Enforcement Notice Relaxation** was served to amend the steps to be taken set out in the Enforcement Notice issued on 26<sup>th</sup> July 2013, so as to require the removal, by rail, of the waste from the site at the rate of at least 1000 tonnes per week.

29. Prior to the issue of the lawful development certificate it is understood that the site had been used for an unauthorised waste transfer operation in 2008; this matter was pursued by BCC and the site was subsequently cleared of waste in 2009.

## **Planning Policy**

30. Planning applications must be determined in accordance with the Development Plan, which should be considered as a whole, unless material considerations indicate otherwise (the Town and Country Planning (General Development Order) 1990). The Development Plan in this case consists of the following, with the most relevant policies to the proposed development listed below:

### Buckinghamshire County Council Minerals and Waste Local Plan 2004-2016 (adopted June 2006)

Policy 7: The Transport of Aggregates

Policy 28: Amenity

Policy 29: Buffer zones

### Buckinghamshire County Council Minerals and Waste Core Strategy (adopted November 2012)

Policy CS7: Rail Aggregates and Wharf Facilities

Policy CS18: Protection of Environmental Assets of National Importance

Policy CS19: Protection of Environmental Assets of Local Importance

Policy CS20: Green Belt

Policy CS22: Design and Climate Change

Policy CS23: Enhancement of the Environment

### South Buckinghamshire District Local Plan (SBDLP) (adopted 1999)

31. The SBDLP was adopted in March 1999 as a statutory plan for the District. In 2007, 75 policies in the SBDLP were saved for continued use, while the remaining expired. The South Bucks Core Strategy (SBCS) replaced a further 22 policies and therefore only 53 policies of the saved SBDLP policies are in place. The relevant saved policies to this application are:

Policy GB1: Green Belt boundaries and the Control over Development in the Green Belt

Policy EP3: The Use, Design and Layout of Development

Policy EP4: Landscaping

Policy TR5: Accesses, Highway Works and Traffic Generation

Policy TR10: Heavy Goods Vehicles

### South Bucks Core Strategy (SBCS) (2011)

32. The Core Strategy is the key document in the South Bucks Local Development Framework, setting the long-term vision, objectives and broad strategy for accommodating future development in the District. The Core Strategy was adopted in February 2011. The relevant policies to the determination of this application include:

Core Policy 6: Local Infrastructure Needs

Core Policy 7: Accessibility and Transport

Core Policy 8: Built and Historic Environment

Core Policy 9: Natural Environment

Core Policy 13: Environmental and Resource Management

### **Other Policy and Guidance**

33. Also to be taken into consideration are the National Planning Policy Framework, March 2012 (NPPF) and Planning Policy Guidance (NPPG).

#### Emerging Buckinghamshire County Council Minerals and Waste Local Plan 2016-2026 (EMWLP)

34. The BCC MWLP 2016-2036 Proposed Submission Plan Consultation was carried out between March and May 2018. It was submitted to the Secretary of State for examination, along with representations received, on 1<sup>st</sup> June 2018.
35. The Emerging MWLP will replace both the MWLP 2006 and the MWCS 2012, to provide an up-to-date Local Plan, including site allocations. Although this document is now at an advanced stage, the policies within it should be given little weight as it has not yet been adopted.
36. Strategic Objective 6 relates to the sustainable transport of minerals and waste, setting out that the County Council will encourage sustainable transport movement and alternative transport methods, to enable the more efficient movements of minerals and waste.
37. The key policies within the EMWLP are:

Policy 8: Rail Aggregate Depots and Wharf Facilities

Policy 17: Managing Impacts on Amenity and Natural Resources

Policy 18: Sustainable Transport

Policy 19: Natural Environment

Policy 20: Historic Environment

Policy 21: Landscape Character

Policy 22: Green Belt

Policy 27: Safeguarding of Minerals Development and Waste Management Infrastructure

#### Emerging Chiltern and South Bucks Local Plan (2014-2036)

38. Chiltern District Council and South Bucks District Council are preparing a new emerging joint Local Plan for Chiltern and South Bucks Districts. A consultation on the Issues and Option took place between January and March 2016, followed by consultation on the Preferred Green Belt Options between October and December 2016. Following local transport modelling and duty to co-operate engagement with Highways England, further work is now being carried out on specific strategic highway (motorway) junction modelling.

## **CONSULTATIONS**

### **Local Member**

39. The Local Member objects to the application for the following reasons:
- Congestion and pollution of HGV traffic associated with the application to the local Ivers road network.
  - No alternative route available as there is a width restriction to the east into the London Borough of Hillingdon.



- An area of AQMA is expected to be declared as pollutant levels are regularly exceeded.
- The operating schedule of 24 hours of day Monday to Friday and 0700-1600 on Saturdays is unacceptable as it would be detrimental to the quality of living for residents.
- It is proposed to import aggregate by rail, but there are a lack of rail slots available, so this material would come in by road.
- Cemex have recently been granted permission for mineral extraction and concrete batching at Ritchings Park, to the west of this site. Consideration has not been given to the need for two such sites in close proximity.

40. The Local member has requested a number of conditions / mitigation measures are placed on the development, if granted.

### **South Bucks District Council**

41. South Bucks District Council object to the application on the grounds that the HGV movements would not be reduced and would adversely affect the character and amenities of properties through noise, vibration, disturbance and visual intrusion and adversely affect the rural character of the area.

### **Iver Parish Council**

42. Iver Parish Council object to the proposal on the grounds of increased HGV traffic; hours of operation; noise; dust; ecology; and lighting. The Parish Council recommend mitigation by way of planning condition, should consent be granted, including control and logging of vehicle movements and times, restricted hours of operation, routing agreement, speed limit reduction, air quality monitoring, contribution towards rights of way, contribution towards environmental enhancement of the River Colne, liaison group meetings welcomed.

43. **The Environment Agency** have commented that the site and surrounding area have a significant history of potentially contaminative uses and contamination has previously been identified onsite. They go on to say that the submitted desktop study gives some confidence that it will be possible to manage the risk posed to controlled waters. They consider that planning permission could be granted, subject to conditions requiring a scheme to dispose of foul drainage; a remediation strategy; a verification report; a monitoring and maintenance plan for contamination; and no infiltration of surface water.

44. The **South Bucks Strategic Environment Team (Environmental Health Officer)** has reviewed the application in terms of air quality and noise. They recommend that if permission is granted, a suitable condition is imposed in relation to the proposed 3m high noise barrier to the east of the site. The originally submitted Dust Assessment was lacking, but following submission of an Air Quality Assessment, the EHO found this to be acceptable and as such raises no objections.

45. The **Ecology Officer** has responded to say that due to the nature of the proposed works, there is not likely to be an impact on ecological features provided that all the mitigation described within the ecology report and the dust report is fully incorporated. Therefore, subject to the following mitigation/conditions, the Ecology Officer has no objection to the proposed development:

#### River habitats and riparian fauna

- No works to take place within 5m of the river bank.

- A new fence to be erected along the northern boundary to protect the adjacent riparian habitats.
- Implementation of best practice pollution prevention measures.

### Birds

- No vegetation should be removed 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 to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed until the fledglings have left the nest.

### Biodiversity Net Gain

- Biodiversity net gain shall be secured via an appropriately worded condition that requires submission of a landscaping scheme that incorporates biodiversity features. The scheme shall include, but is not limited to: Creation of habitats and incorporation of ecology enhancement features such as bat or bird boxes.

