

Agenda

DEVELOPMENT CONTROL COMMITTEE

Date: Monday 25 February 2019

Time: 10.00 am

Venue: Mezzanine Rooms 1 & 2, County Hall,
Aylesbury

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

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2 DECLARATIONS OF INTEREST To disclose any Personal, Disclosable or Prejudicial Pecuniary Interests.	
3 MINUTES The minutes of the meeting of the Committee held on 14 January 2019, to	5 - 8

be confirmed as a correct record.

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| 4 | CM/19/17 THE IMPORTATION, STORAGE AND ONWARD DISTRIBUTION OF RAIL BORNE AGGREGATES TOGETHER WITH THE ERECTION AND USE OF A CONCRETE BATCHING PLANT AND ASSOCIATED INFRASTRUCTURE | 9 - 122 |
| 5 | CM/0077/18 - VARIATION OF CONDITION 18 OF PLANNING PERMISSION 11/20000/AWD (ENERGY FROM WASTE FACILITY AND ASSOCIATED DEVELOPMENT) TO ALLOW AN INCREASE IN THE MAXIMUM DAILY HGV MOVEMENT FROM 276 PER DAY (138 IN, 138 OUT) TO 600 PER DAY (300 IN, 300 OUT) | 123 - 160 |
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Members

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

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

Minutes

DEVELOPMENT CONTROL COMMITTEE

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON
MONDAY 14 JANUARY 2019 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY,
COMMENCING AT 10.00 AM AND CONCLUDING AT 10.57 AM**

MEMBERS PRESENT

Mr C Clare, Mrs A Cranmer, Mrs B Gibbs, Ms N Glover, Mr R Reed and
Mr D Shakespeare OBE

OTHERS IN ATTENDANCE

Ms A Herriman, Mrs E Catcheside, Mr M Pugh, Ms R Landsdowne and Mrs S Taylor

Agenda Item

1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies were received from Ms J Blake. The Chairman announced the sad loss of one of the Development Control Committee members, Mr Chaudhary Ditta, who passed away in November 2018 and stated that a by-election would be held on 7 February 2019 to confirm the new appointment.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

RESOLVED: The minutes of the meeting held on 8 October 2018 were **AGREED** as an accurate record and were signed by the Chairman.

4 APP/P01430/W/18/320545 (APPLICATION CM/16/17) A REVISED RESTORATION LANDFORM TO ALLOW THE DEVELOPMENT OF A WASTE RECOVERY AND ANAEROBIC DIGESTION FACILITY WITH ASSOCIATED VEHICLE PARKING, FUELLING AND WASHING, BIN STORAGE AND STAFF WELFARE FACILITIES TOGETHER WITH THE RETENTION OF THE EXISTING CONSTRUCTION WASTE RECYCLING FACILITY AND EXISTING OFFICES, PARKING, WEIGHBRIDGE AND SITE ACCESS

Ms E Catcheside, Planning Lead Officer, Buckinghamshire County Council reminded the Committee that the application had been refused in December 2017. In June 2018, the applicant exercised its right to appeal the decision of the County Council to refuse planning permission; the reasons for the refusal were set out in paragraph 2 of the report. The draft Minerals and Waste Local Plan 2016-2036 was now at an advanced stage and Buckinghamshire County Council wanted to put forward “prematurity” as an additional reason for refusal.

Ms Catcheside presented the location of the site, along with photographs, as a reminder of the location of the appeal site, which had been extracted of mineral but had not been filled with waste and was therefore an unrestored void.

The Chairman summarised that the Committee had already taken a decision on this site and that it was currently out to appeal and officers were asking for prematurity to be an additional reason for refusal. The appeal scheme was considered to amount to a strategic development that would undermine the plan-making process by pre-determining decisions about scale, location or phasing that were central to the emerging Minerals and Waste Local plan and that this would prejudice the outcome of the plan-making process.

A member of the Committee asked if adding prematurity as an additional reason for refusal would strengthen the case. Ms Catcheside advised that the Council’s case was to defend the existing reasons for refusal and that the additional reason for refusal was due to developments with the emerging Minerals and Waste Local Plan since the original decision was made, and therefore was important. Ms Catcheside explained that the application was in the hands of the Inspector and it was a matter of the County Council putting forward reasons why planning should not be granted. The Chairman reminded the Committee that the applicant, now the appellant, had promoted the site for permanent waste management development through the plan making process and had said the proposed spatial strategy in the draft Mineral and Waste local plan was too limited to deliver the waste management capacity. If Committee were minded to agree, it would make clear that the Committee did not believe the argument by the appellant was germane in these circumstances.

Another member of the Committee asked if the refusal was agreed and the appeal were dismissed, would the landowner have to return the land to its original use. Ms Catcheside said that the planning permission had expired but that new permissions would be issued following the completion of a S106 Deed of Variation, and those permissions would require the completion of the restoration of the land to agriculture and woodland. Ms Catcheside was unsure why there had been a delay in the completion of the Section 106 and offered to follow it up.

ACTION: Mrs Catcheside

In response to a question from a member of the Committee, Ms Catcheside confirmed the Inspector may allow the appeal or dismiss the appeal and accept any one of the reasons or a combination of the reasons. The County Council’s role was to put the case forward with an additional reason for refusal on prematurity due to the emerging draft Buckinghamshire County Council’s Minerals and Waste Local Plan 2016-2036 being at an advanced stage of preparation and, therefore, a material change in circumstances since the application was refused. The Chairman clarified it was the Minerals and Waste Local Plan rather than the South Bucks and Chiltern District Council’s Joint Local Plan; the deadline of which had extended and was at an early stage of development.

The Committee voted to approve the application as follows:

For	6
Against	0
Abstention	0

RESOLVED: The Committee unanimously **APPROVED** the invitation to **DELEGATE AUTHORITY** to the Head of Planning and Environment to **RAISE PREMATURITY AS AN ADDITIONAL REASON FOR REFUSAL** for the reason that, in accordance with paragraphs 49 and 50 of the National Planning Policy Framework, the development would undermine the plan-making process by pre-determining decisions about scale, location or phasing of new development that are central to the emerging plan and that this would prejudice the outcome of the plan-making process.

5 CM/9999/18 - CONSULTATION ON UPDATED VALIDATION REQUIREMENTS OF PLANNING APPLICATIONS TO BUCKINGHAMSHIRE COUNTY COUNCIL

Ms A Herriman, Senior Planning Officer, Buckinghamshire County Council, reported that the Local List had been out of date for two years and had now been revised. The Local List was a useful tool for planners, applicants and their agents but it was intended to be used with discretion. It was an important document which officers would refer to when advising applicants at pre-application stage and when validating planning applications. The document had been before the Committee in June 2014 and the updated Local List had taken into account any changes in planning policy and guidance.

The Chairman referred to the title “Chiltern Environmental Health” item 20 on page 21 of the agenda pack under the “consultation comments received” section, and asked for clarification on the organisation. Ms Catcheside explained it was Chiltern District Council and South Bucks District Council but as the Local List applied county-wide the reference could be removed.

The Development Control Committee was recommended to approve the following:

- a) If no significant changes are required following the Planning Development Control Committee meeting to the draft Local List of Validation Requirements then the Head of Planning and Environment be authorised to adopt and publish that list;**
- b) If following the Planning Development Control Committee meeting, it is considered that significant changes are required to the draft Local List of Validation Requirements, then consideration be deferred for officers to consider these and the matter be reported back to the Planning Development Control Committee meeting on 25th February 2019.**

The Chairman summarised that the County Council was required to produce an updated Local List. There were no comments from the Committee and it was agreed that the two recommendations be voted on simultaneously.

The Committee voted to approve the recommendations as follows:

For	6
Against	0
Abstention	0

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

6 DATE OF NEXT MEETING

Monday 25 February 2019 at 10.00 a.m. in Mezzanine Rooms 1 and 2, County Hall, Aylesbury.

**7 EXCLUSION OF THE PRESS AND PUBLIC
RESOLVED**

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

8 CONFIDENTIAL MINUTES

9 ENFORCEMENT REPORT

CHAIRMAN

Development Control Committee - 25 February 2019

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

Summary Recommendation(s):

The Development Control Committee is invited 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 B and subject first to completion of a Planning Obligation, with details, alterations, additions and deletions, to be determined by the Head of Planning and Environment, to secure the following:

- 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 use best endeavours to encourage contracted HGV's to travel to and from the site in full compliance with the Euro VI Standards.
- III. A financial contribution of £39,841.50 to Slough Borough Council's Low Emission Strategy, in particular to fund a Clean Air Zone (CAZ) feasibility study and



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implementation plan for Brands Hill AQMA.

- IV. A financial contribution of £39,841.50 to South Bucks District Council towards the implementation of a Clean Air Zone for the Iver AQMA.
- V. A financial contribution of £115,700 towards Highways Improvements at the Sutton Lane / A4 London Road Junction.

Appendices: Appendix A: Site Plans

Appendix B: Recommended Conditions

Appendix C: Previous Committee Report dated 23rd July 2018 and Minutes of the Meeting

Appendix D: Plan to show Slough Borough Council's AQMAs and Iver AQMA

Appendix E: Network Rail letters dated 22nd April 2016 and 27th November 2018

Appendix F: Slough Borough Council correspondence including Bevan Brittan letters dated 20th July and 12th September 2018

INTRODUCTION

1. This report provides an update to 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, Thorney Mill lane, Iver. Members may recall the application, submitted by PDE Consulting Ltd on behalf of Breedon Southern Ltd, was presented to the Development Control Committee Meeting on 23rd July 2018. The application was recommended for approval, as set out within the Officer's Report (see Appendix C) and following Public Speaking and Member debate, Members voted to approve the application subject to conditions and a legal agreement to include the following:
 - 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 HGVs within the applicant's 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 HGVs 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.
 - V. A Road condition survey of Thorney Mill Road to be carried out by the applicant prior to the commencement of the development; and thereafter for the applicant to undertake regular surveys of Thorney Mill Road; and in the event that any survey identifies that damage has occurred to Thorney Mill Road as a result of HGV movements to and from the development, to remunerate the Council for the costs of repair (added by Members).

2. The minutes of the Committee Meeting on 23rd July 2018 is provided at Appendix C for information.
3. As the application is located within the Green Belt and deemed contrary to Green Belt policy as set out within the Development Plan, the application was sent to the Secretary of State (SoS) for Housing, Communities and Local Government in accordance with the provision of the Town and Country Planning (Consultation) (England) Direction 2009. The SoS determined not to call the application in for his own consideration and resolved that the Local Authority (Buckinghamshire County Council) should determine the application themselves. As there have been no further changes to the application in this regard, it is not considered necessary to forward the application to the SoS for further consideration.

CLARIFICATION

4. The following issues were addressed within the Committee Report dated 23rd July 2018, however, they are reiterated here for clarification.

Permitted Development Rights

5. The application site benefits from Permitted Development (PD) Rights under the Town and Country Planning General Permitted Development (England) Order 2015, Schedule 2, Part 8, Class A. The PD Rights enable “Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.” The PD Rights are unlimited in terms of HGV movements, hours of operations and throughput.
6. A Certificate of Proposed Lawful Use or Development (CPLUD) (ref: 10/00739/CM) issued on 25th May 2010 (“the CPLUD”), clarifies that *“the importation of and deposit of material (including inert waste material) required in connection with the movement of traffic by rail”* constitutes permitted development under Schedule 2, Part 17 Class A of the Town and Country Planning (General Permitted Development) Order 1995. The PD Rights exist even without the CPLUD.
7. The site is operational land and the landowner, Network Rail, is a railway undertaker. Therefore, they are entitled, under the PD Regulations, to use the site for the purposes of the movements of traffic by rail.
8. Network Rail, the landowner, has made it clear that if this application is not successful, that they intend to re-market the site. Network Rail has indicated in their letters dated 22nd April 2016 and 27th November 2018 (see Appendix E) that there is increased interest in this site by rail operators and therefore there is a realistic possibility that the PD Rights will be implemented. Therefore, the PD Rights are a legitimate fall-back and a material consideration in this application.
9. The erection and use of a concrete batching plant does not benefit from PD Rights or the CPLUD and therefore this requires planning permission.
10. It is acknowledged that the applicant, Breedon Southern Ltd, is not a railway undertaker. However the PD Rights remain a material consideration as to how the site is likely to be used if this application is rejected and the site is brought back into use by a Railway Undertaker.
11. The PD Rights afforded to Network Rail as a railway undertaker is considered to provide a ‘fall-back’ position in planning terms. Officers recommend that reasonable weight is attached to the presence of the PD Rights as a fall-back.

Inappropriate Development in the Green Belt

12. As set out within the previous Committee Report (paragraphs 132-141), the site is located within the Green Belt and as such must be considered against Green Belt policy, including the National Planning Policy Framework (NPPF).
13. The use of the site for the importation and storage of aggregates, as well as the construction of storage bays, is considered to be not inappropriate development in the Green Belt, as the site is previously developed land and these aspects would have no greater impact on the openness of the Green Belt (this is the test as set out in paragraph 145 of the 2018 NPPF (paragraph 89 of the 2012 NPPF)).
14. The concrete batching plant and two-storey site office, however, are considered to have a greater impact upon the openness of the Green Belt than the existing development and as such are considered inappropriate. Therefore, the whole development is considered to be inappropriate development in the Green Belt and as such, in accordance with paragraph 143 of the NPPF, should not be approved except in very special circumstances. Very special circumstances do apply in this case (see paragraph 139 of the previous Committee Report), which outweigh any harm to the Green Belt by way of inappropriateness.

Demonstration of need

15. The applicant sets out within the planning application that there is a recognised need for the development, which is enshrined in policy and to meet the forecasted growth in the region over the coming years.
16. In policy terms, the Buckinghamshire Minerals and Waste Local Plan (MWLP) encourages the fullest use of rail for the transport of bulk materials (Policy 7) and along with Policy CS7 of the MWCS sets out that the Council will safeguard the existing rail aggregates depot site at Thorney Mill, Iver. Policy CS22 c) requires that applicants minimise the distance that materials are transported by road by transporting materials in more sustainable ways. Sustainable transport and the safeguarding of existing rail infrastructure is also supported through emerging policy (in the emerging Buckinghamshire Minerals and Waste Local Plan) and within the 2018 NPPF.
17. Based on the proposed population growth within Buckinghamshire and particularly within South Bucks and surrounding areas and the permitted, proposed and planned development that will be required to support that growth, there is and will continue to be a need for aggregates and aggregate products such as concrete, to supply the construction industry.
18. A rail depot, such as that proposed, will provide the infrastructure to transport the necessary construction materials to the area, whilst reducing the number and therefore impact of HGVs on the highways network. The co-location of a concrete batching plant at this site further reduces HGVs on the network and reduces environmental and amenity impacts by concentrating similar development in one location. If the concrete batching plant is not located at this site, the aggregates would need to be transported to another site to produce concrete. This plant effectively replaces that which recently closed at All Souls Farm Quarry, George Green.

Slough Borough Council's Air Quality Management Areas (AQMA's)

19. Slough BC has 4 designated AQMA's, two of which are relevant to this application (see Appendix D):
- AQMA 1, which includes part of the M4 motorway corridor either side of Junction 5 with the A4 London Road.
 - AQMA 2, which lies adjacent to AQMA 1 and covers part of the A4 London Road at Brands Hill.

MATERIAL CHANGES

20. Since the application was presented to Committee on 23rd July 2018, there have been a number of material changes that must be considered prior to determination of the application. Hence the application has been brought back to Committee for Members to consider these changes.
21. The material changes are as follows:
- A. Iver Air Quality Management Area (AQMA) - declared by South Bucks District Council (SBDC) on 1st August 2018, which includes the site, Thorney Mill Road, Richings Way and North Park.
 - B. Damage Cost Calculation – Slough Borough Council have critiqued and questioned the inputs and assumptions used.
 - C. Inspector Decision on Appeal reference APP/P0430/W/17/3189493 at Link Park Heathrow, Thorney Mill Road, Iver, which is located to the east of the application site.
22. A number of other relevant issues and updates are also provided.
23. For details of the site description, location, context, development proposal, consultee response and representation, as well as relevant policy, please see the 23rd July 2018 Officer's Report to Committee at Appendix C.

A. Iver Air Quality Management Area (AQMA)

24. On the 1st August 2018, SBDC designated an area as shown marked in blue on the plan in Appendix D as South Bucks District Council Air Quality Management Area No 2. It incorporates the administrative boundary of Iver Parish Council, the application site, Thorney Mill Road, Richings Way and North Park, along which the route that the HGVs associated with this application will travel.
25. As such, it is necessary to consider the application in terms of any potential impacts upon this newly designated AQMA.
26. The Environmental Health Officer (EHO) at SBDC was consulted on the original application (see comments at paragraph 44 of the Officer's Report to Committee dated 23rd July 2018) and in light of the newly designated AQMA, they were re-consulted. Their comments are as follows:

"On the 1st August 2018 an AQMA was declared and its boundary follows that of Iver Parish. We are in the progress of developing an Air Quality Action Plan but as you can imagine as the area was declared at the beginning of August the plan is in its infancy."

The main source of Nitrogen Dioxide is road traffic, and it is evident from the Iver Traffic and Transport Study that the concentrations of Nitrogen Dioxide are exceeding in certain areas due to the high volume of HGV traffic. This study outlines the key issues in Iver and lists possible mitigation measures. Even though the production of the action plan is only beginning there is a political drive to introduce a Clean air Zone in the Ivers and plans are already in place to assess its efficacy on reducing the cumulative impact of HGVs on the AQMA.

Although the site currently has planning permission for aggregate type industry its currently closed and therefore is not a HGV generating site. The aggregate depot at Thorney Mill Road [will] increase the number of HGVs in the area and will in turn increase Nitrogen Dioxide concentration in the area. Therefore South Bucks Council would like to request a contribution by s106 funding to reduce the impact of additional NO₂ concentrations on the Ivers. I understand that a damage costs calculation has been made to assess the impact of the development. South Bucks supports this method of assessment for developments of this nature.”