46. The **SuDS Officer** as the **Lead Flood Authority** initially objected to the proposed development, because the FRA contained insufficient information with regards to the surface water management strategy. Following the submission of a Surface Water Drainage Strategy (SWDS) from the applicant, the SuDS Officer was able to withdraw their objection, subject to conditions requiring the submission of a detailed Surface Water Drainage System, with inter alia confirmation of the outfall; a “whole-life” maintenance plan for the site; and a verification report to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme (see Appendix A for full details of the conditions).
47. The **Strategic Access Officer** has no objection from a rights of way perspective.
48. The **Landscape Adviser** initially responded to say that there was a lack of information within the LVIA and they requested the following:
- The LVIA should consider effects of the lighting proposals, which include 18m high lighting columns, the highest element of the scheme.
  - Consideration to night time effects, including lighting, should be made with respect to local receptors and ecological receptors.
  - Details of on-site vegetation should be provided, including a tree survey of the tree and scrub vegetation to the north of the site. It should be made clear what vegetation is proposed for removal and for retention as this may affect potential views from the riverside and footpath.
  - Extended or additional cross sections to include screening vegetation and the industrial building on the adjoining land would be helpful.
  - The locations of the viewpoints identified should be shown on a drawing.
  - Additional viewpoints may be necessary due to the proposed lighting columns.
  - Linkage of the photographs provided to the viewpoints identified and assessed should be made and additional photographs provided if necessary.
  - Annotation of the photographs to show the visible parts of the proposals.
  - Consider the cumulative effects of the proposed development alongside the adjacent industrial building.
49. The applicant provided an Arboricultural Impact Assessment Report dated 15<sup>th</sup> August 2017, Supplementary Information in relation to Landscape and Visual Aspects dated September 2017 and lighting details. The Landscape Adviser concluded that there was no basis for objection.

50. The **Lighting Adviser** initially responded to say that insufficient information was provided to enable an assessment of the suitability and effects of the proposals. The following further information was requested:
- Justify the use of 18m high columns. A greater number of lower columns would enable better light spill control and reduced visual effect, both during the day and night time;
  - Lighting strategy, including lighting levels and ecological considerations;
  - Lighting strategy objectives, including how to limit effects when the site is not operational;
  - Lighting design, including lux levels ever 1.5m;
  - Spill light isolux drawing, showing spill levels and contours.
51. The applicant provided a Lighting Strategy which made amendments to the original scheme, removing the lighting columns and mounting the lights on the concrete batching plant and site office. The applicant also responded to queries about the angle of tilt of floodlights and lighting controls. The Lighting Adviser recommends that cowls are fitted to floodlights to minimise upward light and that no further lighting shall be installed without prior written permission.
52. The **Highways Development Management** Officer provided an initial response which requested the submission of swept path analysis for the access, egress and turning of HGV's within the site. Following submission of this by the applicant, the Highways Officer was able to provide final comments, which states that the gates at the entrance to the site will need to be widened or relocated. The Officer stresses that they would not be satisfied with any increase in HGV movements through the village of Iver and as such recommends a Section 106 agreement to control the proposed routing of vehicles associated with the development to use Thorney Mill Road, Ritchings Way and North Park Road towards the A4/M4 Junction 5. The Officer confirms that subject to conditions, including HGV movements and routing as set out within Appendix A, they have no objection in highways terms.
53. The **Archaeology Officer** responded to say that due to the nature of the proposal, it is not likely to significantly harm the archaeological significance of any assets and therefore he has no objection to the development.
54. **Slough Borough Council** (SBC) have raised objection to this application on highways and air quality grounds. In particular they are concerned with an intensification of HGV's at the junction of Sutton Lane and the A4 London Road and the A4 westbound to the M4 Junction 5. The M4 between Junction 5 and Sutton Lane is designated as the Brands Hill Air Quality Management Area (AQMA). SBC have concerns with the number and routing of HGV's and the cumulative impact with other permitted developments. They request the following to be secured by planning obligation:
- Originally requested financial contribution of £150,000, subsequently increased to £300,000, towards mitigation to improve traffic flow, to reduce speed of traffic and to improve conditions for vulnerable road users on the section of the A4 between Sutton Lane gyratory junction and M4 Junction 5 including works at those junctions.
  - Vehicle routing restriction – so that all HGVs exiting the site towards the M4/M25 would be required to use A4 Colnbrook Bypass, (avoiding the most critical one lane westbound section of A4 London Road); vehicles entering the site would be allowed to use the A4 London Road eastbound section – as per CEMEX development;

- Implementation of one rapid electric charger in the Langley area (eg Trelawney Ave or Harrow Market); and
  - Contribution to car club.
  - A cap on 82 HGV movements a day through the Brands Hill AQMA
  - Financial contribution of £100,000 toward 'implementation of the low emission strategy'
  - All rigid HGVs to be EURO VI standard.
55. Following discussions with Slough BC and the applicant, Slough BC have agreed to remove the request for a rapid electric charger and contribution to a car club, as these are not directly related to the development and site. The applicant has agreed that its owned vehicles will meet the EURO VI standard and that contracting and visiting vehicles will also be encouraged to do so. However, Slough BC retain their request for contributions towards road improvements at the Sutton Lane/A4 junction and the implementation of the low emission strategy.
56. Upon request to justify and explain the level of contribution requested, Slough BC have responded to say that the transport improvement contribution is based upon a proportion of the cost of the works to the junction, based on a pro-rata assessment of a contribution secured with another developer.
57. The air quality contribution is based upon a Damage Cost Calculation.
58. The **London Borough of Hillingdon**, a neighbouring authority, have objected to the proposal on the basis that the proposals are inappropriate development within the Green Belt and potential noise disturbance to residents in the London Borough of Hillingdon. They also recommend planning informatives are set out to control other impacts and to ensure there are no adverse highways impacts.
59. **Full consultee responses are available at:**  
<https://publicaccess.buckscc.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=ON5RY8DS03F00>

## Representations

60. 43 representations have been received raising objection to the proposed development for the reasons summarised below:
- Noise – especially in evening when other activity is reduced
  - Dust
  - Light Pollution
  - HGV traffic – number of HGV's, additional traffic on already congested Ritchings Way and North Park, greater disturbance after 5pm, damage to the road, road safety
  - Hours of operation – 11pm is antisocial
  - Impact to wildlife, including fishing lakes
  - Impact to human population
  - Visual impact - unsightly concrete batching plant
  - Hazardous materials, pollution
  - Night time works
  - Green Belt impact – inappropriate development
  - Landscape impact
  - Need for a Site Waste Management Plan (SWMP) and Construction Environment Management Plan (CEMP)

- Health risk – asthma
- Odour
- Loss of light/over shadowing
- Water contamination, surface and ground water pollution
- Impact on character of the area
- Cumulative impact

61. West Drayton Ward Councillor, Cllr Jan Sweeting, has made a representation following contact from West Drayton residents. She states that the lives of Hillingdon residents will be affected by noise, dust, light and other pollutants and raises objection on the following grounds: 24 hour operation, noise and dust of HGV's, light pollution, no tee or bund as mitigation to Hillingdon residents, HGV numbers and associated air pollution. She also requests that if permission is granted, that conditions control night time working, noise, dust and additional tree planting.

## **DISCUSSION**

62. The main issues for consideration in relation to application CM/19/17 for the importation, storage and onward distribution of rail bourn aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings are the existing permitted use, sustainable development, safeguarded rail infrastructure and highways/traffic, Green Belt, environmental impacts, landscape, lighting, ecology, flood risk, cultural heritage, potential amenity impacts and Public Rights of Way (PROW).

### **Sustainable Development**

63. The NPPF sets out a presumption in favour of sustainable development, which is also adopted within the MWCS. Policy CS/LP1 of the MWCS states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It states that the Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. The policy also states that proposals that accord with the Core Strategy and Local Plan will be approved without delay, unless material considerations indicate otherwise.

64. The proposal is for an aggregate depot and concrete batching plant, which would allow for the sustainable transport of aggregate to the local area, meeting local construction needs and providing employment. Whilst the proposed development has the potential for environmental impacts, which is discussed further below, the site is allocated for a rail aggregate or waste depot and is therefore considered, in principle, suitable for such an operation. Furthermore, the site has an existing permitted use (by way of a certificate for proposed lawful use or development (discussed further below), ref: 10/00739/CM) for the use of the site, by a rail undertaker, for "*the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail*". The permitted development is unrestricted in terms of vehicle movements, hours of operation, etc, whereas this proposal would provide restrictions, as well as the implementation of mitigation measures against potential amenity effects, therefore providing better control through the planning system.

65. The proposal would allow the site to be brought back into operational use, rather than being vacant, as it is currently. It would provide employment for 7 full-time employees and provide products to the construction industry, required to meet the local housing demand. The site is located within an industrial setting and has an existing rail

infrastructure, which is safeguarded within the Local Plan and the Core Strategy. The proposals would therefore go towards meeting the social and economic strands of sustainable development.

66. In environmental terms, such a development has the potential to result in environmental and amenity impacts. The application is supported by a number of assessments which address such potential impacts, including landscape, lighting, noise, air quality, ecology and transport. As set out below, the potential impacts are minimal or can be sufficiently mitigated. The baseline for this application is the currently permitted use and it is considered that the proposed development would not greatly increase impacts to the environment from this baseline.
67. A major environmental benefit of the proposal is the use of the railway in the transportation of aggregates, which will reduce the number of HGVs on the highway and thereby reduce emissions. This sustainable method of transport is supported by the NPPF, as well as via Policy CS22: Design and Climate Change, with the MWCS.
68. As the proposal meets the social, economic and environmental strands of sustainable development and accords with the NPPF, permission should be granted without delay, unless material considerations indicate otherwise.

### **Safeguarded Rail Infrastructure**

69. Policy CS7 of the MWCS sets out that “*the Council will safeguard the existing rail aggregates depot site at Thorney Mill, Iver*”. This is shown on the Proposals Map as incorporating both the eastern site (previously occupied by Aggregate Industries) and the western site (previously occupied by Bardon Aggregates and now the subject of this application). Therefore, this part of the wider Thorney Mill Rail Sidings is considered to be safeguarded as a rail depot.
70. The supporting text to this policy states that the Council supports the use of more sustainable modes of transport to road haulage where possible, which is also supported by the NPPF. The application site is currently vacant and the proposed development would allow this safeguarded rail depot to be brought back into operational use.
71. The SBCS Core Policy 6: Local Infrastructure Needs states:

“Existing physical, social and Green Infrastructure will be protected (unless it is clear that it is no longer needed, or alternative appropriate provision is made elsewhere). The Council will work in partnership with service and infrastructure providers to ensure new or improved infrastructure is delivered where and when it is needed, including that set out in the Infrastructure Schedule (see **Appendix 6**).”
72. This site provides a form of physical infrastructure in that it contains a rail siding and thereby provides the means to transport freight by rail, which is promoted by National and Local policy. Whilst not specifically listed within Appendix 6, it should however be protected (as it is within the Minerals and Waste Local Plan and Core Strategy) and where possible utilised, rather than remaining vacant, as it is currently.
73. The BMWLP Policy 7: The Transport of Aggregates, states that “*the County Council will encourage the fullest use of rail and water for the transport of bulk materials, including importation into the county of raw materials and fuel used in the construction industry*”. It goes on to say that “*the County Council will seek to safeguard the existing rail aggregates depot site at Thorney Mill Road*”. The County Council should therefore

support the application as it will make use of a safeguarded rail depot and therefore complies with Policy 7.

74. The NPPF at Section 4 (Promoting Sustainable Transport) recognises that transport policies have an important role to play in facilitating sustainable development as well as contributing to wider sustainable and health objectives. It sets out that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The proposed development makes use of the rail network for the transportation of aggregates, which reduces the number of HGV miles on the road network. This provides use of a sustainable mode of transport, reducing greenhouse gas emissions and is therefore supported by the NPPF.
75. On the basis of the above, it is considered that the proposed development accords with MWCS policy CS7, BMWLP policy 7, and SBCS policy 6 in that the development would bring existing and safeguarded rail infrastructure back into operational use.

### **Existing Permitted Use**

76. It is important to note that this site currently has a Certificate of Proposed Lawful Use or Development (CPLUD), reference 10/00739/CM, issued 2<sup>nd</sup> August 2010, which sets out that *“the importation and deposit of material (including inert waste **material**) **required in connection with the movement of traffic by rail** would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990”*.
77. The reason attached to the CPLUD was that the use constitutes development under Schedule 2, Part 17, Class A of the Town and Country Planning (General Permitted Development) Order 1995. Part 17 covers *“Development by Statutory Undertakers”* and Class A: Railway or light railway undertakings, reads as follows:
- “A. Permitted Development  
Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.”*
78. This has since been replaced by the Town and Country Planning (General Permitted Development) Order 2015, Part 8: Transport related development, Class A, which is essentially the same.
79. Legal advice has been sought with regard to the CPLUD, which confirms that this provides a ‘fall-back’ in planning terms. In the case of *Gambone v Secretary of State* [2014] EWHC 952, the High Court set forth a two staged approach when decision makers are considering ‘fall-back’:

### **Stage 1: Material Consideration**

80. The first stage is to decide whether or not the way in which the land may be developed is a matter which amounts to a material consideration. It will amount to a material consideration where there is a greater than theoretical possibility that the fall-back development might take place. A valid CLPUD exists and there is more than a theoretical chance of the owner implementing it. What is relevant, is that a valid CLPUD **exists**, it is a valid certificate of lawfulness for the site and is capable of being implemented. It is therefore a material planning consideration.
81. According to a letter written by Lisa Bullock, Town Planner, Network Rail dated 22<sup>nd</sup> April 2016, Network Rail have received interest from other parties, including Freight Operating Companies, in the use of the site for the transportation of waste and/or

aggregates by rail. This demonstrates that the use of the CLPUD is not just “theoretical”, it is apparent that a railway undertaker could reasonably implement the CLPUD.

## **Stage 2: Weight**

82. Once it is established that the fall-back is a material consideration, the question then arises as to what weight should be attached to it. This second prong is fact sensitive and it is here that the decision maker must engage in a balancing exercise between: (1) likelihood or prospect of the fall-back being implemented and (2) the degree of harm that would arise.

### (1) Likelihood of fall-back being implemented

83. At this point, in determining weight, it becomes relevant for the decision maker to review the likelihood that the CLPUD would be implemented (in the event the current application was denied). Thus, the fact that the current applicant may not be able to benefit from the CLPUD due to fact they are not a “railway undertaker” is relevant at this stage of the analysis of fall-back, however, the landowner is Network Rail, who are a “railway undertaker”. Further, given that this is a “valid” CPLUD considerations should be given to the fact that another developer (one who is a railway undertaker) could develop the site in accordance with the CPLUD. This is considered to have a degree of likelihood based on the evidence provided by Network Rail and the Applicant.