27. The applicant updated their Air Quality Assessment in October 2018 to take account of the Iver AQMA. The assessment concludes that the proposed development would have negligible effects in terms of NO₂, PM₁₀ and dust.
28. Paragraph 170 of the 2018 NPPF states that planning decisions “*should contribute to and enhance the natural and local environment by...e) preventing new and existing development from contributing to...unacceptable levels of...air...pollution. Development should, wherever possible, help to improve local environmental conditions such as air ...quality...*”
29. Paragraph 181 states that “*Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.*”
30. Despite the negligible impact, consideration must be given to the NPPF and the adoption of an AQMA, which is declared in an area where the National Air Quality Objectives are not likely to be achieved. As such, it is necessary to mitigate further harmful effects. Therefore, it is considered appropriate to seek a contribution towards the implementation of a Clean Air Zone, in order to reduce the impact of additional Nitrogen Dioxide (NO₂) concentrations in the Ivers, the main source of which is road traffic.
31. The applicant states that the air quality contribution calculated is based upon the HGVs associated with the development and cannot be requested twice. However, the proposed route that HGV's would take from the site to the motorway network would result in them passing through the SBDC Iver AQMA, as well as Slough Borough Council's AQMA's 1 & 2 (Brands Hill and the M4 Motorway Junction 5).
32. Legal Advice has been sought on whether contributions can be requested for both AQMA's and the following Case Law was cited as evidence that it can be. In Gladman Developments Limited v Secretary of State for Communities and Local Government,

Swale Borough Council v Campaign to Protect Rural England (Kent Branch) [2017] EWHC 2768 (Admin), the development impacted on two AQMAs and separate payments were made for each AQMA to mitigate pollutant concentrations in these areas resulting from the development.

33. As the original cost calculation was carried out prior to the designation of the Iver AQMA, it could only have related to the SBC AQMAs and therefore a further contribution would be needed to mitigate the impact on the Iver AQMA.
34. The Gladman case and the NPPG indicate that where the proposed development will contribute to an increase in the air quality threshold in an AQMA, that is a material consideration. Planning permission could be refused if the impact cannot be mitigated.
35. The Air Quality Assessment submitted by the Applicant concludes that the air quality impacts as a result of Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) would be negligible. This assessment is based upon the total number of proposed HGV movements, which as set out within the previous report (dated 23rd July 2018), is not the case in reality due to the CPLUD and Permitted Development Rights allowing for an unlimited number of movements. The Air Quality assessment is based on a worst-case scenario and still the conclusion is that any impact would be negligible.
36. The proposed routing of HGVs associated with this development (Thorney Mill Road, Richings Way, North Park, Sutton Lane and London Road), would take all movements west into Slough and through the Brands Hill AQMA. Under the Permitted Development Rights, although movements would be unlimited in number, they would also be unlimited in routing and therefore they could also travel north via Thorney Lane and Iver High Street. The use of Iver High Street is considered by Iver Parish Council and the Highways Authority as less favourable. Therefore, this development would seek to prevent HGVs travelling via Iver High Street and instead all movements would be directed west along Richings Way. This requirement to route movements away from Iver village results in a potential increase of HGVs through SBCs AQMAs 1&2 and as the pollutant levels have already exceeded EU recommended limits, it is considered that measures to reduce such levels wherever possible should be implemented.
37. As set out above, paragraph 181 of the NPPF requires that planning decisions sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of AQMAs and Clean Air Zones. The NPPF goes on to say that opportunities to improve air quality or mitigate impacts should be identified.
38. Policy 18: Sustainable Transport of the Emerging Minerals and Waste Local Plan (EMWLP) sets out that proposals for minerals and waste development will require a Transport Assessment or Statement, which should address emission control and reduction measures to be implemented.
39. As such, it is considered appropriate to request suitable mitigation for the SBC and Iver AQMAs.
40. It is proposed that the financial contribution required to mitigate air quality impacts will be used to implement a Clean Air Zone in each of the AQMAs.

B. Damage Cost Calculation

41. The Air Quality Damage Costs associated with the development have been recalculated following queries raised by Slough Borough Council (SBC) (further details are provided below).
42. SBC queried three main points with regard to the Damage Costs, namely:
 - use of the 'transport average' damage costs provided by the IGCB (DEFRA). This is the lowest priced category for transport and isn't appropriate for schemes that will service developments within the M25. The 'outer London' category should be used
 - 2015 damage cost prices haven't been uplifted to 2018, 2019, 2020, 2021 and 2022
 - a fixed emission rate has been used for all years 2018 to 2022. Emission rates for NOx and PM should have been calculated for each of the specified years.
43. Officers have sought independent advice from the Local Air Quality Management (LAQM) helpdesk, which is operated by Bureau Veritas on behalf of Defra and the Devolved Administrations.
44. The LAQM helpdesk advice is as follows:

"The definition of outer London roads for the EFT is derived from the London Atmospheric Emissions Inventory (LAEI), and this relates to which roads are included within this database. I have overlaid the outer London boundary (black line), with roads included within the LAEI (red lines) with a rough site area (grey blob) and you can see that it is right on the boundary!"

I have taken the approach that the road in question where the additional traffic will be travelling along (Thorney Mill Road) is included within the LAEI so would be classed as 'outer London', therefore I would follow the basis of the Slough Council calculations to calculate a final total in terms of using an outer London definition to derive the emissions from the EFT in tonnes/annum and the annual emissions damage costs based upon the central damage cost values.

Within Sloughs methodology the relevant 5 years for the assessment should be 2019-2023 as per the WYG calculations to derive the final total, as the increase in HGVs would not have increased within 2018."

45. Following this advice, the applicant has recalculated the Damage Cost Calculation using the Outer London category, the 2% uplift per year and calculating the emission rate per year and the final cost has been calculated as £39,841.50.
46. As the figure for the Damage Cost Calculation is still being debated, Officers suggest that Members delegate the Head of Planning and Environment to establish the appropriate figure following discussion between relevant parties.

C. Link Park Appeal Decision

47. A Section 73 planning application (reference CM/16/17) was submitted to BCC to increase the hours of operation at Heathrow Link Park, Thorney Mill Road, which lies immediately adjacent to the eastern boundary of the application site. An Appeal for non-determination was made to the Secretary of State (Appeal reference APP/P0430/W/17/3189493). In respect to this appeal, the Planning Inspector raised

concern over lack of information on noise impacts of HGVs travelling to and from the site out of normal hours. He stated:

“...it appears to me that the noise and disturbance impact would be likely to arise from the number and frequency of traffic movements, including the effect this would be likely to have on residential properties in the vicinity of the intended route to the main road system where the HGV movements would be dispersed. Further, the extended operating hours, particularly in the morning, should be regarded as quiet times where disturbance would be seen as unsociable.”

“...I am not satisfied that it has been demonstrated that the increase in operating times indicated in the proposed variation to condition No. 6 would not result in a scale of HGV movements to and from the site that would give rise to unacceptable levels of noise and disturbance at sensitive times to residents of properties near the intended lorry route.”

48. It is proposed that the operation of the concrete batching plant and ancillary facilities, including ingress and egress of HGVs, would be undertaken during the hours of 07:00 to 23:00, Monday to Friday and between 07:00 to 16:00 on Saturdays. A Noise Assessment was provided with the application, which made an assessment of the possible effects of noise on the nearby residents from the application site itself, however the potential noise impact of additional HGVs on the proposed local road network was not assessed.
49. The application and appeal sites' proposed hours for HGV movements differ, as shown below.

Days	Application CM/19/17	Link Park Appeal	
		Existing	Proposed
Monday – Friday	07:00 – 23:00	06:00 – 18:00	05:00 – 22:00
Saturday	07:00 – 16:00	07:00 – 14:00	05:00 – 15:00
Sunday	No operations	07:00 – 14:00	05:00 – 15:00

50. As a result of the Link Park Appeal Decision, BCC requested further information from the applicant with respect to the impacts associated with HGVs travelling to and from the site outside of 'normal operating hours'.
51. As such, the applicant produced a Technical Note dated 14th November 2018, which made a further Noise Assessment, taking account of the potential increase in road traffic noise levels due to the proposed HGV movements on Thorney Mill Road and Richings Way for the period Monday to Friday 18:00 to 23:00 hours. This approach was agreed by Steve Braund, Senior Specialist EHO at SBDC.
52. Taking account of the proposed 82 HGV movements per day associated with the development (assuming no fall-back position and therefore a worst case), gives an “average hourly development traffic flow” of 6 HGV movements per hour. Between the hours of 18:00 and 23:00, an average of 6 HGV movements per hour, gives an increase in calculated noise levels of between 0.2 and 0.8dB $L_{Aeq, 1 \text{ hour}}$ per hour on Thorney Mill Road and Richings Way. Despite a drop in calculated noise levels over the period 18:00 to 23:00 of circa 5dB on Thorney Mill Road and 4dB on Richings Way (around 1dB per hour), the expected increase of less than 1dB as a result of the development, would not be expected to be perceptible at the nearest receptors.

53. The assessment has been reviewed by the EHO, who provided the following response:
- “I have reviewed the Technical Note provide by WBM dated 14 November 2018 and can confirm that I am satisfied with the assumptions methodology and conclusion.”
54. The Noise Assessment provided demonstrates that the proposed HGV movements would not result in a perceptible increase to noise levels experienced along Thorney Mill Road and Richings Way, during the evening period from 18:00 to 23:00. Further, the Permitted Development Rights enable unlimited HGV traffic to access and egress the site, without restrictions on the hours of operation. As such, it is not considered that the proposed development would result in any perceptible increase to noise levels experienced by receptors along Thorney Mill Road and Richings Way. Therefore, this is considered to comply with the NPPF requirement to:
- “ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life,”*
55. The British Standard (BS) 4142:2014 *"Methods for rating and assessing industrial and commercial sound"* describes methods for assessing the likely effects of sound on premises used for residential purposes. It includes the assessment of sound from industrial and manufacturing processes, M&E plant and equipment, loading and unloading of goods and materials, and mobile plant/vehicles on the site. It can be used to assess sound from proposed, new, modified or additional industrial/commercial sources, at existing or new premises used for residential purposes. The BS specifies daytime as being 0700-2300 and night-time as 2300-0700. The BS states that if the rating level is +5dB above the background sound level, it is likely to indicate an adverse impact and if the difference is +10dB or more, it is likely to indicate a significant adverse impact, depending on the context.
56. Policy 28 of the Buckinghamshire County Council Minerals and Waste Local Plan (MWLP) 2006 states *“the County Council will protect the amenity of all those who may be affected by mineral and waste development proposals and will not grant planning permission for proposals which are likely to generate significant adverse levels of disturbance, both near the site an on routes to and from it, from noise...”*
57. Draft Policy 17: Managing Impacts on Amenity and Natural Resources, of the emerging Minerals and Waste Local Plan (EMWLP) requires that *“all proposals for minerals and waste development must demonstrate that the proposed development is environmentally feasible, secures a good standard of amenity and would not give rise to unacceptable adverse impacts on the following...noise”*.
58. In line with the BS, Policy 28 and emerging Policy 17, it is considered that the HGV movements associated with the proposed development are unlikely to result in an adverse impact to the amenity of receptors on Thorney Mill Road and Richings Park in terms of noise, specifically between the hours of 1800 and 2300. Therefore, it is not considered that there is a justifiable reason to refuse planning permission in terms of noise.

FURTHER UPDATES

Slough Borough Council objection

59. Since 23rd July 2018 Committee Meeting, Slough Borough Council have provided two letters via their legal representatives, Bevan Brittan LLP, reiterating their objections to the application and an email dated 19th October 2018 from their Planning Area Team Leader (see Appendix F). The Officers believe that the points raised have been fully and satisfactorily addressed, however some points have been clarified within this report.
60. The key points raised in Slough BC's email of 19th October 2018 are as follows:
- Weight attached to the CPLUD
 - Calculation of Air Quality Mitigation

Weight attached to the CPLUD

61. Slough Borough Council (SBC) have provided further comments since the application was taken to Committee in July 2018. Their main contention is *"the CPLUD is not a CLEUD and simply restates the fact that railway undertakers benefit from permitted development rights for specified development. The applicant is not a railway undertaker, the land is not therefore operational land and the development proposed is not that permitted under permitted development rights. Therefore the applicant is in no way able to benefit from the lawful use described in the Certificate."*
62. The Planning Practice Guidance (PPG) states that a CLEUD confirms "an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under [section 191 of the Town and Country Planning Act 1990](#)", whilst a CPLUD confirms "a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under [section 192 of the Town and Country Planning Act 1990](#)".
63. In this case, the CPLUD (reference 10/00739/CM, dated 2nd August 2010), 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"*.
64. 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."*
65. 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.
66. In this case, the site is owned by Network Rail, who is a Railway Undertaker. The applicant, Breedon Southern Ltd, is not a Railway Undertaker.

67. SBC are correct that the CPLUD confirms the Permitted Development Rights that exist, however, even without the CPLUD, the site would benefit from Permitted Development Rights. Permitted Development Rights themselves can provide a legitimate fall-back (see *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314).
68. By virtue of s263(1) of the Town and Country Planning Act 1990, “operational land” means:
“in relation to statutory undertakers—
 (a) *land which is used for the purpose of carrying on their undertaking; and*
 (b) *land in which an interest is held for that purpose.*
 (2) *Paragraphs (a) and (b) of subsection (1) do not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.”*
69. The site is operational land, as it is owned by Network Rail and would be used to carry out their undertaking in terms of moving freight by rail. The storage of the material transported by rail is required in order to facilitate the transit of that load.
70. The concrete batching plant proposed as part of the development does not fall within the PD Rights or the CPLUD. As the applicant is not a Railway Undertaker, they do not benefit from the PD Rights and therefore it has been necessary for them to submit this application. However, in considering this application the PD Rights available to the landowner, Network Rail, is a material consideration.
71. SBC claim the following:
*“A fall-back position only exists where there is a ‘realistic prospect’ of the permitted development right being exercised. In this case the railway undertaker has ceased its use and vacated the site. There is no ‘realistic prospect’ of that user returning to the site and it has been marketed commercially. In that open market the site was more attractive to a user that was not a railway operator. Neither the applicant nor the determining authority has interrogated any evidence provided by the applicant to demonstrate that there is a ‘realistic prospect’ of a different user who is a railway operator outbidding the current prospective (non-railway undertaker) such that it can be demonstrated that there is a realistic prospect of a railway undertaker resuming operations and it being able to be properly claimed that there is a fall-back position. It is established planning caselaw stemming from **R v SSE, Ex Parte Ahern (London) Ltd** [1998] Env. LR. 189 and reinforced recently in the Court of Appeal in **Mansell v Tonbridge & Malling BC** [2017] EWCA Civ. 1314 that “For a fall-back suggestion to be relevant there must be a finding of an actually intended use as opposed to a mere legal or theoretical entitlement.”*
72. SBC states *“If the prospect of a railway undertaker resuming a railway undertaking on the land is less than realistic then it will be ‘Wednesbury unreasonable’ for a determining authority to attach any weight to that prospect and any decision to do would be vulnerable to challenge.”*
73. The site is owned by Network Rail and is operational land. Officers accept that Network Rail have not used the site in recent years to the extent of the proposed development or as intended under the CPLUD. However, this does not affect the fact that there are Permitted Development Rights and a realistic prospect of the site being brought back into use in the future, as evidenced by Network Rail’s marketing of the site and intention to re-market if this application is unsuccessful (see letter dated 27th November 2018 at Appendix E). Network Rail state:

“Our Freight Surveyor has confirmed that if the above application is refused NR will re-market the site given the time that has passed since NR agreed to lease the site to Breedon Southern Ltd (previously known as Hope Construction Materials), and the strengthening of the market since this was last carried out. This time NR would request bids specifically for uses which could be carried out under NR’s permitted development rights afforded to railway undertakers listed in Part 8, Class A, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.”

74. They go on to say that:

“Current urgent demand is significantly inflated by the need to deliver HS2, and every FOC and contractor involved in or bidding for work from that has a requirement for rail served sites, in addition to the “usual” level of need. Known current inquiries include, Freightliner, GBRf, DBC, Hanson, Cemex, Al, Lynch, Walsh, FCC and FM Conway and, if marketed now, we would expect very strong bids from all of the above.”

75. We believe the statements provided by Network Rail, the site owner and a Railway Undertaker, are sufficient to demonstrate that there is a realistic prospect of the fall-back development being implemented.
76. The Permitted Development Rights remain a legitimate fall-back. The likelihood of its implementation is a matter for the Council. Based on the letters provided by Network Rail it is believed, on a balance of probability, that there is a real likelihood of the fall-back being implemented. Network Rail has made clear their intention to re-market the site, should this application be refused, considering the interest already expressed in this site by rail freight operators such as Freightliner, GBRf and DBC, among others. It is therefore considered that there is a realistic prospect that the fall-back position would be implemented.
77. SBC has also expressed concerns regarding the assessment of HGV movements associated with the proposed development. They claim HGV movements have been discounted from 82 down to 28 as a result of the perceived likelihood of the fall-back position. They have equated the percentage of this reduction in HGV movements to the weight the Council has attached to the fall-back.
78. This is incorrect. The 28 HGV movements is calculated to be the additional movements associated with the development from the concrete batching plant, which does not fall within the Permitted Development Rights. This has been used as the number of movements above the fall-back and therefore used to calculate the degree of impact associated with the proposed development, particularly in terms of air quality. The figure does not provide a percentage prospect of the railway undertaking use being resumed.
79. The fact is the site benefits from Permitted Development Rights, whether or not, the CPLUD exists. The CPLUD confirms the Permitted Development Rights that exist under GPDO for a railway undertaker to import material by rail and store it on site, to then be removed by road. The courts have confirmed that such permitted development rights provide a legitimate fall-back position in planning terms.
80. As set out within the previous Report to Committee and above, the CPLUD and the Permitted Development Rights are a material consideration and have rightly been considered by the Officer in the determination of this application. The weight to be afforded to the fall-back is a matter for the decision maker. It is the Officer’s view that the fall-back position, on a balance of probability, has a greater than theoretical prospect of being implemented and that should it be implemented it could operate at the same level of intensity as the proposed development or more, and that such unregulated use would be more detrimental to the surrounding area and the community.