### (2) Degree of harm

84. As to the degree of harm, the decision makers should consider any adverse consequences that would result if the site were developed pursuant to the CPLUD. There is broad planning discretion here in determining what factors to consider. In terms of “reasonableness” of the weight attached to the “fall-back” position, the only guidance provided by Gambone is that it is a balancing exercise between the degree of likelihood of the fall-back use and the harm that would result. “These factors will all then form part of the overall judgement as to whether or not permission should be granted.” (paragraph 26)
85. The main factor to consider here is that the CPLUD is unrestricted in terms of the scale of the development, throughput of the site, number of vehicle movements, vehicle routing and hours of operation, inter alia.
86. As there are no restrictions within the CPLUD regarding the tonnage or vehicle movements associated with the use, it is reasonable to consider that the site could operate at the same level of intensity as is proposed under the application, being 210,000 tonnes per annum and 82 HGV movements (41 loads in, 41 loads out) per day.
87. Further, the interest in the site and operations under the CPLUD as shown in the Network Rail letter dated 22<sup>nd</sup> April 2016, indicates that the proposed tonnages could be between 200,000 and 420,000 tonnes per annum, which is likely to result in up to 77 HGV loads or 154 movements per day.
88. It is therefore considered that the degree of harm associated with the use of the site under the CPLUD could be equal to, if not greater than, that which could result from the proposed development subject to this application.



89. Based on a reasonable likelihood of the fall-back being implemented and a degree of harm, which could be equal to that of the proposed development, it is considered that reasonable to substantial weight should be afforded to the fall-back position.

### **Highways/Traffic**

90. Policy CS7 of the MWCS further states that it “*will seek to ensure that applications for development or redevelopment will result in a reduction (from a baseline at 2012) in HGV movements entering and existing the site*”. Unfortunately, there are no records of a 2012 baseline with which to compare the proposed HGV movements, however, the currently permitted use of the site has no current restriction on HGV movements to and from the site. The application sets out that the proposal would result in 82 HGV movements per day, the TA concludes that the site access is acceptable, with an excellent safety record and that the proposed route of Thorney Mill Road and Ritchings Way, have sufficient capacity to accommodate these predicted movements.
91. The Highways Development Management Officer recognises the existing permitted use of the site and that it has no restrictions in terms of HGV movements. The Highways Officer considers that the Transport Statement (TS) provides a reasonable and representative forecast of trip generation, recognising the proposed 82 HGV movements per day as on average 8 movements (two-way) per hour, which the officer would like to see restricted by condition. The Officer would not want to see additional HGV movements through the village of Iver and as such also request a S106 routing agreement to secure the routing of HGVs to travel west to Ritchings Way towards the A4/M4 Junction 5. The Highways Officer confirms that the level of proposed increase could not be justified as having a material or severe impact on the highway network and therefore refusal on these grounds could not be justified. The Highways Officer requested the submission of a swept path analysis to demonstrate that HGVs can adequately access, egress and turn within the site.
92. The applicant provided a swept path analysis as requested and as such the Highways Officer is satisfied that the proposed HGVs can access and egress the site, subject to the gates being widened or relocated, which can be secured by condition. The Officer is also satisfied that there is adequate space within the site for vehicles to manoeuvre. Subject to a routing agreement and conditions including the restriction of HGV movements to 82 per day, the Highways Officer does not object to the application.
93. The NPPF, at paragraph 32, states that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. A planning application (CM/51/16) for mineral extraction and associated development including a concrete batching plant on land north of North Park Road, Ritchings Park was approved on 2<sup>nd</sup> August 2017. This development is proposed to generate 242 HGV movements (121 in, 121 out) per day at its peak, all accessing the site from North Park Road. The Transport Assessment submitted in support of application CM/51/16 assessed the proposed HGV movements as representing a 2.8% increase in weekday traffic flows on North Park Road, which were assessed as a negligible magnitude of change. The addition of the proposed HGV movements from the application site at Thorney Mill Road, would increase this to a 3.7% increase, which is still below 5% and therefore considered negligible.
94. SBDC comment that there would be a significant number of HGV movements associated with the proposal and that it would not bring about a reduction in HGV movements and is therefore contrary to Policies CP7 and CP16. However, taking into account the ‘fall-back’ position of the CLPUD, the baseline is the existing permitted use, which has unrestricted movements. Therefore, this development would provide better planning control than the current situation.

95. Slough Borough Council maintain their objection to this application based on highway and air quality grounds. They consider that the number of HGV movements and the cumulative impact with the Cemex developments at Ritchings Park and Riding Court Farm will result in a significant impact on congestion at the junction of Sutton lane and the A4 London Road and major delays for traffic travelling to the M4. They do not share our view with regards to the CLPUD being a 'fall-back' position and therefore consider that the proposed HGV movements are additional to the network and therefore have an impact.
96. For arguments sake, taking Slough BC's view that the proposed daily HGV movements are additional, they are 82 movements per day (41 in, 41 out), which is less than 6 per hour. This is not considered to be a significant increase.
97. Following their objection, Slough BC has requested a number of mitigation measures. The first measure to mitigate the perceived impact upon the Sutton Lane/A4 junction and the AQMA is avoidance. As such, Slough BC have requested that a vehicle routing restriction be implemented, suggesting HGV's exiting the site use the Colnbrook bypass, rather than the westbound section of the A4 London Road, although vehicles travelling to the site could use the eastbound section of the A4. This would provide three options for travelling to the M4/M25 junction via the Colnbrook bypass, rather than using the westbound A4:
- (1) Stanwell Moor Road
  - (2) Hatch Lane/ Holloway Lane and the M4 – 20mph speed limit and traffic calming
  - (3) East on the A4 and then north and west on M4 link and M4
98. These alternative routes are more constrained and would increase the distance travelled by HGV's, which would increase mileage, fuel consumption, time travelled, vehicle emissions and result in greater impact to the highway network as a whole. The applicant does not accept that this is the best option, although if permission is granted they will look to avoid the westbound A4 wherever possible.
99. The second measure is to mitigate any impact, as such Slough BC have requested the following:
- Implementation of one rapid electric charger in the Langley area (eg Trelawney Ave or Harrow Market); and
  - Contribution to car club.
  - A cap on 82 HGV movements a day through the Brands Hill AQMA.
  - All rigid HGVs to be EURO VI standard.
100. At a meeting on the 6<sup>th</sup> March 2018, attended by the Case Officer, the applicant, their highways and air quality consultants and representatives from Slough Borough Council, it was agreed by all parties that the requested "implementation of one rapid electric charge" and "contribution to car club" would not meet the necessary tests for planning obligations. With regard to the EURO standard for HGV's, all parties agreed that the applicant owned HGV's would be compliant with the EURO VI Standards and that the applicant will encourage contracted HGVs to also comply. Therefore, should the application be approved, such an obligations would be required, as well as a condition restricting the number of HGV movements to 82 per day.
101. The final request put forward by Slough BC is a contribution of £300,000 towards highway improvements along the A4 between Sutton Lane and the M4 Junction 5. Works to this junction are already proposed and Slough BC have secured financial

contributions from other developers, including Cemex due to their development at Ritchings Park and Riding Court.