81. If Members do not share the Officer's view that there is a realistic prospect that the fall-back position could be implemented, then they would need to consider the proposed development as generating additional highways and air quality impacts. Members should then consider if these impacts are significant and if they can be addressed by suitable conditions. If they cannot be adequately mitigated, the application should be refused on these grounds.

Calculation of Air Quality Mitigation

82. SBC have also commented on the calculation used for the air quality mitigation. The calculation was undertaken by the applicant following agreement on the methodology at a meeting between both SBC and the applicant. There is no standard guidance on calculating air quality mitigation, however the methodology used is that recommended by Defra in their Local Air Quality Management Policy Guidance (PG16) dated April 2016.
83. Set out in the table below are the comments from Slough Borough Council followed by the response provided by the Applicant.

Slough Borough Council comment

"Without prejudice to the case put forward above on the weight attached to the CPLUD, there are serious concerns about the mitigation calculation methodology adopted by the applicant and accepted by the Council.

Looking solely at the impact from 28 lorries a day rather than the 82 that would be considered if no weight was attached to the CPLUD we have a number of concerns. These could have been addressed earlier but In terms of the process, Bucks CC did not disclose the damage cost calculations for the scheme until Friday 20th July with the application going to committee on Monday 23rd July. This information should have been disclosed earlier and SBC comments considered.

In terms of the calculations carried out by the scheme consultants, the main point is that that there are significant errors in the way that the damage cost calculation has been carried out. It would appear that there has been a deliberate attempt to use erroneous data and manipulate the calculation to achieve a favourable outcome for the applicant.

These errors include:

- use of the 'transport average' damage costs provided by the IGCB (DEFRA). This is the lowest priced category for transport and isn't appropriate for schemes that will service developments within the M25. The 'outer London' category should be used

[.... The industry category is the lowest priced damage cost - transport costs are much higher, particularly with proximity to London]"

Applicant Response

The IGCB guidance does not specify definite areas for using one cost or another and the selection of the cost is down to professional judgement to pick an appropriate value. In this instance, it is useful to have a range of results calculated to give an idea of the different potential costs against each item. However, it is no more correct to say that this area outside of London should be considered against the London guidance as it is to say that the Industrial cost for this industrial development should not be used. The transport average used in the latest is considered representative of all the surrounding area.

Slough Borough Council Comment
- 2015 damage cost prices haven't been uplifted to 2018, 2019, 2020, 2021 and 2022
Applicant Response
Table 6 in the previous comments document which was attached to your e-mail, shows the uplift in cost between these years in NOx and PM10 in the previous note.
Slough Borough Council Comment
- a fixed emission rate has been used for all years 2018 to 2022. Emission rates for NOx and PM should have been calculated for each of the specified years
Applicant Response
This is accepted, however this would result in a lower overall cost as emissions improve in future years.
Slough Borough Council Comment
We have re-calculated the damage costs, following HMRC guidance and make the damage costs for 28 vehicles as £63,782 (and not £21,336 as stated). Using the same emission rates as the scheme consultant the damage costs come to £69,355. In the committee report, the damage costs are lowered again to £19,193.30
Should the 82 vehicles per day be considered, the damage costs would be in the region of £190,000
Applicant Response
It is unclear how the £190,000 sum has been reached as this is not shown in Slough's calculations. However, it has been accepted that the proposed development will only result in an additional 28 vehicles over and above the existing use and therefore, [£63,782]this is the only number that should be considered within these calculations.
Slough Borough Council Comments
Please see the calculations attached. I have also attached the applicants calculations for convenience. An additional issue to consider is that the contribution from the scheme is to be paid in instalments over 3 years. This will not allow SBC to put mitigation in place from the outset and would be unacceptable."
Applicant Response
It is unclear where the '3 years' split has come from, most guidance recommends 5 years, hence the calculation being undertaken over 5 years. As discussed in the previous response, there is no reason to accept that the London cost is any more correct than the transport average costs.

84. The SBDC EHO agrees with SBC that the applicant has used some of the wrong inputs, however it appears that the main difference in the outcome is due to the number of movements used. The applicant has used 28 HGV movements as representative of the

concrete plant movements and the increase in movements above the fall-back position. SBC have used 82 HGV movements as the total proposed for the development.

85. To clarify, it is the Officer's view that there is a realistic prospect of the fall-back being implemented and therefore we consider it unreasonable to take account of the entire 82 movements proposed.
86. However, following SBCs comments regarding the inputs used in the Damage Cost Calculation, Officers have sought independent advice from the LAQM Helpdesk, which is run on behalf of Defra. The advice provided confirms SBCs view that the Outer London category should have been used and as such, the applicant has re-calculated the Damage Costs, as set out above.

Buckinghamshire County Council Local Plan progress

87. The County Council has progressed the preparation of the Emerging Minerals and Waste Local Plan (EMWLP). The Examination in Public hearing sessions were held in September 2018, following which the County Council have produced a Schedule of Proposed Main Modifications to the Local Plan, dated December 2018, which have recently been consulted upon (10th December to 4th February 2019).
88. The following proposed modification should be taken into account in the determination of this application:

Proposed Modification MM25: Paragraph 7.24 (addition of underlined text)

"Proposals for minerals and waste development must demonstrate that transport movements associated with the proposed minerals and waste development would not result in unacceptable adverse impacts on the community and the environment within areas that would be reasonably expected to be affected by the proposed development, including along transport routes. Of particular note, Burnham Beeches SAC is located within the south of the county, with the A355 running in a north-south direction to the east. In order to avoid having a significant effect on the interest features of the SAC, transport movements associated with minerals and waste development should avoid using this route. In parts of the county there are a number of employment areas, identified in Table 9 as areas of focus for waste management facilities that generate HGV movements particularly affecting particular transport hotspots. Any proposals that come forward, may be asked to specifically consider the likely HGV movements that would be generated. As part of the required Transport Assessment/Transport Plan applicants should seek to demonstrate how they can reduce HGV movements compared to the current/previous use on the site."

89. The reason for this modification is "To carry forward into the MWLP aspirations contained within the 2012 Minerals and Waste Core Strategy about locations in Iver parish but to also extend this to other locations that may have similar issues."
90. The applicant maintains the view that the proposed development would result in a reduction in and control over the number of HGV movements associated with the site and development when compared to the fall-back position available via the CPLUD and Permitted Development Rights.
91. This view is shared by the Highways Authority and the Planning Case Officer. This is considered to provide betterment in planning terms.

National Planning Policy Framework (NPPF) 2018

92. An updated NPPF was published in July 2018.

93. Paragraph 102 of the revised NPPF states “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that...b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised...d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects , and for net environmental gains;”
94. Paragraph 109 states:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
95. Paragraphs 133 to 147 of the 2018 NPPF set the Government’s policy with regard to the Green Belt. This has not significantly changed since the 2012 version and there are no changes relevant to the consideration of this application.
96. Paragraph 180 states:
- “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
97. Paragraph 181 states:
- “Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”

Road Condition Report

98. At the Committee Meeting on 23rd July 2018, Members requested that a Road Condition Survey be included within the proposed Legal Agreement, requiring the Applicant to undertake a survey of the condition of the local highway to the application site prior to the commencement of development and again at a prior agreed time, in order to compare the condition of the road surface and assess if there has been greater than expected damage. If this damage is assessed as being as a result of the proposed development, then the Applicant would be required to cover the cost of any necessary repairs.
99. It should be noted that this was requested by Members having discussed the use of Thorney Mill Road and has not been requested by BCC as the Highways Authority.
100. The Highways Authority comment as follows:
"The 12 hour traffic count on Thorney Mill Road is approx. 5488 vehicles using this stretch of highway so it would be difficult to attribute the deterioration of the highway to the HGVs associated with the concrete batching plant."
101. Members should consider if they wish to retain this requirement without the support of the Highways Authority.

Further Representations Received

102. One further representation has been received raising objection to the application, by a resident who objected previously. The objection raised relates to the Noise Assessment submitted following the Link Park Appeal Decision, which assesses the noise impact of HGVs on Thorney Mill Road and Richings Way between 6pm and 11pm. The objector states that there will be a serious effect on the quality of life of residents on Thorney Mill Road, stating that HGV levels have increased since the application was submitted and that extra traffic will have a further detrimental effect in terms of noise, air pollution and vibration. They consider the application should be refused, but if approved, they consider the hours should be limited to 'social hours'.
103. As Members are aware the Permitted Development Rights enable the use of the site with no limit on the hours of operation. This application would restrict the concrete plant and HGV movements to 7am to 11pm Monday to Friday and 7am to 4pm on Saturdays. The assessments submitted with the application conclude that there would be no significant impact to the amenities of local residents and this is supported by the responses received from Statutory Consultees, such as the EHO. Therefore, it would be considered unreasonable to restrict hours of operation further.

CONCLUSION

104. The conclusions and recommendation as set out in the Officer's report to Committee dated 23rd July 2018 has not changed as a result of the material changes addressed above.
105. 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.
106. 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.
107. 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 conditions, to be determined by the Head of Planning and Environment, including those set out in Appendix B and subject first to completion of a Planning Obligation, with details, alterations, additions and deletions, to be determined by the Head of Planning and Environment, to secure the following:
- 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 use best endeavours to encourage contracted HGV's to travel to and from the site in full compliance with the Euro VI Standards.
 - III. A financial contribution of £39,841.50 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 AQMA.
 - IV. A financial contribution of £39,841.50 to South Bucks District Council towards the implementation of a Clean Air Zone for the Iver AQMA.
 - V. A financial contribution of £115,700 towards Highways Improvements at the Sutton Lane / A4 London Road Junction.

BACKGROUND PAPERS

Application CM/19/17

Officer's Report to Committee dated 23rd July 2018

Consultee responses and representations received between June and November 2017

Emerging Buckinghamshire Minerals and Waste Local Plan, Proposed Modifications, December 2018

National Planning Policy Framework (NPPF), July 2018

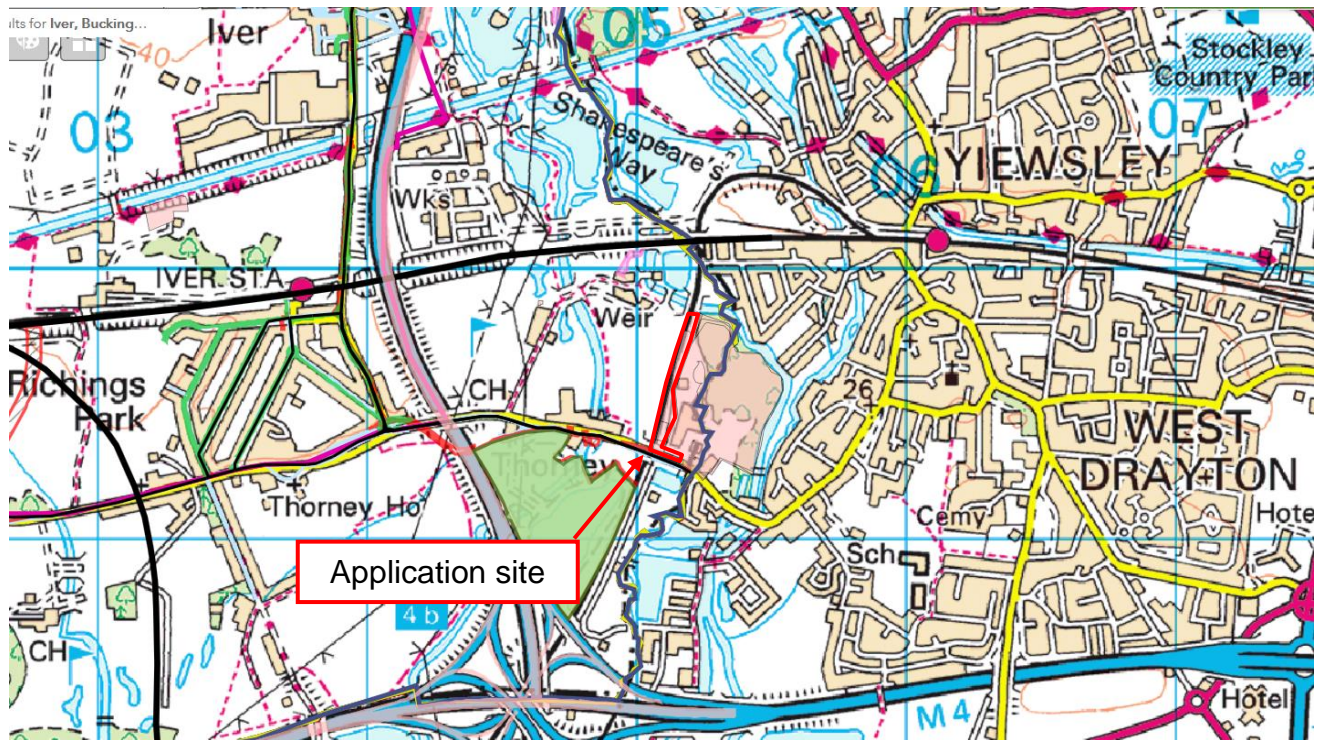
National Planning Practice Guidance (NPPG)

Correspondence from Slough Borough Council dated 20th July 2018, 12th September 2018 and 19th October 2018

Letters from Network Rail dated 22nd April 2016 and 27th November 2018

APPENDIX A: Plans

Site Location Plan



Proposed Development – Site Layout










1:2000@A3

Ref	Description
1	Covered Feed Hopper
2	Radial Conveyor
3	Cement Silos
4	Water Tanks
5	Covered Bins
6	Storage/Electrical Room
7	Mixing House
8	Loadout
9	Batch Cabin

The site plan illustrates the layout of a cement plant. Key features include:

- Stock Bay:** Three rectangular areas filled with a brick pattern, representing storage for raw materials.
- Process Area:** A central area containing the Covered Feed Hopper (1), Radial Conveyor (2), Cement Silos (3), Water Tanks (4), Covered Bins (5), Storage/Electrical Room (6), Mixing House (7), Loadout (8), and Batch Cabin (9).
- Infrastructure:** Includes a Weigh Bridge, Office, Parking Spaces, Drying Bay, and Wedge Pit.
- Access and Surroundings:** The plant is situated near a River Colne to the north and a Drain to the east. A 25.0m scale bar is provided.

Legend	
Ref	Description
1	Covered Feed Hopper
2	Radial Conveyor
3	Cement Silos
4	Water Tanks
5	Covered Bins
6	Storage/Electrical Room
7	Mixing House
8	Loadout
9	Batch Cabin

-  Planning Application Boundary
-  New Surfacing
-  Existing Surfacing - to be retained
-  HGV Tracking
-  Mixer Tracking
-  Stock Bays
-  Acoustic Fence
-  Drainage
-  Proposed Rail

Drawn By:	Scale:
MTP	1:2000 @A3
Date:	Drawing No:
25/01/17	THM001-0065-2015-D03

APPENDIX B: Recommended Conditions

General

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

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

2. Unless agreed otherwise in writing by the County Planning Authority, the development hereby permitted shall not be carried out other than in complete accordance with the details submitted with the application dated 17th May 2017, accompanying Environmental Assessments, plans and additional information, including the following:

Planning application and Supporting Statement, PDE Consulting, dated March 2017, including Application Forms, dated 15 March 2017

PDE Consulting letter, dated 17 May 2017

Arboricultural Impact Assessment Report, Dr F Hope, dated 2 August 2017

Surface Water Drainage Strategy, Ambiental, dated October 2017

Landscape & Visual Aspects Supplementary Information, Pleydell Smithyman, September 2017

Topographical Survey dwg no. M16.161.M.002, September 2017

Planting Plan dwg no. M16.161.D.002, August 2017

Lighting Scheme dwg no. M16.161.D.003, September 2017

Vehicle Autotrack HGV and Large Tipper dwg no. C161479-TM-TR001, 7 August 2017

Air Quality Assessment, WYG, August 2017

Air Quality Response, WYG, 27 September 2017

Air Quality Response, WYG, 16 November 2017

Air Quality Response, WYG, 4 July 2018

Ground Condition Assessment, Ridge and Partners LLP, February 2016

Highways Response, The Hurlstone Partnership, 17 November 2017

PDE Consulting letter, dated 3 May 2018

PDE Consulting letter, dated 5 July 2018

Noise Technical Note, WBM, 14 November 2018

Air Quality Response, WYG, 8 February 2019

Reason: To define the development which has been permitted and so to control the operations and to comply with Policy EP3 of the South Bucks District Local Plan 1999.

3. No more than 210,000 tonnes of aggregate shall be imported to the site per annum. Records of materials imported to and exported from the site shall be made available to the Country planning Authority upon request.

Reason: In order to safeguard the amenities of neighbouring properties and the environment and to comply with policy 28 of the Buckinghamshire Minerals and Waste Local Plan.

4. No aggregates are to be imported to site by road, unless previously agreed in writing by the County Planning Authority, and in any case, no more than 8,000 tonnes per annum.

Reason: In order to safeguard the amenities of neighbouring properties and the environment and to comply with policy 28 of the Buckinghamshire Minerals and Waste Local Plan.

Construction

Construction Environment Management Plan

5. Prior to the commencement of any works on the site a Construction Management Plan (CMP) detailing the management of construction traffic, including deliveries and parking of site operatives vehicles to include a plan showing the construction layout of the site shall be submitted to and approved in writing by the County Planning Authority. The CMP shall include, but not be limited to, the following:
 - a. Hours of construction;
 - b. Layout of construction compound, designed to minimise impacts;
 - c. Proposed mitigation for dust, including:
 - i. Dust Management Plan (DMP)
 - d. Proposed mitigation for noise;
 - e. Recording of complaints and measures to identify cause and to take appropriate measures to reduce emissions;
 - f. measures to be taken to manage any contaminated material that may be encountered during the construction process and shall comply with any relevant Construction Code of Practice; and
 - g. How compliance will be monitored, including site inspections and the recording compliance matters.

The CMP shall then be implemented and adhered to as approved.

Reason: In the interests of highway safety, the amenities of the local area, to ensure that risks from land contamination are minimised and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan, Policy CS22 of the Buckinghamshire Minerals and Waste Core Strategy and Policies EP3 and TR5 of the South Bucks District Local Plan 1999.

Hours of Operation

6. No works, including the ingress and egress of vehicles, shall be carried out on site other than within the following hours:
 - 07:00 to 23:00 Monday to Friday;
 - 07:00 to 16:00 Saturdays;
 - No working on Sundays and Bank Holidays.

Reason: In the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

7. No material shall be imported to the site by rail, other than within the following hours:
07:00 on Monday to 16:00 on Saturdays;
No working on Sundays and Bank Holidays

Reason: In the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

Submission of Details

8. Prior to the commencement of the development hereby permitted, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the County Planning Authority. The TMP shall include, but not be limited to:
- a. Proposed routing of HGV's entering and leaving the site, to avoid Iver High Street and where possible minimise the movements using the Sutton Lane/A4 junction and the AQMA at Junction 5 of the M4;
 - b. Measures to ensure drivers are aware of and adhere to the approved routing agreement; and
 - c. Details of the materials to be imported by road (these are to be ancillary materials required for the permitted use) and not aggregates, which are to be imported by rail, including tonnages, types of vehicles and number of movements.

Reason: To minimise impacts upon the local Highway Network and in the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

Highways

9. The total number of HGV movements to and from the site shall not exceed 82 per day (41 in, 41 out). Records of vehicle movements shall be provided to the County Planning Authority upon request.

Reason: In the interests of highway safety and the amenities of the local area and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

10. Prior to the initial occupation of the development hereby permitted, the scheme for parking and manoeuvring as shown on Vehicle Autotrack HGV and Large Tipper dwg no. C161479-TM-TR001, dated 7 August 2017 and Detailed Layout dwg no. THM001-0065-2015-D04, dated 25 January 2017, shall be laid out in accordance with the approved plans and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to ensure the development is carried out in accordance with the approved details and to

comply with Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

11. Adequate precautions shall be taken for the duration of the development to prevent the deposit of mud and similar debris on the adjacent public highways in accordance with details to be submitted and agreed in writing by the County Planning Authority prior to the commencement of the development.

Reason: To minimise danger and inconvenience to highway users and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

12. Prior to commencement of the development a scheme for gates at the site access shall be submitted and agreed in writing by the County Planning Authority. Thereafter the gates shall be implemented as approved.

Reason: To minimise danger and inconvenience to highway users and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

Environmental Controls

Noise

13. Prior to first use of the development hereby permitted, a Noise Monitoring, Mitigation and Management Plan shall be submitted to and approved in writing by the County Planning Authority.

The development shall not thereafter be carried out other than in accordance with the approved details for the duration of the development.

Reason: To safeguard the amenity of the occupiers of nearby residential properties and to comply with Policy EP3 of the South Bucks District Local Plan 1999.

14. Prior to the use of the site, details of the Noise Barrier to be constructed along the south-eastern boundary of the site, as shown on drawing THM001-0065-2015-D04 (Detailed Layout) dated 25 January 2017, and on the northern boundary of the site, shall be submitted to and approved in writing by the County Planning Authority. Details shall include a report to demonstrate the noise levels to be achieved by the proposed barrier. The noise barrier shall then be constructed prior to the first use of the site in accordance with the approved details and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the development is carried out in accordance with the approved details and in the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

Dust

15. Prior to the commencement of the development hereby approved, a Dust Mitigation and Management Plan, in respect of both the construction and operational phases of the development hereby permitted shall be submitted to and approved in writing by the County Planning Authority. The plan shall include mitigation measures set out within the Air Quality Assessment, WYG, August 2017, and including the following:
- a. dampening down of surfaces to minimise dust generation;
 - b. avoiding dust generating activities in windy conditions;
 - c. storage of materials away from sensitive receptors; and
 - d. use of a road sweeper where necessary.

The development shall be carried out in accordance with the approved dust action plan for the duration of the development.

Reason: To ensure the development is carried out in accordance with the approved details and in the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

Flood Risk and Drainage

16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- The site will be limited to a discharge rate of 28.8l/s
- Confirmation of outfall, the applicant shall demonstrate that a means of surface water disposal is practicable subject to the drainage hierarchy listed in the National Planning Policy Guidance.
- Where a pumping station is proposed, confirmation that sufficient storage has been provided in the event of pump failure and the proposed exceedance routes if the storage volume is exceeded must be provided. A warning system in the event of a pump failure should also be provided along with a maintenance plan for the pumping station.
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Full construction details of all SuDS and drainage components
- A water quality assessment in accordance with the SuDS manual for each treatment process in the drainage scheme to confirm sufficient treatment has been provided
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 103 of

the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to comply with Policy CS22 of Buckinghamshire Minerals and Waste Core Strategy.

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

Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the County Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards.

Contaminated Land

19. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 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 water pollution. The Water Framework Directive (WFD) also requires that all water bodies are protected and prevented from deterioration and pollution.

Refer to planning practice guidance on gov.uk for information.

<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

20. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority. This strategy will include the following components:

- a. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the County Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework. Generic remedial options are available to manage the risk of pollution to controlled waters but further details are required to characterise the site and update the conceptual site model.

- 21. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

- 22. The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the County Planning Authority, has been submitted to, and approved in writing by, the County Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the County Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework.

- 23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

24. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

The previous uses of the proposed development site present a high risk of contamination that could be mobilised by surface water infiltration and as such the use of infiltration SuDS is not appropriate in this location.

Ecology

25. No works shall take place within 5m of the river bank.

Reason: To protect the river habitat and riparian fauna and to comply with Policy EP3 and EP4 of the South Bucks District Local Plan 1999 and Core Policy 8 of the South Bucks Core Strategy 2011.

26. Prior to the commencement of the development hereby permitted, details of the new fence to be erected along the northern boundary of the site to protect the adjacent riparian habitats shall be submitted to and approved in writing by the County Planning Authority. The fence shall then be erected and maintained in accordance with the approved details for the duration of the development.

Reason: To protect the river habitat and riparian fauna and to comply with Policy EP3 and EP4 of the South Bucks District Local Plan 1999 and Core Policy 8 of the South Bucks Core Strategy 2011.

27. No vegetation shall 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 shall 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.

Reason: To protect ecological interests at the site and to comply with Policy CP9 of the South Bucks Core Strategy and Policy CS23 of the Buckinghamshire Minerals and Waste Core Strategy.

28. Prior to the commencement of the development hereby permitted, a Landscaping and Ecological Enhancement Strategy shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but is not limited to: Creation of habitats and incorporation of ecology enhancement features such as bat or bird boxes.

The approved scheme shall be implemented in the first planting season following the completion of the development and maintained in accordance with the requirements of this condition and the approved details for the duration of the development.

Reason: To conserve and enhance the natural environment, to provide biodiversity net gain and in the interests of the visual amenities of the local area and to comply with Policy CS23 of the Buckinghamshire Minerals and Waste Core Strategy and Policy CP9 of the South Bucks Core Strategy.

Landscape

29. Prior to / Within three months of the commencement of the development, a detailed Landscape Management Plan, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but not be limited to:
- a. Accord with the Arboricultural Impact Assessment Report, Dr F Hope, dated 2 August 2017;
 - b. Details of the locations, species (native) and size of any further vegetation to be removed;
 - c. Details of the protection measures to be provided for all new and retained vegetation, including the Poplars to the east of the site which should be physically protected in accordance with British Standard 5837;
 - d. Details of proposed new planting, including that along the northern site boundary (for the protection of visual amenity), including locations, species (native), size and density;
 - e. A monitoring and maintenance programme for retained and new planting to include the replanting of any new or retained trees or shrubs which die or become diseased.

The approved scheme shall be implemented in the first planting season following the completion of the development and maintained in accordance with the requirements of this condition and the approved details for the duration of the development.

Reason: To conserve and enhance the natural environment and in the interests of the visual amenities of the local area and to comply with Policy CS23 of the Buckinghamshire Minerals and Waste Core Strategy and Policy CP9 of the South Bucks Core Strategy.

Lighting

30. Prior to the commencement of the development hereby permitted, a Lighting Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but not be limited to, the details set out within the Lighting Scheme, as shown on drawing no. M16.161.D.003, dated September 2017, as well as the following:
- a. Specification,
 - b. Location;
 - c. Mechanism for control of the lights, including timings;
 - d. Details of the light spill;
 - e. Measures to prevent light spillage from the site, including control and tilt/uplift angles and details of the cowls to be fitted to the floodlights, as recommended in "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

The approved scheme shall be implemented in accordance with the approved details and thereafter maintained for the duration of the development.

Reason: In the interests of the visual amenities of the area and to protect the ecological interests of the site and local area and to comply with Policy EP3 of the South Bucks District Local Plan 1999 and Core Policy 9 of the South Bucks Core Strategy 2011.

31. No lighting shall be used on site other than in accordance with the hours of operation set out in condition 6 above.

Reason: In the interests of the visual amenities of the area and to protect the ecological interests of the site and local area and to comply with Policy EP3 of the South Bucks District Local Plan 1999 and Core Policy 9 of the South Bucks Core Strategy 2011.

APPENDIX C: Previous Committee Report dated 23rd July 2018 and Minutes of the Meeting

Development Control Committee – 23 July 2018

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

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:



INVESTOR IN PEOPLE



- 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 20th March 2017. The application was registered and sent out for consultation on 17th 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 16th August 2017, although this has been extended to the 31st 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 11th 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.

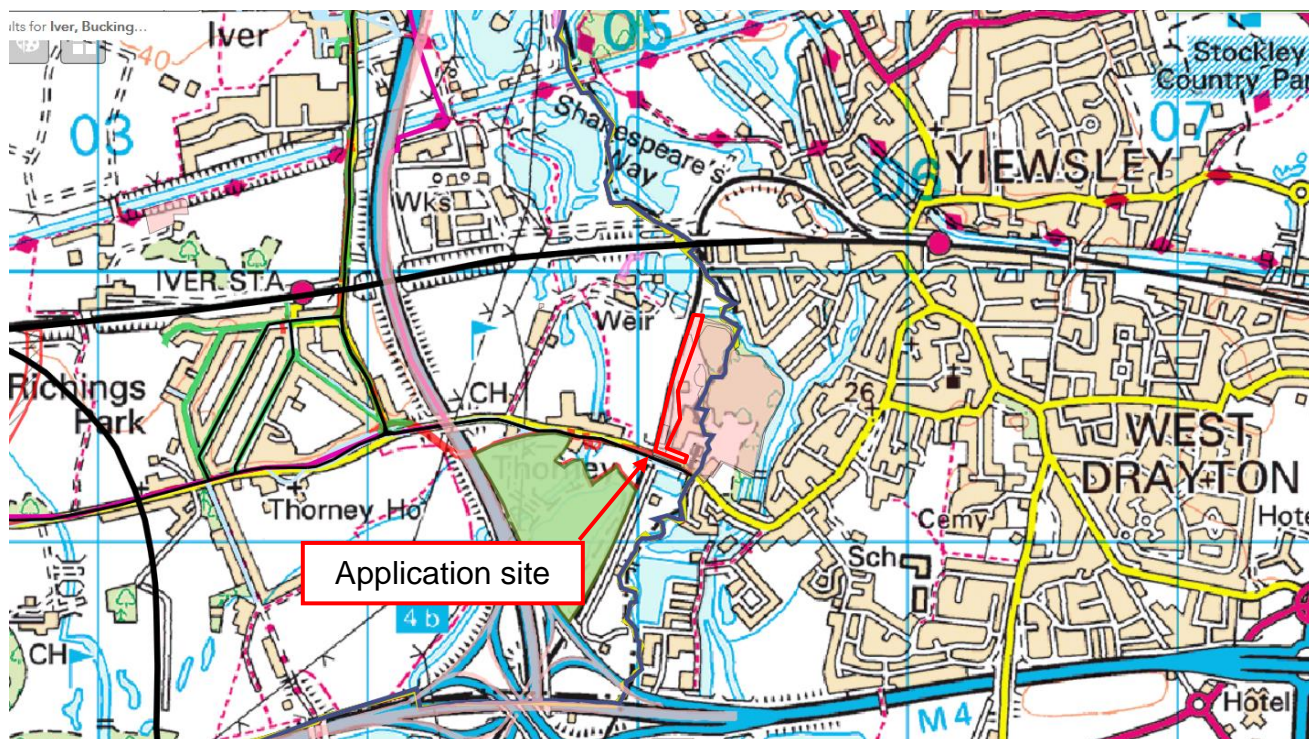


Figure 1: Site Location Plan

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 Iwer. 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 ³ concrete products per annum	8m ³ concrete mixers	275 days per annum	23	46
Imported supplies, i.e. cement and additives					5	10
Total					41	82

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 26th 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 1st 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 15th 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 tree 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 2nd 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 22nd 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 22nd 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 2nd 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 6th 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 Iwer 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 23rd 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 (NO₂) and Particulate Matter (PM₁₀) associated with vehicle emissions. The assessment models predicted increases in NO₂ at a number of nearby receptor locations, some of which are located within AQMA's. The largest increase is 0.12ug/m₃, 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, PM₁₀ concentrations are predicted to increase by 0.02ug/m₃ 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 NO₂ 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 4,852m² to 12,437m², 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

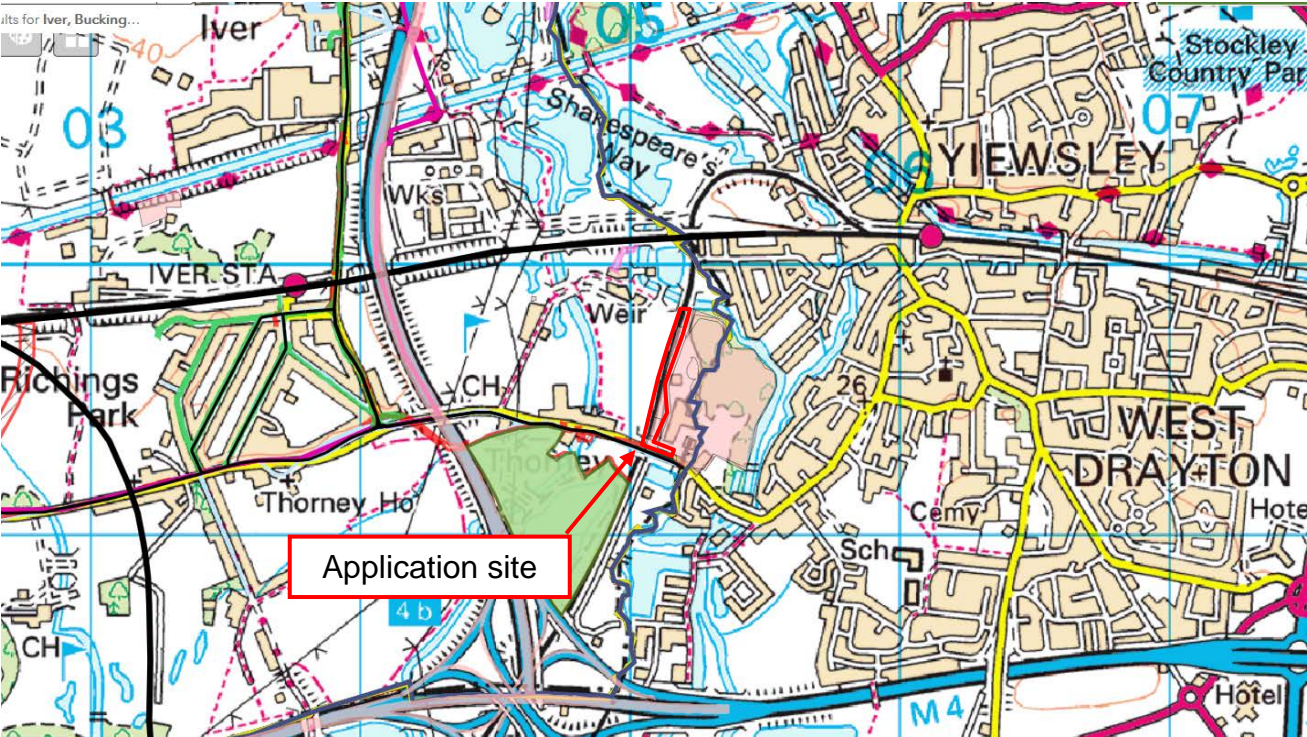
Emerging Chiltern and South Bucks Local Plan 2014-2036