102. Slough BC have not as yet provided a breakdown of these costs, other than to say that the costs of the junction improvement works is in the region of £3 million and calculations have been secured from Cemex of circa £1 million, from the development of a site at Ritchings Park, which proposed to generate 242 HGV movements. As this application proposes 82 HGV movements, which is circa one third of the movements from the Cemex scheme, Slough BC have calculated the £300,000 contribution as a pro-rata amount.
103. It is not considered that Slough BC's request satisfies the Community Infrastructure Levy (CIL) Regulations test under Section 122 (author's underlining):
- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
    - (a) necessary to make the development acceptable in planning terms;
    - (b) directly related to the development; and
    - (c) fairly and reasonably related in scale and kind to the development.
104. The applicant proposes to route all HGV movements along Thorney Mill Road, Ritchings Way, North Park and Sutton Lane, thereby avoiding Iver High Street. This is supported by Iver Parish Council and BCC Highways Development Management Team. With this in mind, it could be argued that this concentrates HGV movements at the Sutton Lane/A4 Junction, whilst under the CPLUD HGV's could use any route (it is unrestricted). Further, the use of a concrete batching plant results in smaller vehicles being used (concrete mixer trucks carry less weight than an aggregate lorry) and therefore this has the effect of increasing the number of HGV's on the road network.
105. As such, whilst the Transport Assessment concludes that the impact from the development would be negligible, even a minor increase at a junction which is already over capacity, will have a cumulative effect. It is therefore considered that a contribution towards road improvements is necessary to overcome the objection raised. However, such a contribution must be "fairly and reasonable related in scale and kind to the development", as required to meet the CIL test 122 (2) (C), set out above.
106. The applicant states that the importation of aggregates by rail is authorised under the CPLUD and therefore that HGV movements associated with this use could already be on the network. The proposed concrete batching plant, however, is not already permitted and therefore not only adds new HGV movements to the network, but these have smaller payloads and therefore results in greater movements per tonne. The applicant calculates that the concrete batching plant contributes 28 HGV movements out of the total proposed 82 movements. If the Cemex precedent is used, of £1M charged for 242 movements, the proposed 28 concrete batching plant movements equate to £115,700. It is suggested that this provides a more reasonable and fair scale to the appropriate level of obligation. It is also considered that this meets the requirements of paragraph 206 of the NPPF:

*"Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."*

107. If Members are minded to approve application CM/19/17, it is recommended that a planning obligation to secure a financial contribution towards highways improvements at the Sutton Lane / A4 London Road junction is required, with the details to be delegated to the Head of Planning to secure.
108. SBDLP policy TR5 (Access, Highways Works and Traffic Generation) relates to development which involves a new or altered access, works on the highway, the creation of a new highway or the generation of additional traffic. The proposed development does not involve a new or altered access and will not generate new or additional traffic beyond that already permitted. The policy states that development will only be permitted where a) the proposal complies with the standards of the relevant Highway Authority; b) the operational capacity of the highway would not be exceeded or exacerbate the situation where capacity had already been exceeded; and c) traffic movements or the provision of transport infrastructure would not have an adverse effect on the amenities of nearby properties on the use, quality or character of the locality in general. The proposal meets the standards of the BCC Highway Authority, although has received objection from Slough Highway Development Management, as set out above (part a). Whilst not additional movements, the movements are being concentrated along one route and therefore using a junction which is already over capacity, however it is considered that such impacts can be mitigated (part b). Traffic movements will travel through an AQMA, within which EU air quality levels are already exceeded. This is discussed further below.
109. Policy CP16 of the SBDCS refers to the South of Iver Opportunity Area and places emphasis on the desire to reduce the number and effect of HGV movements. Whilst it is acknowledged that the proposed development of Thorney Mill Sidings has an effect upon the local road network in terms of HGV movements, the proposed number of HGV movements is relatively low and similar numbers of HGV's could access the site under the current permitted use. Therefore, this application is seen as an improvement in highways terms, because it would allow the County Council to place a restriction on the number of HGV movements accessing this site by planning condition (which is not provided under the CPLUD), which can then be monitored and enforced in the event of a breach.
110. Policy TR10 of the SBDLP refers to development which is likely to generate HGV trips and that HGV movements should not adversely affect the character or amenities of nearby properties or the locality in general. This aspect has been addressed under consideration of Policy TR5 above. It is therefore considered that the proposed development accords with this policy.
111. On the basis of the above, it is considered that the proposed development accords with MWCS policy CS7, SBDLP policies TR5 and TR10, and SBDCS policy CP16 in that the development would not result in additional movements on the local highway network above the fall-back position and where there is opportunity for those concentrated movements to cause additional impact, this can be mitigated.

### **Potential Amenity Impacts**

112. Paragraph 109 of the NPPF states that *“the planning system should contribute to and enhance the natural and local environment by ...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”*
113. Core Policy 13: Environmental and Resource Management of the SBCS sets out that the Council will seek to ensure the prudent and sustainable management of

environmental resources by protecting and enhancing water quality, and seeking improvements to air quality. It goes on to say that new development will be directed away from existing sources of noise and air pollution to avoid adverse impacts on local communities.

114. Policy 28 of the BMWLP states that the County Council will protect the amenity of those who may be affected by mineral and waste development proposals and will not grant permission for development which is likely to generate significant adverse levels of disturbance from, inter alia, noise, dust and illumination. Policy 29 sets out that adequate buffer zones should exist between proposed development and neighbouring existing or proposed sensitive uses.

### Air Quality

115. Paragraph 124 of the NPPF states:  
*“Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”*
116. Junction 5 of the M4 is designated as the Brands Hill Air Quality Management Area (AQMA) (Order no. 1B and 1C). The proposed routing of HGV's to and from the application site will pass through this AQMA. It was designated in relation to a likely breach of the nitrogen dioxide (annual mean) objective as specified in the Air Quality Regulations (England and Wales) 2000. It came into effect on 23<sup>rd</sup> June 2005.
117. A Dust Assessment has been submitted with the application, which makes an assessment of the potential for nuisance dust as a result of the proposal. Taking into account built in mitigation, distance to receptors, topography and existing vegetation, the assessment concludes that there is a low risk of nuisance dust to local receptors.
118. An Air Quality Assessment, carried out by WYG dated August 2017, makes an assessment of the air quality impacts associated with both the construction and operational phases of the development. It finds that fugitive dust emissions from construction activities, such as demolition, earthworks, construction and trackout will be low risk for the nearest receptors prior to mitigation. With proposed mitigation, the impact is assessed as not significant.
119. During the operational phase, air quality impacts would comprise Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>) associated with vehicle emissions. The assessment models predicted increases in NO<sub>2</sub> at a number of nearby receptor locations, some of which are located within AQMA's. The largest increase is 0.12ug/m<sub>3</sub>, although all are predicted to have a 0% change in the concentration relative to the Air Quality Assessment Level (AQAL), which is considered negligible according to the EPUK IAQM guidance (January 2017). However, it is noted that the Annual Mean Air Quality Objectives (AQO) are predicted to be exceeded at five receptors located within AQMA's for both the 'do minimum' (i.e. future traffic increases without the development) and 'do something' (with the development).
120. In terms of Particulate Matter, PM<sub>10</sub> concentrations are predicted to increase by 0.02ug/m<sub>3</sub> or less, which again is considered a 0% change in concentration relative to AQAL and therefore has negligible significance.