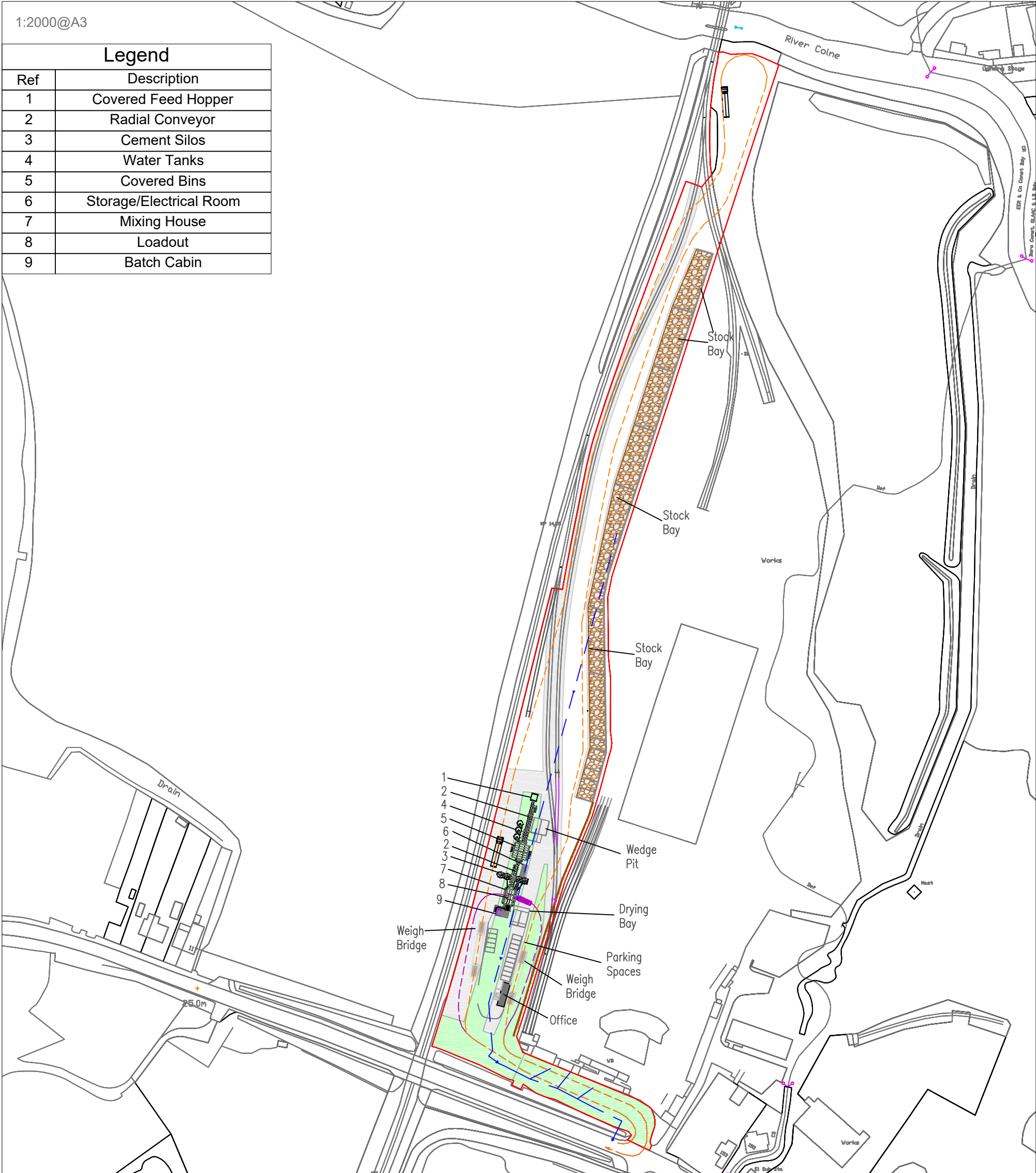
National Planning Policy Framework (NPPF), March 2012

National Planning Policy Guidance (NPPG)

APPENDIX A: Plans

Site Location Plan





Legend

- Planning Application Boundary
- New Surfacing
- Existing Surfacing - to be retained
- HGV Tracking
- Mixer Tracking
- Stock Bays
- Acoustic Fence
- Drainage
- Proposed Rail

Land & Mineral Resources . Breedon Southern Limited
Breedon Quarry, Main Street, Breedon on the Hill, Derby, DE73 8AP

Site:
Thorney Mill

Title:
Proposed Development



Drawn By: MTP
Scale: 1:2000 @A3

Date: 25/01/17
Drawing No: THM001-0065-2015-D03

APPENDIX B: Recommended Conditions

General

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

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

2. Unless agreed otherwise in writing by the County Planning Authority, the development hereby permitted shall not be carried out other than in complete accordance with the details submitted with the application dated 17th May 2017, accompanying Environmental Assessments, plans and additional information, including the following:

Planning application and Supporting Statement, PDE Consulting, dated March 2017, including Application Forms, dated 15 March 2017

PDE Consulting letter, dated 17 May 2017

Arboricultural Impact Assessment Report, Dr F Hope, dated 2 August 2017

Surface Water Drainage Strategy, Ambiantal, dated October 2017

Landscape & Visual Aspects Supplementary Information, Pleydell Smithyman, September 2017

Topographical Survey dwg no. M16.161.M.002, September 2017

Planting Plan dwg no. M16.161.D.002, August 2017

Lighting Scheme dwg no. M16.161.D.003, September 2017

Vehicle Autotrack HGV and Large Tipper dwg no. C161479-TM-TR001, 7 August 2017

Air Quality Assessment, WYG, August 2017

Air Quality Response, WYG, 27 September 2017

Air Quality Response, WYG, 16 November 2017

Air Quality Response, WYG, 4 July 2018

Ground Condition Assessment, Ridge and Partners LLP, February 2016

Highways Response, The Hurlstone Partnership, 17 November 2017

PDE Consulting letter, dated 3 May 2018

PDE Consulting letter, dated 5 July 2018

Reason: To define the development which has been permitted and so to control the operations and to comply with Policy EP3 of the South Bucks District Local Plan 1999.

3. No more than 210,000 tonnes of aggregate shall be imported to the site per annum. Records of materials imported to and exported from the site shall be made available to the Country planning Authority upon request.

Reason: In order to safeguard the amenities of neighbouring properties and the environment and to comply with policy 28 of the Buckinghamshire Minerals and Waste Local Plan.

4. No aggregates are to be imported to site by road, unless previously agreed in writing by the County Planning Authority, and in any case, no more than 8,000 tonnes per annum.

Reason: In order to safeguard the amenities of neighbouring properties and the environment and to comply with policy 28 of the Buckinghamshire Minerals and Waste Local Plan.

Construction

Construction Environment Management Plan

5. Prior to the commencement of any works on the site a Construction Management Plan (CMP) detailing the management of construction traffic, including deliveries and parking of site operatives vehicles to include a plan showing the construction layout of the site shall be submitted to and approved in writing by the County Planning Authority. The CMP shall include, but not be limited to, the following:
 - a. Hours of construction;
 - b. Layout of construction compound, designed to minimise impacts;
 - c. Proposed mitigation for dust, including:
 - i. Dust Management Plan (DMP)
 - d. Proposed mitigation for noise;
 - e. Recording of complaints and measures to identify cause and to take appropriate measures to reduce emissions;
 - f. measures to be taken to manage any contaminated material that may be encountered during the construction process and shall comply with any relevant Construction Code of Practice; and
 - g. How compliance will be monitored, including site inspections and the recording compliance matters.

The CMP shall then be implemented and adhered to as approved.

Reason: In the interests of highway safety, the amenities of the local area, to ensure that risks from land contamination are minimised and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan, Policy CS22 of the Buckinghamshire Minerals and Waste Core Strategy and Policies EP3 and TR5 of the South Bucks District Local Plan 1999.

Hours of Operation

6. No works, including the ingress and egress of vehicles, shall be carried out on site other than within the following hours:
 - 07:00 to 23:00 Monday to Friday;
 - 07:00 to 16:00 Saturdays;
 - No working on Sundays and Bank Holidays.

Reason: In the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

7. No material shall be imported to the site by rail, other than within the following hours:
07:00 on Monday to 16:00 on Saturdays;
No working on Sundays and Bank Holidays

Reason: In the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

Submission of Details

8. Prior to the commencement of the development hereby permitted, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the County Planning Authority. The TMP shall include, but not be limited to:
- Proposed routing of HGV's entering and leaving the site, to avoid Iver High Street and where possible minimise the movements using the Sutton Lane/A4 junction and the AQMA at Junction 5 of the M4;
 - Measures to ensure drivers are aware of and adhere to the approved routing agreement; and
 - Details of the materials to be imported by road (these are to be ancillary materials required for the permitted use) and not aggregates, which are to be imported by rail, including tonnages, types of vehicles and number of movements.

Reason: To minimise impacts upon the local Highway Network and in the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

Highways

9. The total number of HGV movements to and from the site shall not exceed 82 per day (41 in, 41 out). Records of vehicle movements shall be provided to the County Planning Authority upon request.

Reason: In the interests of highway safety and the amenities of the local area and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

10. Prior to the initial occupation of the development hereby permitted, the scheme for parking and manoeuvring as shown on Vehicle Autotrack HGV and Large Tipper dwg no. C161479-TM-TR001, dated 7 August 2017 and Detailed Layout dwg no. THM001-0065-2015-D04, dated 25 January 2017, shall be laid out in accordance with the approved plans and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to ensure the development is carried out in accordance with the approved details and to comply with Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

11. Adequate precautions shall be taken for the duration of the development to prevent the deposit of mud and similar debris on the adjacent public highways in accordance with details to be submitted and agreed in writing by the County Planning Authority prior to the commencement of the development.

Reason: To minimise danger and inconvenience to highway users and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

12. Prior to commencement of the development a scheme for gates at the site access shall be submitted and agreed in writing by the County Planning Authority. Thereafter the gates shall be implemented as approved.

Reason: To minimise danger and inconvenience to highway users and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policies EP3 and TR5 of the South Bucks District Local Plan 1999 and Core Policy 7 and 14 of the South Bucks Core Strategy 2011.

Environmental Controls

Noise

13. Prior to first use of the development hereby permitted, a Noise Monitoring, Mitigation and Management Plan shall be submitted to and approved in writing by the County Planning Authority.

The development shall not thereafter be carried out other than in accordance with the approved details for the duration of the development.

Reason: To safeguard the amenity of the occupiers of nearby residential properties and to comply with Policy EP3 of the South Bucks District Local Plan 1999.

14. Prior to the use of the site, details of the Noise Barrier to be constructed along the south-eastern boundary of the site, as shown on drawing THM001-0065-2015-D04 (Detailed Layout) dated 25 January 2017, and on the northern boundary of the site, shall be submitted to and approved in writing by the County Planning Authority. Details shall include a report to demonstrate the noise levels to be achieved by the proposed barrier. The noise barrier shall then be constructed prior to the first use of the site in accordance with the approved details and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the development is carried out in accordance with the approved details and in the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

Dust

15. Prior to the commencement of the development hereby approved, a Dust Mitigation and Management Plan, in respect of both the construction and operational phases of the development hereby permitted shall be submitted to and approved in writing by the County Planning Authority. The plan shall include mitigation measures set out within the Air Quality Assessment, WYG, August 2017, and including the following:

- a. dampening down of surfaces to minimise dust generation;
- b. avoiding dust generating activities in windy conditions;
- c. storage of materials away from sensitive receptors; and
- d. use of a road sweeper where necessary.

The development shall be carried out in accordance with the approved dust action plan for the duration of the development.

Reason: To ensure the development is carried out in accordance with the approved details and in the interests of local amenity and to comply with Policy 28 of the Buckinghamshire Minerals and Waste Local Plan and Policy EP3 of the South Bucks District Local Plan 1999.

Flood Risk and Drainage

16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- The site will be limited to a discharge rate of 28.8l/s
- Confirmation of outfall, the applicant shall demonstrate that a means of surface water disposal is practicable subject to the drainage hierarchy listed in the National Planning Policy Guidance.
- Where a pumping station is proposed, confirmation that sufficient storage has been provided in the event of pump failure and the proposed exceedance routes if the storage volume is exceeded must be provided. A warning system in the event of a pump failure should also be provided along with a maintenance plan for the pumping station.
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Full construction details of all SuDS and drainage components
- A water quality assessment in accordance with the SuDS manual for each treatment process in the drainage scheme to confirm sufficient treatment has been provided
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 103 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk and to comply with Policy CS22 of Buckinghamshire Minerals and Waste Core Strategy.

17. Prior to the commencement of the development hereby permitted a “whole-life” maintenance and management plan for the site shall be submitted to and approved in writing by the County Planning Authority. The plan shall set out how and when to

maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) during and following construction, with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the County Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards.

Contaminated Land

19. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 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 water pollution. The Water Framework Directive (WFD) also requires that all water bodies are protected and prevented from deterioration and pollution.

Refer to planning practice guidance on gov.uk for information. <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

20. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority. This strategy will include the following components:

- a. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the County Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework. Generic remedial options are available to manage the risk of pollution to controlled waters but further details are required to characterise the site and update the conceptual site model.

21. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

22. The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the County Planning Authority, has been submitted to, and approved in writing by, the County Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the County Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

24. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

The previous uses of the proposed development site present a high risk of contamination that could be mobilised by surface water infiltration and as such the use of infiltration SuDS is not appropriate in this location.

Ecology

25. No works shall take place within 5m of the river bank.

Reason: To protect the river habitat and riparian fauna and to comply with Policy EP3 and EP4 of the South Bucks District Local Plan 1999 and Core Policy 8 of the South Bucks Core Strategy 2011.

26. Prior to the commencement of the development hereby permitted, details of the new fence to be erected along the northern boundary of the site to protect the adjacent riparian habitats shall be submitted to and approved in writing by the County Planning Authority. The fence shall then be erected and maintained in accordance with the approved details for the duration of the development.

Reason: To protect the river habitat and riparian fauna and to comply with Policy EP3 and EP4 of the South Bucks District Local Plan 1999 and Core Policy 8 of the South Bucks Core Strategy 2011.

27. No vegetation shall 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 shall 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.

Reason: To protect ecological interests at the site and to comply with Policy CP9 of the South Bucks Core Strategy and Policy CS23 of the Buckinghamshire Minerals and Waste Core Strategy.

28. Prior to the commencement of the development hereby permitted, a Landscaping and Ecological Enhancement Strategy shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but is not limited to: Creation of habitats and incorporation of ecology enhancement features such as bat or bird boxes.

The approved scheme shall be implemented in the first planting season following the completion of the development and maintained in accordance with the requirements of this condition and the approved details for the duration of the development.

Reason: To conserve and enhance the natural environment, to provide biodiversity net gain and in the interests of the visual amenities of the local area and to comply with Policy CS23 of the Buckinghamshire Minerals and Waste Core Strategy and Policy CP9 of the South Bucks Core Strategy.

Landscape

29. Prior to / Within three months of the commencement of the development, a detailed Landscape Management Plan, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but not be limited to:

- a. Accord with the Arboricultural Impact Assessment Report, Dr F Hope, dated 2 August 2017;
- b. Details of the locations, species (native) and size of any further vegetation to be removed;
- c. Details of the protection measures to be provided for all new and retained vegetation, including the Poplars to the east of the site which should be physically protected in accordance with British Standard 5837;

- d. Details of proposed new planting, including that along the northern site boundary (for the protection of visual amenity), including locations, species (native), size and density;
- e. A monitoring and maintenance programme for retained and new planting to include the replanting of any new or retained trees or shrubs which die or become diseased.

The approved scheme shall be implemented in the first planting season following the completion of the development and maintained in accordance with the requirements of this condition and the approved details for the duration of the development.

Reason: To conserve and enhance the natural environment and in the interests of the visual amenities of the local area and to comply with Policy CS23 of the Buckinghamshire Minerals and Waste Core Strategy and Policy CP9 of the South Bucks Core Strategy.

Lighting

30. Prior to the commencement of the development hereby permitted, a Lighting Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but not be limited to, the details set out within the Lighting Scheme, as shown on drawing no. M16.161.D.003, dated September 2017, as well as the following:

- a. Specification,
- b. Location;
- c. Mechanism for control of the lights, including timings;
- d. Details of the light spill;
- e. Measures to prevent light spillage from the site, including control and tilt/uplift angles and details of the cowls to be fitted to the floodlights, as recommended in "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

The approved scheme shall be implemented in accordance with the approved details and thereafter maintained for the duration of the development.

Reason: In the interests of the visual amenities of the area and to protect the ecological interests of the site and local area and to comply with Policy EP3 of the South Bucks District Local Plan 1999 and Core Policy 9 of the South Bucks Core Strategy 2011.

31. No lighting shall be used on site other than in accordance with the hours of operation set out in condition 6 above.

Reason: In the interests of the visual amenities of the area and to protect the ecological interests of the site and local area and to comply with Policy EP3 of the South Bucks District Local Plan 1999 and Core Policy 9 of the South Bucks Core Strategy 2011.

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22 April 2016

Lisa Bullock
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T 01173721120

E lisa.bullock@networkrail.co.uk

Dear Ben

RAIL SIDINGS, THORNEY MILL, WEST DRAYTON, UB7 7EZ

Thank you for travelling down to meet with Jennifer Cox, Senior Surveyor for Freight at Network Rail and myself. We discussed existing and future uses at the site and for clarification I write to confirm this.

Historically the site has been used for the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail; The most recent user being D B Schenker Rail (UK) Limited.

This use is permitted under Schedule 2, Part 8, Class A of the Town and Country Planning (General Permitted Development) Order 2015. A Lawful Development Certificate was issued on 2/8/10 to confirm this (Application Number 10/00739/CM).

An Enforcement Notice was issued (reference SB/ENF/11/13) for the unauthorised processing and exporting of waste by road dated 26/6/13. This notice was amended on 14/8/13 (reference TP 2/3/133 MD0002.522) and is attached for your information. This notice provides the requirements for the importation and storage of waste material.

Since the notice was issued the site was vacated and Network Rail cleared and made good the site. The site is currently vacant, Network Rail is seeking to lease the site and have the following interested parties.

Party (FOC = Freight Operating Company)	Term (years)	Use	Freight Tonnage per annum (envisaged)	Conditions
FOC	5 to 10	waste - non-hazardous soils in by road, to landfill by rail, also some processing of spent ballast	200,000 – 420,000	<ul style="list-style-type: none"> None, could proceed immediately using PD rights.
End user / FOC joint bid	Minimum 5	Depot for supply of clean aggregates for onward road delivery, some sub base and road planings	250,000 +	<ul style="list-style-type: none"> Environmental warranty. Minimum 3

				acres. · Would need to be back to back with aggregate supply and rail freight agreements. · Availability and capacity of suitable freight paths.
FOC / End user	20 with break at 3	Aggregate terminal, recycling station, waste import/export.	200,000 – 300,000	· Six months' rent free for set up.
Hope Construction	20 with break at 15	RMX plant with aggregate terminal and associated uses	205,000	· Planning, s t c, subject to survey
No FOC in place	20	RMX plant with aggregate terminal and associated uses	130,000	· Planning, s t c

Future use will require a planning application unless the use falls within our permitted development rights and for clarification this is described below.

The permitted development rights afforded to railway undertakers are listed in Part 8, Class A, Schedule 2 of the GDPO 2015. This is described as follows:

Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.