121. It must be noted that this assessment is based on the worst-case scenario of an increase of 82 HGV movements per day, which as set out above, is not strictly the case due to the 'fall-back' of the CPLUD.
122. Whilst the impacts of this development are assessed as negligible, HGV's would be routed through an existing AQMA, where levels have already been exceeded. Taking account of the NPPF requirements at paragraphs 109 and 124, it is considered appropriate to provide some mitigation or offset towards air quality measures within the AQMA. This is addressed further below.
123. The Environmental Health Officer (EHO) found the Air Quality Assessment to be acceptable and therefore raises no objections.
124. As addressed above, Slough BC object to this application on highways and air quality grounds. The air quality objection relates to the proposed routing of HGV's through the Brands Hill AQMA. They request a financial contribution to implement the following:
  - A cap on 82 HGV movements a day through the Brands Hill AQMA
  - Vehicle routing restriction – so that all HGVs exiting the site towards the M4/25 would be required to use A4 Colnbrook Bypass, (avoiding the most critical one lane westbound section of A4 London Road Brands Hill AQMA); vehicles entering the site would be allowed to use the A4 London Road eastbound section – as per CEMEX development;
  - Contribution toward 'implementation of the low emission strategy'
125. The proposed cap on HGV movements has also been requested by BCC Highways Officer and is recommended as a condition, should consent be granted. The vehicle routing requested is not deemed appropriate, reasonable or practicable for all journeys, although the applicant has agreed to consider alternative routes wherever practicable. It is recommended that the applicant submit details of measures to reduce the number of movements through the AQMA where possible, this should be addressed by way of a planning condition/obligation. Despite the AQA concluding that air quality impacts as a result of the development are considered to be negligible, as the development will involve HGV movements through an AQMA where the NO<sub>2</sub> concentrations are already exceeded, it is considered appropriate to require measures to reduce and mitigate such impacts where possible. The applicant has agreed that their own HGV's would be compliant with the EURO VI Standards and that contracted HGVs will also be encouraged to comply. This can be controlled by way of a planning obligation.
126. The use of vehicles which meet Euro VI Standards will reduce emissions, however they will not fully mitigate emissions from HGV's. As such, it is also considered appropriate for a contribution to be made to the Slough Borough Council Low Emission Strategy (LES) 2018-2025. The LES includes the introduction of a Clean Air Zone (CAZ), requiring lorries and buses to meet Euro VI Standards, in Brands Hill. This may include retrofitting older buses with abatement technology, subject to bus operators agreement and co-operation.
127. Slough Borough Council have requested that a contribution of £100,000 is made to the Low Emission Strategy, which they state has been calculated using a Damage Cost Calculation Formula. It should be noted that the Cemex development at Richings Park, made a contribution of £50,000 to air quality mitigation measures. Slough BC do not seem to be applying the same pro-rata calculation here. If they did, this would provide a contribution of £17,000 for 82 HGV movements, or £6,000 for the 28 concrete batching plant movements. The applicant have carried out their own

Damage Cost Calculation using the 28 concrete batching plant movements, which provides a total cost of £21,336. It is considered that this level of contribution better meets the requirements of the CIL Regulations (Section 122) and the NPPF (paragraph 206).

128. As the HGV movements associated with the development propose to travel through the Brands Hill AQMA, which has an exceedance of its EU limits, it is recommended that measures are required to mitigate any potential impact. Should Members be minded to approve this application, it is recommended that the detail of this mitigation is delegated to the Head of Planning, although it should include a financial contribution towards Slough Borough Council's Low Emissions Strategy, in particular to fund a Clean Air Zone (CAZ) feasibility study and implementation plan for Brands Hill, which will be used to implement the following elements:

- traffic monitoring and modelling
- air quality modelling
- source apportionment
- scenario testing CAZ plans against other possible solutions
- stakeholder engagement and consultation
- preparation of report to Secretary of State

### Noise

129. The application is supported by a Noise Assessment, which sets out the baseline noise levels at the nearest receptors to the site and makes of an assessment of the predicted noise levels associated with the proposed development. It concludes that a 3m high noise barrier is to be constructed along the south-eastern boundary of the site.

130. The District Environmental Health Officer (EHO), who advises on air quality and noise aspects, recommends that a condition be placed on any consent in relation to the noise barrier.

131. Noise levels to the north of the site (at noise survey location 7, Fairway Avenue) are also slightly elevated above the guidance level of 10dB above baseline for night-time (23:00 to 07:00) and therefore it is recommended that a noise barrier is also constructed along the northern boundary, sufficient to reduce the noise levels at location 7 to an acceptable limit. As such, a condition should be placed upon any forthcoming consent which requires the applicant to submit details of the proposed barrier.

### Green Belt

132. The NPPF sets out that the Government attaches great importance to the Green Belt, stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The purposes of the Green Belt, as set out within the NPPF, are:

- 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.

133. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). The proposed development for the importation, storage and onward distribution of rail borne aggregates and the erection and use of a concrete batching plant is proposed on brownfield land. Paragraph 89 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt, although lists a number of exceptions to this, which includes “*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*”.
134. Whilst the use of this site for the receipt and storage of rail borne aggregate would require some built development, i.e. storage bays and equipment, this is considered to have no greater impact upon the Green Belt than the existing permitted use and therefore is not considered inappropriate in the Green Belt location. However, the addition of a concrete batching plant reaching 13.4m high and two-storey site office is considered to have a greater impact on the openness of the Green Belt. Albeit, the site is not very ‘open’ at present, being bound to the north, west and part of the south by vegetation and bordered to the east by further industrial land. Further, the harm to the Green Belt is considered to be low due to the existing permitted use, adjoining industrial site, local context and existing screening.
135. Paragraph 90 of the NPPF sets out other forms of development that are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within the Green Belt. These include “*local transport infrastructure which can demonstrate a requirement for a Green Belt location*”. The transportation of aggregates by rail is a key element of the proposed development. This can only take place in locations with the necessary infrastructure. The application site provides this, albeit within the Green Belt. Whilst the site is not considered ‘open’ at present, the proposed concrete batching plant with associated buildings will further affect the openness of the site and is considered inappropriate development in the Green Belt.
136. The development must also not conflict with the purposes of including land in the Green Belt, which is set out above in paragraph 105. The site does not currently meet any of these purposes, it is a brownfield site, industrial land, which adds nothing to the Green Belt.
137. Policy GB1 of the SBDLP states that planning permission will not be granted for development in the Green Belt other than for the change of use of existing buildings or land or the construction of new buildings or extensions to existing buildings as set out in (a) to (h), which includes (g) “*other uses of land and essential facilities for them which would not compromise the purposes of including land in the Green belt and which would permanently retain its open and undeveloped character*”. The site does not currently have an open and undeveloped character.
138. It is also necessary to consider the visual impact upon the Green Belt. As set out within the Landscape Assessment there are a number of receptors local to the application site which are assessed as having a slight to notable adverse impact in terms of visual amenity. These include properties 153 and 155 Thorney Mill Road, Mayfield Caravan Park and Thorney Park Golf Course. Views from Thorney Mill Road, as well as the properties and Caravan Park located along it, are set against the industrial nature of the site and adjoining site, the road and railway line. The golf course however, has a more open feel and therefore views of the site would have a



greater effect, albeit they are partially screen by intervening vegetation. There are visual impacts associated with the development which must be considered in terms of impacts upon the Green Belt.

139. As set out above, the development site is located within the Green Belt and although is considered redevelopment of a brownfield site and transport infrastructure which can justify a Green Belt location, it could be argued to have a minor impact on the openness of the Green Belt and therefore it is considered inappropriate development within the Green Belt. As such, permission must be refused unless there are very special circumstances which exist. In this case, it is considered that the following are very special circumstances:
- The site has an existing permitted use for importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail.
  - The site is an existing rail depot and is safeguarded as such within Policy CS7 of the MWCS and Policy 27 of the emerging MWLP.
  - Any impact on the openness is minor and to be considered in the context of the site, which is brownfield, with adjoining industrial uses and well enclosed, therefore not considered 'open' in its current form.
  - If this development were to be located else where it will either require new rail infrastructure or will result in greater impact in terms of HGV movements.
  - The concrete batching plant will be co-located with a railway siding and aggregate depot, which enables the facilities to share infrastructure, minimise HGV movements on the road network and therefore reduce associated impacts.
140. It is considered that any harm to the Green Belt by way of inappropriateness and visual impact, is minimal and outweighed by the benefits that the development will bring in terms of utilising a safeguarded rail depot and meeting aggregate supply needs.
141. However, as the development is considered to be contrary to Green Belt Policy, it is necessary for the application to be forward to the Secretary of State for Communities and Local Government for his consideration under the Town and Country Planning (Consultation)(England) Direction 2009.