“Railway undertaker”

Pursuant to s262(1) of the 1990 Act, a statutory undertaker is defined in the following terms: “in this Act “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator (within the meaning of Part V of the Airports Act 1986).”

“Operational Land”

By virtue of s263(1) of the 1990 Act, “operational land” means: “in relation to statutory undertakers—

- (a) land which is used for the purpose of carrying on their undertaking; and
- (b) land in which an interest is held for that purpose.

“Required in connection with the movement of traffic by rail”

A connection to the railway is required, this can be goods transported by rail, provision of goods or services used by the railway or any other railway related use.

It is therefore clear that the land could be used without the need for planning permission using our permitted development rights, so long as it's in connection with the provision of network services. This could be a business which transports goods using the railway or it could be a business that provides its services to the railway such as a maintenance contractor or suchlike.

Although it is your intention to transport material by rail I understand that you will be applying for planning permission because part of your business is outside of that already expressly granted consent under our permitted development rights.

I hope this give detail of previous, existing and possible future uses at Thorney Mill Sidings. If you require any further assistance please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'LBullock', written in a cursive style.

Lisa Bullock MRTPI
Town Planner

Minutes

DEVELOPMENT CONTROL COMMITTEE

MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 23 JULY 2018 IN MEZZANINE ROOMS 1 & 2 - COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.45 PM

MEMBERS PRESENT

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

OTHERS IN ATTENDANCE

Ms G Crossley, Ms A Herriman, Mrs E Catcheside, Ms C Kelham, Mr M Pugh, Ms R Bennett, Mr A Sierakowski and Ms M Rajaratnam

Agenda Item

1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies were received from Mr C Ditta and both Mr Shakespeare and Mrs Gibb advised they would need to leave the meeting at 12pm.

The Chairman advised the Committee that the running order of the meeting would be changed with application CM/19/17 Thorney Mill Sidings, Iver being moved to last on the agenda as additional legal advice was being sought.

2 DECLARATIONS OF INTEREST

There were none.

3 MINUTES

Mrs Blake asked for an amendment to be made to item 7, Red Brick Farm, where there was reference made to the site being in use for 10 years, Mrs Blake requested that this be changed to the site had been owned for 10 years by the applicant.

RESOLVED: The minutes of the meeting held on 2 July were **AGREED**, subject to the minor amendment above as an accurate record and signed by the Chairman.

4 THORNEY MILL SIDINGS, IVER: CM/19/17 - THE IMPORTATION, STORAGE AND ONWARD DISTRIBUTION OF RAIL BOURNE AGGREGATES TOGETHER WITH THE ERECTION AND USE OF A CONCRETE BATCHING PLANT

The Chairman took additional legal advice following a letter received from lawyers for Slough Borough Council. Mr Reed reiterated that Slough Borough Council were statutory consultees and had been in contact with Buckinghamshire County Council (BCC) planning officers since June 2017. With this in mind, Mr Reed agreed on balance to continue to hear the application as set out in front of them.

Mrs G Crossley, Development Management Officer, presented the application which sought agreement for the importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant.

Mrs Crossley highlighted the following points:

- The site currently had a Certificate of Proposed Lawful Use or Development awarded in 2010 for the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail. This was issued to D B Schenker Rail (UK) as Statutory Railway Undertaker, Pursuant to PD Rights and there was no control in terms of hours of operation and HGV movements.
- The site was an existing rail siding, although currently unused. It was safeguarded in the Minerals and Waste Core Strategy and supported in the emerging Local Plan.
- The site lay within the Green Belt but is previously developed land and transport infrastructure.
- The concrete batching plant posed an impact on openness therefore would need to be refused unless Very Special Circumstances (VSC) could be proven. Mrs Crossley confirmed that these did exist and were set out in the report in paragraph 139. The nature of the development was such that the application would be forwarded to the Secretary of State for consideration.
- 82 HGV movements (41 in, 41 out) were set out in the application. Mrs Crossley confirmed that the Highways Development Control Officer had been consulted and had no objection and BCC officers felt that the application, if approved, would provide betterment in terms of control of the numbers and routing of HGVs. There was a recommendation in the report for an obligation for a contribution towards highways improvements in Slough.
- Air Quality covered in paragraph 115-128 was raised and Mrs Crossley confirmed that the Environmental Health Officer had been consulted and had no objections regarding noise and dust and that there were a number of conditions and planning obligations to cover such matters.

Mrs Crossley gave an overview of the application and the Committee received a presentation showing the proposed site plans and photographs highlighting the following:

- The nearest residential property located to the southeast was owned by the neighbouring site and used to house their security operative.
- The southern area of the site would house the concrete batching plant and offices.
- Aggregate storage bays running along the eastern boundary.
- Vehicles would use the northern area of the site to turn.
- The site was well screened by mature vegetation.
- Railway use runs outside of the site alongside the western boundary but there was also the railway infrastructure that ran into the site and would be used and possible modifications made as part of the application.
- Part of the northern bund and scrub area would be removed to allow vehicles to turn in that area but there would still be a buffer retained alongside the river to the north of the site.

Mrs Crossley highlighted corrections within the report as follows:

- Reference in report to conditions at Appendix A should read Appendix B. Referenced in the recommendation, conclusions and paragraphs 46 and 188.
- Iver Parish Council objected to the application and had provided some additional comments since the report was published. Paragraph 104 in the report stated that they supported the proposed routing through Richings Park, however they did not. They had also put forward a number of mitigating proposals. Slough Borough Council Environmental Quality Manager had emailed and had stated the following; they were disappointed in the proposed contribution put forward in the report and that “the cumulative impact of schemes (Thorney and CEMEX and future schemes WRLtH, Smart M4 and Heathrow) may require the expansion of the Brands Hill AQMA to include Sutton Lane and Langley as well as impact Iver and South Bucks – and that the development of an Air Quality Action Plan (AQAP) and CAZ will require joined up approach with South Bucks as both authorities are experiencing significant impacts on air quality from increased HGV movements across a number of schemes in the area.”
- Additional comments from a member of public had been received which related to the proposed HGV movements and the proposed hours. Mrs Crossley confirmed that both issues were addressed in the report.
- There had been a request from Bevan Brittan, legal representatives of Slough Borough Council, requesting that BCC defer the item stating that the report was circulated too late for their clients to comment meaningfully on the content. A copy of the letter had been circulated to Members of the Committee for their review. Mrs Crossley stated that their request had been considered and legal advice taken. She confirmed that the report did address the issues raised by Slough Borough Council; that the report was published on 13 July 2018, 5 clear working days ahead of the Committee, meeting the requirement within the Local Government Act; and that BCC had engaged with Slough Borough Council since June 2017 when they were consulted on the application and regularly since that time.

The following recommendation was set out in the report:

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 subject to the conditions to be determined by the head of Planning and Environment, including those set out in the appendix and the planning obligations set out in the report.**

A Member of the Committee raised that the letter from Bevan Brittan had stated that the structure of the officer report was predicated that there was a fall-back position and that the alternative suggested by Slough Borough Council had not been put forward to Members of the Committee for consideration. Mrs Crossley drew the members' attention to paragraph 95 of the report where Slough Borough Council's alternative view that there was no fall-back is discussed.

Public Speaking

Mr J Skinner, a resident, attended the meeting and spoke in objection to the application. Mr Skinner's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Skinner raised the following key points:

- The proposal would increase HGV vehicle movements by 72% allowing an extra 82 movements per day.
- The road was already in a poor condition.
- The state of the grass verges, hedges and lighting were also a concern and the road was used regularly by residents for pedestrian access to local amenities.
- When consideration had been given to Thorney Country Park landfill scheme it was stated by a Councillor that there should be no increase in HGV movements as a result and that this scheme should be no different.
- That no request for funding had been included for works to Thorney Mill road.

Mr C Jordan, Iver Parish Council and Chairman of the Highways Committee, attended the meeting and spoke in objection to the application. Mr Jordan raised the following key points:

- Roads in the Ivers had the highest proportion of HGV traffic in Buckinghamshire.
- South Bucks Core Strategy was to reduce the number of HGVs on their roads with the Buckinghamshire Freight Strategy and the Iver Liaison group having the same intent.
- The applicant's traffic assessment did not include the additional 242 HGVs in relation to the CEMEX operation on North Park. More than 1000 HGVs used North Park and Richings Way each day and the proportion of HGV traffic is up to 15.4 %, not less 6.5% as claimed by the applicant.
- The applicant provided no evidence that there would be rail slots available to import the material and this could have an impact on the number of HGVs.
- The Buckinghamshire transport assessment concluded that there was an estimated 3.7% increase on previous HGV movements was not significant.
- Mr Jordan also made reference to the Department for Transport (DfT) guidance document of 2014 relating to developments within areas that already have background traffic.
- The issue with air quality within the local area.
- The times of operation were unacceptable for local residents.

A Member of the Committee asked Mr Jordan where the figures of HGVs relating to the CEMEX site had been obtained and Mr Jordan confirmed that this was from the CEMEX application.

Mr D Marsh, PDE Consulting on behalf of the applicant, attended the meeting and spoke in support of the application. Mr Marsh's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Marsh raised the following key points:

- The site had a long history of rail related use.
- The site is allocated as a Safeguarded rail aggregates depot in the current version of the Minerals Plan.
- It is also in Green Belt but related activities on the site have previously been considered favourably in this regard.
- The 'fall back' position was unclear. He was asked by one of the members to clarify this comment and he explained that the extent of previous use was unclear. He considered it was more than what the Council attributed to the previous use.
- Financial contributions had been put forward by the applicant and a routing agreement would be adopted.
- Appropriate mitigation measures were proposed and the proposal was consistent

with planning policy.

A Member of the Committee asked if a survey had been carried out in relation to HGV movements. Mr Marsh confirmed that with CEMEX currently having 242 HGV movements a day, the application sought 82 which was an increase of 2.8%. This was less than the 5% threshold for a severe impact assessment.

Ms L Sullivan, Local Member attended the Committee and spoke in objection to the application. Ms Sullivan had submitted comments prior to the meeting that had been circulated to Committee Members. Ms Sullivan highlighted the following points:

- Original objections had been made back in June 2017.
- Ongoing pressure on the Ivers due to various proposed infrastructure and development for the area including Heathrow expansion, rail developments and motorway expansions.
- South Bucks District Council (SBDC) and Buckinghamshire County Council had jointly commissioned a Green Belt study, which recognised the area as a vital and fragile piece of Green Belt.
- SBDC were in the process of declaring the area an Air Quality Management Area (AQMA).
- Concerns from residents regarding the 24hr operating hours as requested in the application.
- Mitigating costs to be funded by the site operator.
- Slough Borough Council had requested S106 for mitigation against the application.

Members of the Committee raised and discussed the following points:

- The Certificate of Lawfulness that already existed on the site.
- Mrs Crossley confirmed the operating hours; it was also clarified that the 24hr operating hours related to the railway line Mon-Fri, then 7am – 4pm on Saturdays and the batching plant would be 7am – 11pm Mon-Fri and 7am - 4pm on Saturdays. This was reflected in the conditions.
- The application would mean that a restriction on HGV movements would be imposed where currently there isn't one. Ms Sullivan reiterated the need for control and enforcement.
- There had been no objection from the Environmental Officer relating to pollution, the only condition requested by the EHO related to the noise barrier, although additional noise and dust conditions were recommended within the report.
- Mrs Crossley confirmed that applicant owned vehicles would be tracked.
- Mrs Crossley also confirmed that there was a condition relating to noise monitoring, a suggested noise barrier at the north of the site, as well as that proposed to the southeast and the requirement to submit a dust mitigation and management plan.
- The possibility of requesting S106 monies for Buckinghamshire roads was discussed. Such a request would need to meet the tests within the NPPF and CIL regulations, as set out within the report. It was also stated that the applicant could not be required to improve the roads current state as it would be unrelated to the development, but could be asked to address or make good any anticipated impact or damage made by the site's HGV movements if the application were to be approved.

Mrs Crossley suggested that if Committee Members were minded to approve the recommendation, powers could then be delegated to Officers to ask the developer to contribute towards improvements relating to a certain stretch of Thorney Mill Road that would be used by the HGVs related to the development.

Mr Clare proposed the agreement of the recommendations as set out in the report and the further recommendation to give delegated powers to Officers to ask the developer to contribute towards improvements relating to a certain stretch of Thorney Mill Road.

Mr Reed seconded this proposal and the following vote was recorded.

For	4
Against	0
Abstention	1

RESOLVED: The Committee AGREED the recommendations as set out in the report.

5 ABBEY VIEW SCHOOL, DAWES HILL, HIGH WYCOMBE: CC/0017/18 - DEVELOPMENT OF A NEW TWO STOREY 2FTE (420 PLACE) PRIMARY SCHOOL AND 52 PLACE PRE-SCHOOL

Ms A Herriman, Senior Planning Officer, presented the application which sought agreement for development of a new two storey 2FTE (420 place) primary school and 52 place pre-school.

Ms Herriman gave an overview of the application and the Committee received a presentation showing the plans and photographs. Ms Herriman highlighted the following:

- Comments had been received from the Local Member since the publication of the report with no objections and also stated that they had a personal, but non-pecuniary interest in the Abbey View sSchool as Governor at Chepping View School, which was the lead provider for this new school.
- The applicant had queried condition 13 regarding Rights of Way and this being outside the boundary of the school development. Following advice from the Rights of Way officer, an informative would therefore accompany condition 13. Ms Herriman read out the informative.
- Origin Transport who had submitted the transport assessment had further comments stating that the school should not fund the footpath as it was merely for the use of those in the residential area and costs would be part of that.
- There were amendments to Condition 7 following the Aboriculturalist survey.
- Two drawings showing the proposed contours outside the school site would be removed from the list of drawings under condition 2.
- The word 'document' to be replaced with the word 'drawing' under condition 8.

Mr Clare proposed the agreement of the recommendations as set out in the report subject to the three conditions amended as shown in Appendix A which was seconded by Mrs Glover.

RESOLVED: All Members of the Committee AGREED the recommendations.

6 WAPSEYS WOOD, GERRARDS CROSS: CM/0112/17, CM/0113/17, CM/0114/17, CM/0115/17, CM/0116/17 - VARIATION OF CONDITIONS 2 AND 61 OF CONSENT 11/00223/CC & VARIATION OF CONDITION 2 OF 11/01900/CM & VARIATION OF CONDITION 1 OF 11/01901/CM & VARIATION OF CONDITION 1 OF 11/01902/CM & VARIATION OF CONDITION 1 OF 11/01903/CM

Mrs Gibbs declared that she was the Local Member for Gerrards Cross but was not predetermined regarding the application.

Mr A Sierakowski, Planning Consultant, presented the application which sought agreement for variation of conditions relating to Wapseys Wood, Gerrards Cross.

Mr Sierakowski gave an overview of the application and the Committee received a presentation showing the plans and photographs and highlighted the following:

- The site was the oldest landfill site still operating in the County.
- It was currently operating on a series of temporary planning permissions which were last reviewed in 2012 with an end date of December 2017.
- The application was to extend the date of those planning permissions, all of which were considered in the one report presented to the Committee.
- The main application related to the permissions for the main landfill, with an extension of time of a further four years and the other four applications related to the inert process, office removals and removal of the existing recycling of construction and demolition waste on the site, all to be extended for four years.
- There was still an area of the site to be filled even though the intention was to complete the site by 2017.

The Committee raised and discussed the following points:

- The option of building in a contingency so that no further extensions would be applied for. Mr Sierakowski stated that you could not pre-judge an application that may come to the Committee in the future and therefore that was not an option.
- A Member of the Committee suggested that they could suggest stage filling and therefore could then enforce it. Mr Sierakowski confirmed that a condition could be added to the main application that set out the level of importing and the restoration so officers could monitor to ensure it would be completed on time.

Mrs Gibb proposed the agreement of the recommendations as set out in the report and an additional one relating to the schedule of works to ensure restoration is completed within the extended period as discussed above, this was seconded by Mr Clare.

RESOLVED: All Members of the Committee AGREED the recommendations.

**7 CHILTERN VIEW NURSERY, WENDOVER ROAD, STOKE MANDEVILLE:
CM/0002/18 - USE OF LAND FOR STORAGE OF EMPTY SKIPS, EMPTY
CONTAINERS AND SKIP LORRIES**

Ms C Kelham, Planning Graduate, presented the application which sought agreement for the use of land for storage of empty skips, empty containers and skip lorries.

Ms Kelham gave an overview of the application and the Committee received a presentation showing the plans and photographs. Ms Kelham highlighted the following:

- Since the publication of the report comments had been received from the AVDC Environmental Health Officer. There was no objection with regard to noise subject to the mitigation measures detailed in the acoustic report being implemented and maintained.
- The proposed development would require clearance of a former landscape area which had been planted with trees and allowed to regenerate as a brownfield site. A lack of survey information meant that it was not possible to establish the significance of that loss.
- The Buckinghamshire County Council ecologist had also advised that there was reasonable likelihood of European protected species being present and further survey information was required.
- The applicant considered the request for survey information as unreasonable.

Public Speaking

Mr Hoy, agent for the applicant attended the Committee and spoke in support of the application. Mr Hoy's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Hoy raised the following key points:

- The site was too small to meet the criteria for 'open mosaic habitats'.
- The Birds and Habitats Directive' did not apply to the site.
- The trees lost were too small to accommodate nesting birds.
- The distance and inhospitable terrain impeded any GCN's realistic access to the site.
- The applicant strongly contended that the reason to refuse permission was flawed.
- Other applications made to other local authorities regarding the site had not asked for the additional survey information requested by the County Council.

A Member of the Committee raised the point about previous applications not requiring survey data. Ms Kelham confirmed that applications determined by the County Planning Authority in 2011, 2013 and 2014/5 had required surveys. Mr Reed also stated that the application was to be determined on the information as set out in the report and not based on any previous applications made.

The Committee also discussed the reasons why the applicant had carried out the surveys if this was a requirement by the County Council. Mr Hoy responded by saying that they did not believe the survey was necessary. Their ecologist had carried out a walk over survey and believed that the likelihood of Great Crested Newts being present was improbable. Members of the Committee discussed that this was a judgement call based on the two ecologist opinions. The Committee discussed options on how best to resolve.

Summary Recommendation:

The Development Control Committee is invited to REFUSE application no. CM/0002/18 for the reasons set out in the report.

There was no support from Members to refuse the application.

The following amended proposal was put forward Mr C Clare.

Delegate authority to Officers to approve or refuse the application once further information required was forthcoming.

The amended proposal was seconded by Mr Reed and the following vote was recorded:

For	5
Against	0
Abstention	1

RESOLVED: The Committee AGREED the amended proposal as set out above.

- 8 CHILTERN VIEW NURSERY, WENDOVER ROAD, STOKE MANDEVILLE: CM/0006/18: OPERATIONAL DEVELOPMENT IN RESPECT OF THE INTRODUCTION OF CONCRETE PERIMETER CONTAINMENT WALLS AND CHANGES TO BUILDINGS A AND B, EXTERNAL LIGHTING. CHANGE OF USE TO INCLUDE OUTDOOR PROCESSING. INCREASE IN HEIGHT OF STOCKPILES. REMOVAL OF STAFF CAR PARKING. INCREASE IN HGV MOVEMENTS TO 50 IN AND 50 OUT PER DAY AND CHANGE IN OPERATIONAL HOURS TO 06:30 - 18:30**

MONDAY TO SATURDAY

Ms C Kelham, Planning Graduate, presented the application which sought agreement for various operational developments.

Ms Kelham highlighted the following points:

- An amendment to the published report had been made. In the summary recommendation, the application reference was incorrect. It should have read CM/0006/18. The correction would be made on the report which would be uploaded to the document portal for future clarity.
- Since the publication of the report, comments from the AVDC Environmental Health Officer had been received. Ms Kelham provided a written summary of these to Committee Members. Ms Kelham stated that although additional noise information was required she did not consider the noise impact of the development on amenity as a reason for refusal.

Public Speaking

Mr Hoy, agent for the applicant attended the Committee and spoke in support of the application. Mr Hoy's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Hoy raised the following key points:

- The waste transfer site was only operating at half its current capacity. Achieving full capacity would be in line with the County Council targets.
- The main reason for officers recommending refusal was due to the suggested parameter walls.
- Mr Hoy confirmed that it had been demonstrated that the proposed development did not cause significant and detrimental harm to wildlife and that an appropriate assessment was not necessary or material to the ongoing operation of the site or the determination of the application.

Members of the Committee raised and discussed the following points:

- The issue of the perimeter walls were discussed and Ms Kelham advised Members that if made into a solid wall this would block a commuting route between the pond and the railway.
- A Member of the Committee raised the lighting plan submitted and how the applicant would ensure there would be no light spill from the site. Mr Hoy responded by saying that the applicant had provided drawings and Ms Kelham stated that the principle of lighting had been accepted in previous applications for the site but no details had been submitted. For this application Officers recommended further details on lighting could be sought through a condition.
- The Committee discussed the probability of Great Crested Newts existing on the site and the impact this should have on their decision.

Summary Recommendation:

The Development Control Committee is invited to REFUSE application no. CM/0006/18 for the reasons set out in the report.

Summary Recommendation:

The Development Control Committee is invited to REFUSE application no. CM/0006/18 for the reasons set out in the report.

For	0
Against	6
Abstention	0

RESOLVED: The Officer recommendation was rejected.

Mr Reed proposed that consent was granted as Members did not feel the environmental concerns expressed in the report were valid and the site was in full operation and would continue to be in operation. Mrs Gibbs seconded the proposal and the following vote was recorded.

For	6
Against	0
Abstention	0

RESOLVED: All Members of the Committee AGREED planning consent and delegated the approval of conditions to officers.

9 DATE OF NEXT MEETING

3 September 2018, 10am, Mezzanine 1 & 2, County Hall, Aylesbury

**10 EXCLUSION OF THE PRESS AND PUBLIC
RESOLVED**

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

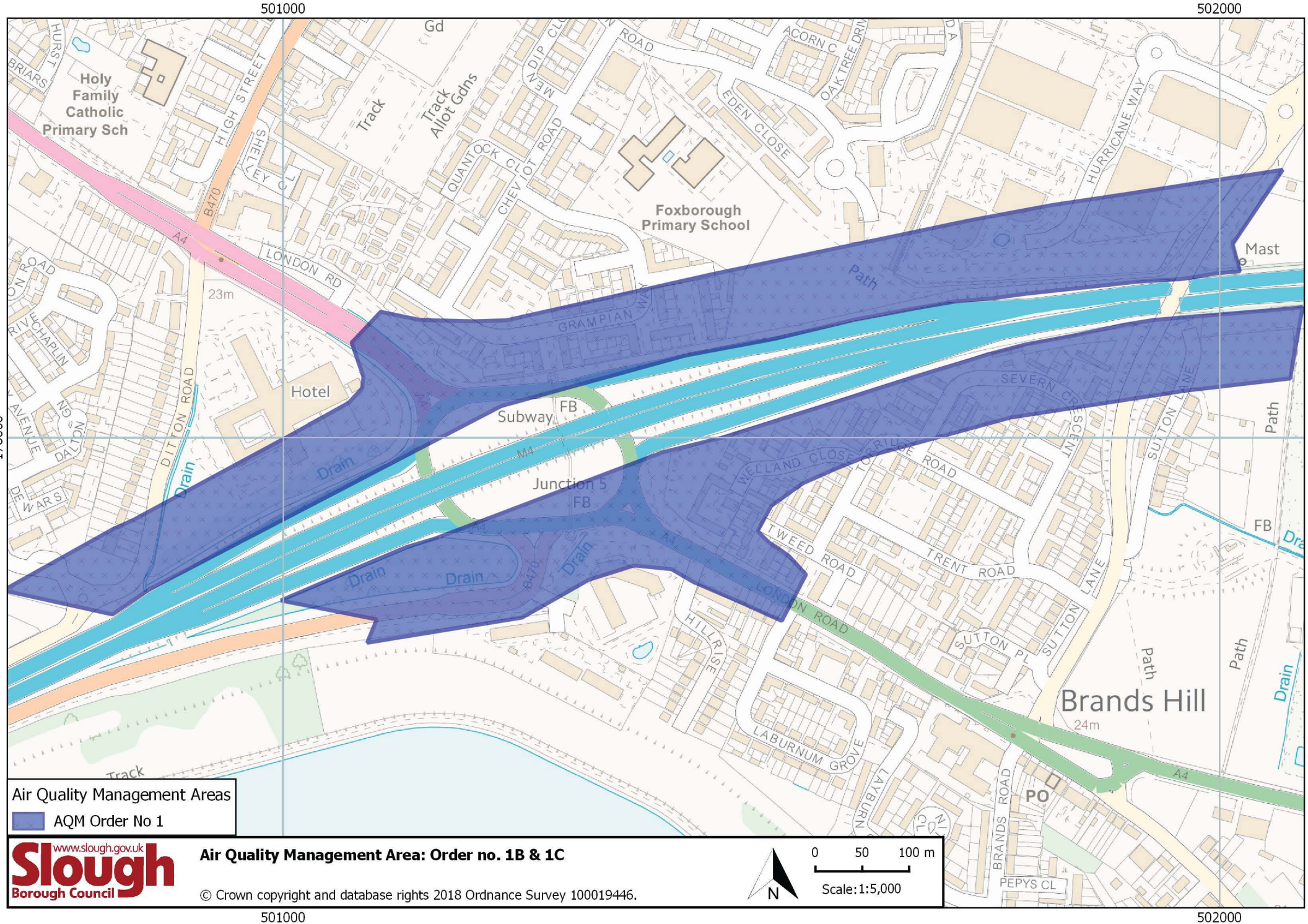
11 CONFIDENTIAL MINUTES

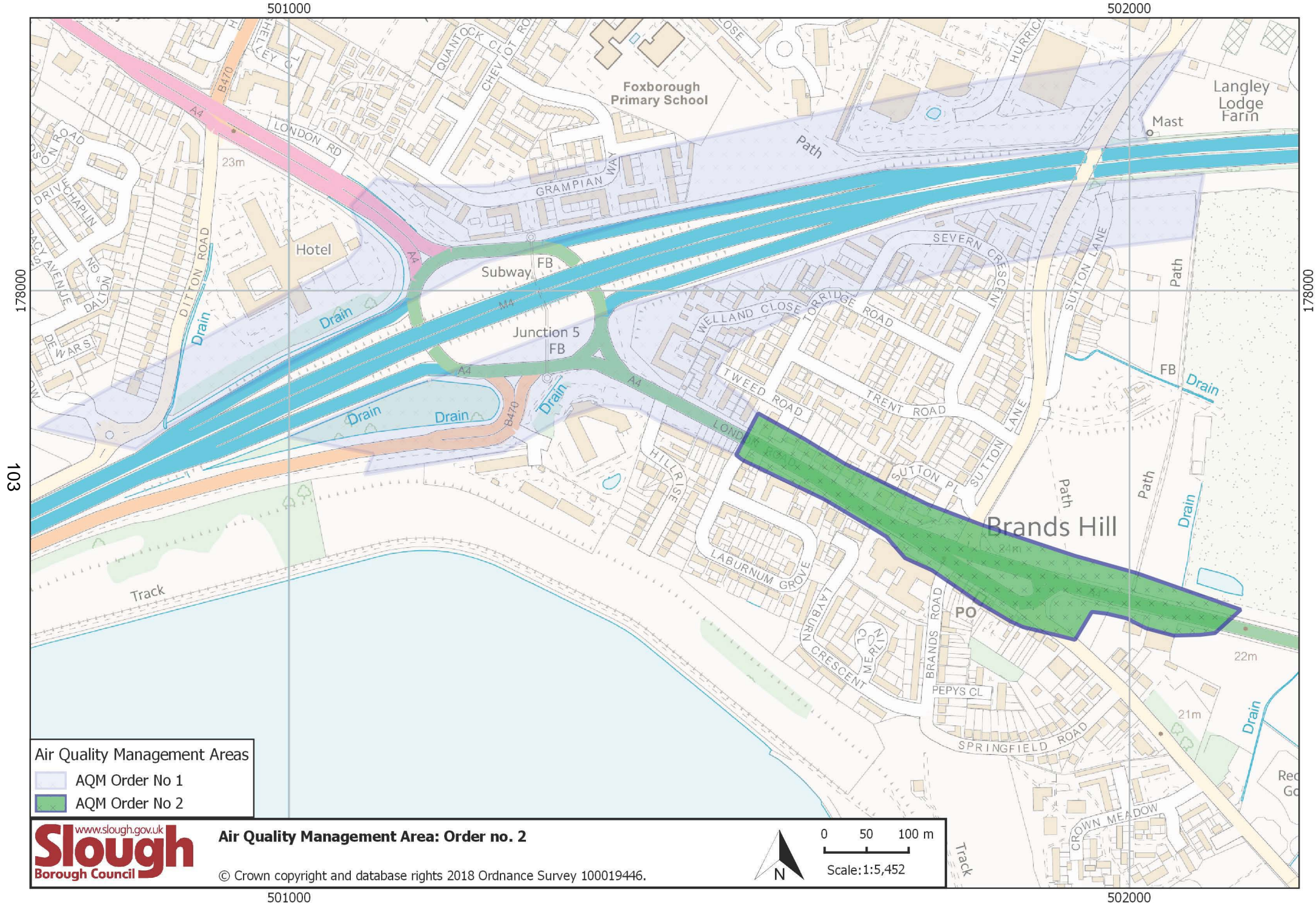
12 ENFORCEMENT REPORT

13 MEMBER TRAINING: POLICY UPDATE

CHAIRMAN

APPENDIX D: Plan to show Slough Borough Council's AQMAs and Iver AQMA







SOUTH BUCKS DISTRICT COUNCIL

AIR QUALITY MANAGEMENT AREA ORDER

Environment Act 1995 Part IV Section 83(1)

**THE SOUTH BUCKS DISTRICT COUNCIL AIR QUALITY MANAGEMENT AREA
ORDER NO 2, 2018**

South Bucks District Council ("the Council") in exercise of its power under Part IV section 83(1) of the Environmental Act 1995 ("the Act") hereby makes the following Order.

This Order may be cited/referred to as the **South Bucks District Council Air Quality Management Area No 2** and shall come into effect on 1st August 2018.

The area shown on the attached map in blue is to be designated as an air quality management area (the designated area). **The designated area incorporates the administrative boundary of Iver Parish Council.**

The map may be viewed at the Council Offices, at Capswood, Oxford Road, Denham Bucks UB9 4LH, between the hours of 9:00am to 5:00pm Mondays to Thursdays and 9:00am to 4:30pm on Fridays.

This Area is designated in relation to a likely breach of the nitrogen dioxide annual mean objective as specified in the Air Quality (England) Regulations 2000.

This Order shall remain in force until it is varied or revoked by a subsequent order.

Dated: 1st August 2018

THE COMMON SEAL of)
SOUTH BUCKS DISTRICT COUNCIL)
was hereunto affixed)
in the presence of:-)

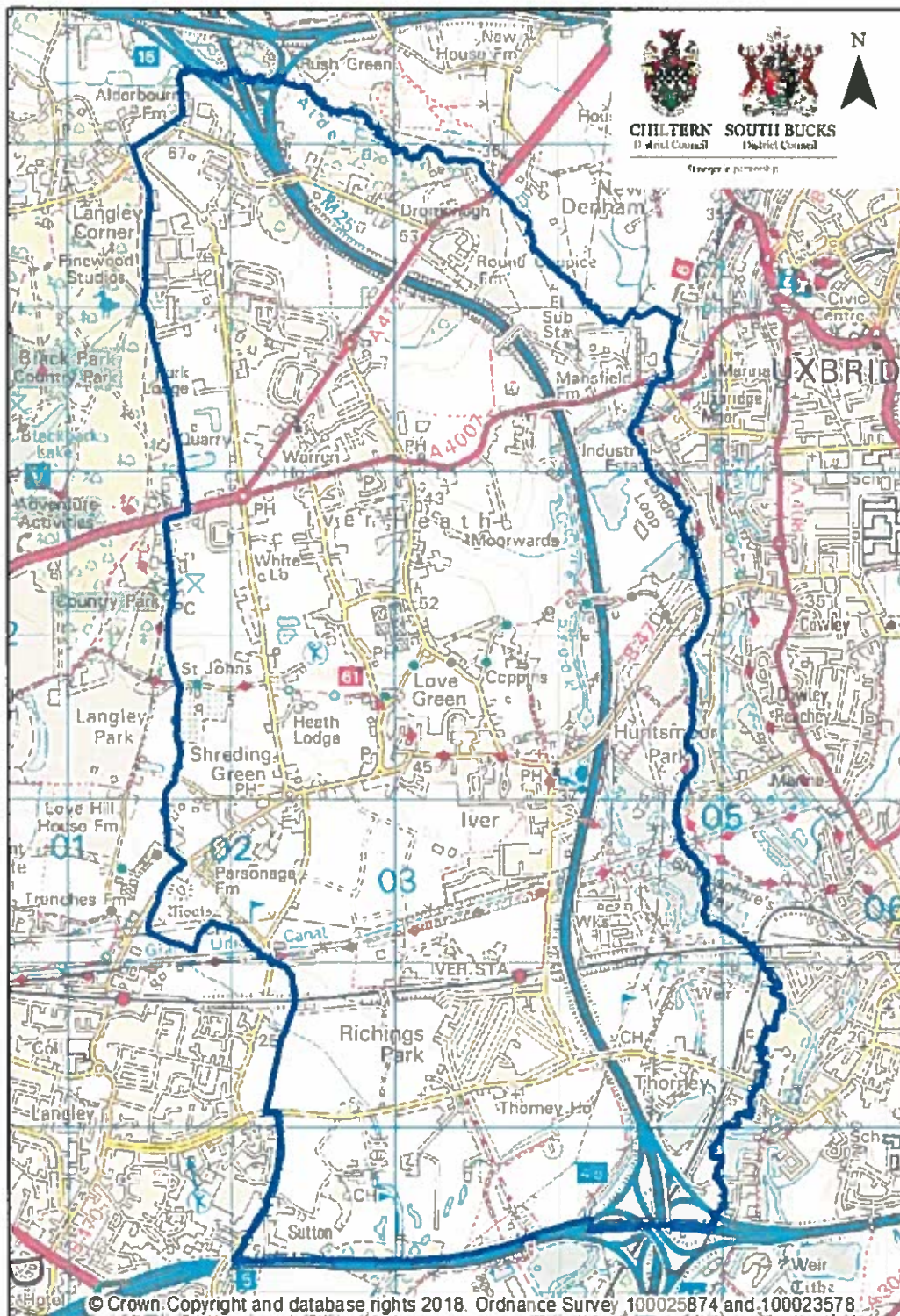

Director of Resources





SOUTH BUCKS
District Council

**South Bucks District Council Air Quality Management Area No 2
Map**



APPENDIX E: Network Rail letters dated 22nd April 2016 and 27th November 2018

Ben Mitchell BSc (Hons) FRICS
Property and Planning Surveyor
Hope Construction Materials
2nd Floor, Building 7, Queens Park
Queensway,
Team Valley
Gateshead NE11 0QD

Ben.Mitchell@hopeconstructionmaterials.com

22 April 2016

Lisa Bullock
Town Planner

1st Floor
Temple Point
Redcliffe Way
Bristol, BS1 6NL

T 01173721120

E lisa.bullock@networkrail.co.uk

Dear Ben

RAIL SIDINGS, THORNEY MILL, WEST DRAYTON, UB7 7EZ

Thank you for travelling down to meet with Jennifer Cox, Senior Surveyor for Freight at Network Rail and myself. We discussed existing and future uses at the site and for clarification I write to confirm this.

Historically the site has been used for the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail; The most recent user being D B Schenker Rail (UK) Limited.

This use is permitted under Schedule 2, Part 8, Class A of the Town and Country Planning (General Permitted Development) Order 2015. A Lawful Development Certificate was issued on 2/8/10 to confirm this (Application Number 10/00739/CM).