### Environmental Impacts

142. Policy CS18 of the MWCS seeks to protect environmental assets of National Importance, stating that permission will not be granted for development that would lead to a significant adverse effect on the character, appearance, intrinsic environmental value or setting of Sites of Special Scientific Interest (SSSI's); Scheduled Monuments (SMs); Registered Historic Parks and Gardens; Listed Buildings; or Conservation Areas.
143. A cluster of SSSI's and SPA's at Wraybury, Hythe End and Staines Moor are located 4.3km to the southwest of the application site. At this distance, it is not anticipated that there would be any detrimental impact upon these sites as a result of the proposed development.
144. Consideration of the potential for impact on heritage assets, including Listed Buildings, is addressed under the Cultural Heritage section below.
145. Policy CS19 of the MWCS seeks to protect environmental assets of Local Importance, including Local Nature Reserves, landscapes, heritage assets, water

resources and the Colne Valley Regional Park. Mabey's Meadow and Frays Island Nature Reserve is a local nature reserve and park of a Site of Metropolitan Importance located circa 200m to the east of the application site. It is an alder and willow woodland set between the Rivers Colne and Fray and is rich in aquatic life. The County Ecologist raised concern regarding potential impact upon this site, but is satisfied that *"the distance of the site, combined with measures described within the Dust Impact assessment means that this site will not be adversely affected by the development"*.

## Landscape

146. No landscape designations apply to the site itself, although it does lie within the Colne Valley Regional Park and the Green Belt. The site is covered by the Landscape Character Area (LCA) 26.3 Colne Valley, Identified by the South Bucks District Landscape Character Assessment and the Chiltern District Landscape Character Assessment.
147. Policy EP3 of the SBDLP requires that the scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. The application site has been previously developed, it is currently vacant and comprises railway infrastructure, hard standing areas, an open sided barn/shelter in the southwestern corner and tree and scrub vegetation. The proposed use of the site is industrial, which is compatible with the adjoining landuses and with the previously use of this site. The scale is appropriate to the size of the site and the layout and design is dictated by operational requirements, the constraints of the site and the existing railway infrastructure.
148. Policy EP4 of the SBDLP requires that proposals incorporate hard and soft landscaping as an integral part of the development; take account of and retain existing planting and landscape features, which may be important elements in the character and appearance of the wider area; provide additional planting where appropriate; and make proper provision for subsequent maintenance. The site benefits from boundary planting to the north, west and south, albeit poor quality in parts. Some vegetation, mainly scrub, will need to be removed from the northern part of the site to make provision for the turning of vehicles. However, a strip of vegetation will be retained or replanted to provide a screen and noise and dust mitigation to receptors to the north and northeast.
149. Policy 9 of the SBCS seeks to conserve and enhance the landscape characteristics and biodiversity resources within South Bucks. The policy goes on to say that new development that would harm landscape character or nature conservation interests will not be permitted. IT is not considered that the proposed development would harm either landscape character or nature conservation interests. The site has been previously developed and therefore, against the current status and permitted use, the proposed development does not represent a significant change in terms of landscape character. It is also well screened by existing vegetation on and off site and therefore there are limited views from nearby receptors.
150. The application is supported by a Landscape and Visual Impact Assessment (LVIA) which makes an assessment of the potential impacts of the development upon landscape character and visual impact. The assessment identified 17 receptor locations, 3 of which were assessed as having moderate to notable adverse visual effects.

151. These receptors currently have views which include the existing site and adjoining site, both of which are industrial in nature. Views from the golf course are currently broken and limited by intervening vegetation.
152. The landscape consultation requested an Arboricultural Assessment, which was provided. This demonstrated that the existing vegetation on site is of limited value and that proposed to be removed from the north of the site is primarily invasive scrub (buddleia, elderberry and ash) and not worthy of retention.
153. It is proposed that the re-constructed bund in the north of the site would be planted with native trees and scrub, as shown on Planting Plan M16.161.D.002.
154. There would be permanent loss of poor quality scrub, to be replaced by newly planted native trees. There is little scope for further additional planting within the site. The proposed development is not considered to result in significant further detriment to the landscape character or visual impact of the site or local area, due to its current use and existing boundary planting. It is therefore considered that the proposed development accords with Policies EP3 and EP4 of the SBDLP and Policy 9 of the SBCS.

### Lighting

155. The application includes a lighting scheme, which originally included 4 no. AL6666 lanterns with 6m high lighting columns located along the site entrance road and 6 no. AL180 floodlights with 18m high lighting columns located within the remainder of the site along the western boundary. The scheme was designed to ensure adequate illumination of the access road, plant area and car park, whilst minimising light spill onto the railway, lighting impacts on the surrounding area, energy costs and the number of columns.
156. Initial comments from our Lighting Consultant advised that a Lighting Strategy should be submitted with confirmation of lighting levels, as the original submission did not provide sufficient information to enable an assessment of the suitability and effects.
157. In response to this request, the applicant submitted a Lighting Strategy dated September 2017, which removed the lighting towers and instead included 8 no. bracket mounted lighting units to be secured directly to the concrete batching plant and the site office. This strategy would focus lighting on around the concrete batching plant, site office and car park at the southern end of the site and reduce lighting impacts on the railway line, woodland and River Colne corridor. This further reduces any landscape impact as it removes the lighting columns.
158. The Lighting Consultant has further requested information on the angle of tilt / uplift for each of the floodlights and details of lighting control, i.e. measures to dim lights, use of motion sensors or switching off lights at certain times. The applicant states that the lighting will be turned on/off as and when required within the permitted hours of operation of the site. If lights are not required during normal operational hours, sensors will enable them to automatically turned off.
159. As a result of the amended lighting design, it is not considered that the proposed lighting will result in detrimental impacts to the wider landscape or to local receptors. Subject to the lighting being installed in accordance with the Lighting Scheme provided, to the fitting of cowls to floodlights as requested by the Lighting Consultant and a condition requiring the submission of a detailed lighting design for the scheme, including timings, methods of control and tilt/uplift angles, it is considered that the scheme is acceptable in lighting terms.

## Ecology

160. The NPPF seeks to contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

161. The NPPF also sets out the Local Planning Authorities should aim to conserve and enhance biodiversity by applying principles including:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged.

162. Core Policy 9: Natural Environment of the SBCS, requires the highest priority is given to the conservation and enhancement of the natural beauty of the Chilterns Area of Outstanding Natural Beauty, and its setting. It further goes on to say:

“More generally, the landscape characteristics and biodiversity resources within South Bucks will be conserved and enhanced by:

- Not permitting new development that would harm landscape character or nature conservation interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, resulting in a net gain in Biodiversity.
- Seeking the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas, on other non-designated land, on rivers and their associated habitats, and as part of development proposals.
- Maintaining existing ecological corridors and avoiding habitat fragmentation.
- Conserving and enhancing landscapes, informed by Green Infrastructure Plans and the District Council's Landscape Character Assessment.
- Improving the rural/urban fringe by supporting and implementing initiatives in the Colne Valley Park Action Plan.
- Seeking biodiversity, recreational, leisure and amenity improvements for the River Thames setting where opportunities arise, for example at Mill Lane (see Core Policy 15).”

163. Policy CS23 of the MWCS seeks to enhance the environment by seeking opportunities to increase biodiversity, ensuring the positive integration of the site with the wider landscape and retaining public rights of way where possible.
164. The application is supported by an Ecological Appraisal, which identifies no habitats, flora or species of ecological importance within the site. It confirms that the proposed loss of limited areas of habitat will not give rise to any significant ecological effects. The tree/scrub belt along the southern boundary is proposed to be retained, this may form part of a wider commuting / foraging corridor for bats. Measures are proposed to ensure nesting birds are not disturbed during scrub clearance and that the riparian corridor and wildlife species along the River Colne are protected during construction and operation, including by erecting a new fence along the northern boundary and providing a 5m standoff. The Ecological Appraisal states that no statutory designated sites or local designated sites will be affected.
165. The Ecology Officer has responded to say that due to the nature of the proposed works, there is not likely to be an impact on ecological features provided that all the mitigation described within the ecology report and the dust report is fully incorporated. Therefore, subject to the following mitigation/conditions, the Ecology Officer has no objection to the proposed development, subject to conditions as set out in paragraph 27 above and included within Appendix A.
166. It is considered that the development proposal accords with the NPPF, Core Policy 9 and CS23, in terms of protection and conservation of landscape characteristics and biodiversity resources, although there is a lack of biodiversity enhancement provided within the scheme. As recommended by the Ecological Officer, a condition should be placed upon any forthcoming consent requiring the submission of a scheme to secure biodiversity enhancements.

### Flood Risk

167. The NPPF states that *“new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.”* It goes on to say that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”*
168. Core Policy 13 of the SBCS seeks to ensure the prudent and sustainable management of the District’s resources by, inter alia, incorporating sustainable drainage systems, protecting and enhancing water quality and seeking improvements to air quality.
169. The development site lies within Flood Zone 1 which is at the lowest risk of flooding from rivers and sea, less than 1 in 1000 annual probability (<0.1%). A Flood Risk Assessment (FRA) is submitted with the application, which sets out that the proposal would result in an increase in impermeable area, from 4,852m<sup>2</sup> to 12,437m<sup>2</sup>, which will increase the surface water runoff from the site.
170. The SuDS Officer initially objected to the application as the FRA did not contain sufficient information regarding the surface water management strategy. In response, the applicant submitted a Surface Water Drainage Strategy (SWDS) dated October 2017, which has enabled the SuDS Officer to withdraw her objection, subject to conditions as set out above and in Appendix A. The Ground Conditions Report raise some concerns with contamination and groundwater levels and therefore, in order to avoid the mobilisation of contaminants in the River Colne or the water table, infiltration is not proposed. The SWDS sets out that the peak discharge rate should not exceed

the rate of discharge from the site prior to redevelopment and proposes a rate of 28.8l/s for all storm events for up to 1 in 100 year plus 40% allowance for climate change. This is seen as betterment in discharge rate as the existing discharge rate for the site is 36.3l/s for the 1 in 1 year event, rising to 115.3l/s for the 1 in 100 year event. The SWDS proposes the use of a range of sustainable drainage measures in order to convey surface water, this includes geocellular storage, filter drains, rainwater harvesting and detention basins. Two potential outfalls for the drainage system are outlined within the report: outfall to the River Colne, which will require a pumping system; or connect to the existing drainage infrastructure on Thorney Mill Road. If discharge to the River Colne is adopted and the pumping system cannot be removed from the scheme, then a failure assessment will be required and sufficient storage provided in the event of a failure, as well as a maintenance plan for the pumping station.

171. Subject to the conditions as recommended by the SuDS Officer, it is considered that the development accords with the NPPF and Core Policy 13 and as such, it is considered acceptable in terms of flood risk matters.

### Cultural Heritage

172. The NPPF seeks to conserve the historic environment, stating that great weight should be given to the conservation of heritage assets. It goes on to say (paragraph 133) that *“where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”*

173. The NPPF also states that *“where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be outweighed against the public benefits of the proposal...”*

174. With regard to non-designated heritage assets, paragraph 135 of the NPPF states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

175. Paragraph 137 of the NPPF states:

*“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”*

176. Core Policy 8 of the SBCS seeks to protect and where possible enhance the District’s historic environment, in particular nationally designated historic assets and their settings.

177. Policy CS18 of the MWCS seeks to protect environmental assets of National Importance, including Scheduled Monuments (SMs); Registered Historic Parks and Gardens; Listed Buildings; and Conservation Areas.

178. There are a number of Listed Buildings located in West Drayton, the closest, The Frays, being a Grade II\* Listed Building is located 425m to the east of the site and a Stable range at Thorney Farm is Grade II Listed and located 500m to the west of the site. The proposed development would not directly affect these Listed Buildings, the proposed changes to the site and its use from the existing permitted use are not considered to materially affect the setting within which these Listed Buildings are located.
179. West Drayton Conservation Area lies circa 300m to the east of the application site, however there are not considered to be any impacts upon the Conservation Area or any views of the site from within it, due to the distance and intervening topography, vegetation and built development.
180. Policy CS19 of the MWCS seeks to protect environmental assets of Local Importance, including heritage assets. As the site has previously been developed, there is no concern with regard to potential archaeological interest on the site. A Heritage Statement was submitted with the application which concluded that “*There will be no known adverse effects upon archaeology or the setting of designated heritage assets*”. The County Archaeological Officer concurs with this conclusion and states that “*the nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.*”
181. It is considered that the development complies with the NPPF, Core Policy 8 and CS18.

#### Public Rights of Way (PROW)

182. Public Right of Way IVE/21/3 borders the application site to the north, where it runs in an east-west direction along the southern bank of the River Colne. It runs northwest from the site to Thorney Weir House and Thorney Park Gold Course where it connects with PROW IVE/16/1, IVE/16/2 and IVE/21/2. In an easterly direction it terminates circa 190m from the site boundary.
183. The proposal would not affect the use of the PROW, other than some vegetation would be cleared from the northern end of the site, although a strip would be retained for screening purposes and therefore, whilst users of the footpath would be aware of activity on site, views into the site itself would be limited. The Strategic Access Officer has no objections to the application.

#### **Further Legislative Considerations**

184. Equality Act 2010, Section 149 states:

*A public authority must, in the exercise of its functions, have due regard to the need to-*

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

185. The proposal would not have any disproportionate affect upon people with protected characteristics.

## **CONCLUSION**

186. Application CM/19/17 seeks planning permission for importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings. The site has an existing permitted use for the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail and is safeguarded within the Minerals and Waste Core Strategy as a rail aggregate depot.
187. The application is supported by a number of environmental assessments, which conclude that the development would not result in significant adverse impacts to the environment or amenities of the local area.
188. It is considered that the development complies with the Development Plan as a whole and therefore, in accordance with the NPPF, which supports sustainable development, it is considered that application CM/19/17 for the importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings, should be approved, subject to the conditions set out within Appendix A and the following planning obligation with delegated authority to determine the details:
  - I. Prior to Commencement of the Development to submit a routing agreement to avoid Iver High Street and minimise traffic through the Sutton Lane/A4 London Road Junction and M4 Junction 5 where possible and thereafter to comply with such agreement.
  - II. All HGV's within the applicants own fleet that travel to and from the site shall be in full compliance with the Euro VI Standards and the applicant shall encourage contracted HGV's to travel to and from the site in full compliance with the Euro VI Standards.
  - III. A financial contribution to Slough Borough Council's Low Emission Strategy, in particular to fund a Clean Air Zone (CAZ) feasibility study and implementation plan for Brands Hill.
  - IV. A financial contribution towards Highways Improvements at the Sutton Lane / A4 London Road Junction.

## **BACKGROUND PAPERS**

Application CM/19/17

Consultee responses and representations received between June and November 2017

Buckinghamshire Minerals and Waste Local Plan (MWLP), June 2006

Buckinghamshire Minerals and Waste Core Strategy (MWCS), November 2012

South Buckinghamshire District Local Plan (SBDLP), adopted 1999

South Bucks Core Strategy (SBCS), 2011

Emerging Chiltern and South Bucks Local Plan 2014-2036

National Planning Policy Framework (NPPF), March 2012

National Planning Policy Guidance (NPPG)