An Enforcement Notice was issued (reference SB/ENF/11/13) for the unauthorised processing and exporting of waste by road dated 26/6/13. This notice was amended on 14/8/13 (reference TP 2/3/133 MD0002.522) and is attached for your information. This notice provides the requirements for the importation and storage of waste material.

Since the notice was issued the site was vacated and Network Rail cleared and made good the site. The site is currently vacant, Network Rail is seeking to lease the site and have the following interested parties.

Party (FOC = Freight Operating Company)	Term (years)	Use	Freight Tonnage per annum (envisaged)	Conditions
FOC	5 to 10	waste - non-hazardous soils in by road, to landfill by rail, also some processing of spent ballast	200,000 – 420,000	<ul style="list-style-type: none"> None, could proceed immediately using PD rights.
End user / FOC joint bid	Minimum 5	Depot for supply of clean aggregates for onward road delivery, some sub base and road planings	250,000 +	<ul style="list-style-type: none"> Environmental warranty. Minimum 3

				acres. · Would need to be back to back with aggregate supply and rail freight agreements. · Availability and capacity of suitable freight paths.
FOC / End user	20 with break at 3	Aggregate terminal, recycling station, waste import/export.	200,000 – 300,000	· Six months' rent free for set up.
Hope Construction	20 with break at 15	RMX plant with aggregate terminal and associated uses	205,000	· Planning, s t c, subject to survey
No FOC in place	20	RMX plant with aggregate terminal and associated uses	130,000	· Planning, s t c

Future use will require a planning application unless the use falls within our permitted development rights and for clarification this is described below.

The permitted development rights afforded to railway undertakers are listed in Part 8, Class A, Schedule 2 of the GDPO 2015. This is described as follows:

Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.

"Railway undertaker"

Pursuant to s262(1) of the 1990 Act, a statutory undertaker is defined in the following terms: "in this Act "statutory undertakers" means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator (within the meaning of Part V of the Airports Act 1986)."

"Operational Land"

By virtue of s263(1) of the 1990 Act, "operational land" means: "in relation to statutory undertakers—

- (a) land which is used for the purpose of carrying on their undertaking; and
- (b) land in which an interest is held for that purpose.

"Required in connection with the movement of traffic by rail"

A connection to the railway is required, this can be goods transported by rail, provision of goods or services used by the railway or any other railway related use.

It is therefore clear that the land could be used without the need for planning permission using our permitted development rights, so long as it's in connection with the provision of network services. This could be a business which transports goods using the railway or it could be a business that provides its services to the railway such as a maintenance contractor or suchlike.

Although it is your intention to transport material by rail I understand that you will be applying for planning permission because part of your business is outside of that already expressly granted consent under our permitted development rights.

I hope this give detail of previous, existing and possible future uses at Thorney Mill Sidings. If you require any further assistance please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'LBullock', written in a cursive style.

Lisa Bullock MRTPI
Town Planner

David Marsh BEng (Hons) FRICS CEnv MIQ
Director
PDE Consulting Ltd
6 Forbes Business Centre
Kempson Way
Bury St Edmunds IP32 7AR

Lisa Bullock
Town Planner

1st Floor
Temple Point
Redcliffe Way
Bristol, BS1 6NL

27 November 2018

T 01173721120
E lisa.bullock@networkrail.co.uk

Dear David

Planning Application Ref: CM/19/17

The importation, storage and onward distribution of rail bournes aggregates together with the erection and use of a concrete batching - Thorney Mill Sidings, Thorney Mill Road, Iwer, Buckinghamshire, UB7 7EZ

Following a request by the Case Officer, Gemma Crossley at Buckinghamshire County Council I set out below Network Rail's (NR) intention should the above planning application be refused. Gemma has also asked for clarification of who the Freight Operating Companies (FOC) referred to within my letter dated 22 April 2016 are.

Our Freight Surveyor has confirmed that if the above application is refused NR will re-market the site given the time that has passed since NR agreed to lease the site to Breedon Southern Ltd (previously known as Hope Construction Materials), and the strengthening of the market since this was last carried out. This time NR would request bids specifically for uses which could be carried out under NR's permitted development rights afforded to railway undertakers listed in Part 8, Class A, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Taking account of the previous bids, we have received these tend to give rise to higher volumes than the added value uses such as RMX plants. Current urgent demand is significantly inflated by the need to deliver HS2, and every FOC and contractor involved in or bidding for work from that has a requirement for rail served sites, in addition to the "usual" level of need. Known current inquiries include, Freightliner, GBRf, DBC, Hanson, Cemex, AI, Lynch, Walsh, FCC and FM Conway and, if marketed now, we would expect very strong bids from all of the above.

The definition of a Freight operating company (FOC) as defined by the Office of Rail and Road (ORR) is "Companies use the rail network in order to transport goods to their destination. With the road network increasingly under pressure, and the rising cost of road transport, industries and businesses are turning to rail as a cost effective (and environmentally friendly) means of transport." A list of FOC's can be found on their website

<http://orr.gov.uk/about-orr/who-we-work-with/industry-organisations/freight-operating-companies> and on our own website at <https://www.networkrail.co.uk/industry-commercial-partners/rail-freight/move-freight-rail/>.

I hope this provides the information you have been asked to provide. If you require any further assistance please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'LBullock', written in a cursive style.

Lisa Bullock MRTPI
Town Planner

**APPENDIX F: Slough Borough Council correspondence including Bevan Brittan
letters dated 20th July and 12th September 2018**

**Buckinghamshire County Council
Planning Department
Walton Street
Aylesbury
HP20 1UA**

Date 20 July 2018
Your ref
Our ref MT\MT\SBC\SHARED
Direct Line +44 (0) 370 194 1343
Direct Fax +44 (0) 370 194 1001

matthew.tucker@bevanbrittan.com

By e-mail only: c-gcrossley@buckscc.gov.uk

Dear Sirs

Urgent

**Re: Thorney Mill Rail Siding, Thorney Mill Road, Iver
Planning Application CM/19/17
Due to be considered by the Development Control Committee on 23 July 2018**

We write further to the above. We are instructed by Slough Borough Council ("the Borough Council") in respect of this matter.

We are writing to request that Buckinghamshire County Council ("the County Council") defers their consideration of this planning application.

Our clients were provided with a copy of the officer's report to the Development Control Committee on 18 July 2018. This late circulation has deprived our clients of the opportunity to comment meaningfully or critically on the content of the report, and accordingly consideration of the application should be deferred in the interests of proper administration and in order to ensure that the County Council reaches a reasonable and lawful decision, with the benefit of all relevant information.

In the interim, we can advise the County Council that our clients are not satisfied with the basis of the recommendation, for three reasons in particular.

Status of Certificate

Our client's legal submissions have not been satisfactorily addressed in the body of the report. Paragraph 81 argues that the Development Control Committee should conclude, from a letter indicating interest from other parties in April 2016, that the use of the certificate is not just 'theoretical'. We would submit that a single letter from 2016 does not automatically give rise to that use being other than 'theoretical' and we would invite the County Council to reject this conclusion.

In terms of the likelihood of the fallback being implemented, paragraph 83 describes this only as "a degree of likelihood". The point remains that the applicant is not a railway undertaker. Paragraph 83 does not break down the constituent weights attributed to each point, but we would submit that this point is determinative, and clearly indicates that there is not "a degree of likelihood".

The structure of the officer's report is predicated on the Committee accepting that there is a fallback position, and accordingly accepting that mitigation should be assessed relative to that position. The alternative, suggested by the Borough Council, is not even before Members for consideration; otherwise the County Council are being deprived of relevant and material information which they require in order to come to a reasonable and lawful decision.

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Highway Mitigation

Paragraphs 102-106 suggest that a greatly reduced contribution in respect of the highway network would be sufficient to make the application acceptable in planning terms. This is calculated on the basis that, at paragraph 106, only the batching plant movements are relevant. The Borough Council considers that this approach is inadequate, and has further representations to make in this regard.

Air Quality Mitigation

Paragraph 127 concludes that a lower basis of calculation is considered to meet the requirements of the CIL Regulations and NPPF, and the calculation is predicated on 28 movements rather than 82 movements. The consideration at paragraph 127 does not engage with the content of the Borough Council's request in any way. The Damage Cost element should be prepared in accordance with IAQM guidance; the Borough Council has queries to raise in relation to the County Council's conclusions which have not yet been fully ventilated.

In the interests of fairness, the Borough Council should be allowed the opportunity to fully engage its professional officers and legal advisors and make representations on the topic of the County Council's treatment of the certificate. It is not sufficient to supply a report for the Borough Council's consideration less than three clear working days before convening the Committee, and this prejudices the Borough Council, preventing them from effectively carrying out their role as consultee.

We would ask respectfully that the County Council gives consideration to deferring its decision to enable full and properly detailed discussions with the Borough Council, and to enable the Borough Council an opportunity to make representations on these topics.

If the County Council proceeds to determine the application on 23 July 2018, my clients have indicated that they will be reviewing all legal avenues available to them in consideration of the County Council's conclusion.

Yours faithfully



Bevan Brittan LLP

**FAO Cllr Glover
Chair of Development Control Committee
Buckinghamshire County Council
G29, New County Offices, County Hall
Walton Street, Aylesbury
HP20 1UA**

Date 12 September 2018
Your ref
Our ref MT\MT\96856.34
Direct Line +44 (0) 370 194 1343
Direct Fax +44 (0) 370 194 1001

matthew.tucker@bevanbrittan.com

By Special Delivery

Dear Cllr Glover

**Re: Thorney Mill Rail Siding, Thorney Mill Road, Iver
Planning Application CM/19/17
Considered by the Development Control Committee on 23 July 2018**

We write further to the above. We are instructed by Slough Borough Council ("the Borough Council") in respect of this matter. A copy of this letter has also been sent to the County Council's Monitoring Officer.

At a meeting of the County Council's Development Control Committee on 23 July 2018, the County Council resolved to indicate support for the above application. We are writing to request that the County Council does not opt to grant planning permission pursuant to that resolution, and that the County Council either (1) exercises its powers to 'call-in' the decision pursuant to its Constitution, due to procedural errors during the decision-making process or (2) through its Monitoring Officer, fully investigates and reports on said procedural matters described below.

The County Council has committed a number of procedural errors in their consideration of the application, which we list below.

Consideration of weight to be attached to the CLPUD

In the webcast of the meeting, the Planning Officer in discussions for this item states that legal advice has confirmed the weight to be allocated to the Certificate of Lawful Proposed Use dated 25 May 2010 ("the CLPUD") was "substantial".

The Borough Council has been provided with legal advice supplied to the County Council, which concluded that the CLPUD was a material consideration, but this did not specify the weight to be attached to the CLPUD. If there was further legal advice provided on the appropriate weight to be attributed, this has not been circulated to the Borough Council.

Weight is a matter for the Council in the exercise of its planning functions, but in describing said weight as a fixed component of the planning balance as prescribed by legal advice, the Officer misled the Committee causing them to conclude that the matter had effectively been determined for them.

In addition, the Borough Council's representations in relation to the appropriate weight to be attributed to the CLPUD have not been and were not satisfactorily addressed in the Officer Report.

Consideration of the CLPUD generally

At the beginning of the meeting, the Chair suspended the meeting to take legal advice on whether to continue. The Committee as a whole did not have the benefit of that advice, as indeed one Member

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commented during the meeting that she could not understand the Borough Council's position as she did not have the benefit of that legal advice.

The position of the Borough Council in relation to the CLPUD was not clearly described to the County Council either in the content of the Officer Report or at the meeting. In addition, it was not properly explained that the CLPUD is different from a CLEUD, in that it is a certificate of lawfulness for a proposed permitted development use, with accompanying restrictions about who could benefit from the CLPUD.

The discussions which took place during the Committee meeting did not delineate between the CLPUD and a CLEUD, and Members appeared to proceed on the mistaken assumption that any user could benefit from the CLPUD. This error was not corrected at any stage, and our view is that Members have predicated their conclusions in relation to weight and the extent of mitigation on this misunderstanding.

The Borough Council's position on fall-back

The Borough Council's comments and position are not adequately summarised in the Officer Report, and the comments supplied by the Borough Council to date have broadly been ignored.

The consideration of the existence of a fall-back is predicated on the letter from Network Rail dated 22 April 2016. At paragraph 81 the Officer assumes that, from only that evidence, "it is apparent that a railway undertaker could reasonably implement the CLPUD". The report does not go on to say that the Borough Council disputes this, and it does not engage in any way with the points raised as part of that dispute.

Throughout the meeting, there were many references to CLEUDs and general discussion about certificates, which indicates that Members had not been fully briefed as to the status, applicability and relevance of the Certificate.

Accordingly we would say that the Borough Council's view has not been accurately summarised in the Officer Report, and that Members have been deprived of the full facts of the matter. Very detailed legal arguments have been submitted in terms of the position of the CLPUD which are dismissed without mention. In this respect, the Officer Report mislead the County Council.

"Real prospect" of fall-back development

The County Council, in determining the matter, failed to properly identify whether there was a 'real prospect' of the fall-back development being carried out. The Officer Report does not engage with this point, in that it does not analyse the particular comments of Network Rail, or draw Members' attention to the contrary view of the Council.

The Borough Council's position on mitigation measures

The Borough Council's views on mitigation measures and contributions are not properly set out in the Officer Report. This is a major material planning consideration, and is a central part of the necessary balancing exercise.

The extent of the disagreement between the Borough Council and County Council is summarised in the Officer Report as being the quantum of contributions. In terms of highway contributions, it is said that a lower amount "better meets" the requirements, but it is not clear why a higher amount would not. These points are not fully explored or ventilated in the Officer Report, and it is disappointing that the County Council has not taken the opportunity to resolve these differences prior to proceeding.

At the Committee meeting, the mitigation measures were described as 'betterment', based on the fall-back position. There was no explanation of, or discussion of the likelihood of another user benefiting from the CLPUD, and as above we would submit that the Committee mistakenly conflated the position with that of a CLEUD.

Accordingly there has been no explanation as to how officers have reached a 'fall-back' position which amounted to such significant weight that the mitigation required to address those impacts was ultimately a relatively small fraction of that which would otherwise be required.

Other procedural points

The Officer stated to the Committee that the Borough Council's request for a deferral had been considered and legal advice had been taken, and that the Officer Report did address the issues raised by the Borough Council. This is simply, and factually, incorrect. In addition, the points raised in the aforementioned letter on behalf of the Borough Council have not been properly engaged with or considered.

The Borough Council has been denied the opportunity to respond in any adequate or substantial way to the new points raised in the Officer Report. The Officer Report had the benefit of substantial new information which the Borough Council had not had the benefit of (particularly the WYG response and the PDE consulting representations), but nevertheless the County Council opted to proceed to Committee in any event. If the Borough Council had sight of those representations, it would have responded again.

In addition, the Officer has compounded the procedural errors in the consideration of this application by insisting to the Committee that the Officer Report did address the issues raised by the Borough Council. The Officer misled the Committee into believing that the report had addressed the Borough Council's concerns. At the very least, this could not be true due to the letter written on behalf of the Borough Council confirming that they had further concerns, issued after the publication of the report.

It is clear that Members were aware of the general nature of the Borough Council's objections, but in reality the substance of those objections had not been placed before Members. Accordingly the Officer Report was misleading, and has led to Members reaching conclusions on the basis of limited information.

We would be grateful if you could review this matter, and if the County Council could review its decision and engage with our clients properly and fully with a view to addressing their concerns in respect of mitigation.

We would also ask that the Monitoring Officer investigates this matter, and if necessary, gives consideration to exercising its statutory power to prepare a report to the County Council in circumstances where a decision reached by the County Council would be unlawful or constitute maladministration.

We would be grateful for a response to this letter within 7 days, confirming the County Council's position. In the absence of a response, or if the County Council is not prepared to take immediate action to rectify the defects in the decision-making process as outlined above, the Borough Council will give consideration to all legal options available to it including (if necessary) an application seeking redress by way of judicial review.

Yours sincerely

Bevan Brittan

Bevan Brittan LLP

From: [Armstrong Martin](#)
To: [Crossley, Gemma](#)
Thorney Mill Committee Report + contribution towards low emission strategy
Subject: 19 October 2018 14:45:17
Date: [Damage costs Thorney Mill Sidings.docx](#)
Attachments: [A104676 Thorney Mill Comments Damage Cost AQ 4jul18.pdf](#)

Dear Gemma

Further to the letter from the Chair of Buckinghamshire County Council's Planning Committee Slough BC would like to place before you the following comments summarising our views on the weight that should reasonably be attached to the CLPUD and the methodology adopted for the calculation of mitigation in respect of air quality.

Weight attached to the CLPUD

Slough BC has forwarded the separate legal opinions as to why no, or very little, weight should be attached to the existence of the CLPUD. In essence the main points are as follows:

- The CLPUD is not a CLEUD and simply restates the fact that railway undertakers benefit from permitted development rights for specified development. The applicant is not a railway undertaker, the land is not therefore operational land and the development proposed is not that permitted under permitted development rights. Therefore the applicant is in no way able to benefit from the lawful use described in the Certificate.
- A fall-back position only exists where there is a 'realistic prospect' of the permitted development right being exercised. In this case the railway undertaker has ceased its use and vacated the site. There is no 'realistic prospect' of that user returning to the site and it has been marketed commercially. In that open market the site was more attractive to a user that was not a railway operator. Neither the applicant nor the determining authority has interrogated any evidence provided by the applicant to demonstrate that there is a 'realistic prospect' of a different user who is a railway operator outbidding the current prospective (non-railway undertaker) such that it can be demonstrated that there is a realistic prospect of a railway undertaker resuming operations and it being able to be properly claimed that there is a fall-back position. It is established planning caselaw stemming from **R v SSE, Ex Parte Ahern (London) Ltd** [1998] Env. LR. 189 and reinforced recently in the in the Court of Appeal in **Mansell v Tonbridge & Malling BC** [2017] EWCA Civ. 1314 that *"For a fall-back suggestion to be relevant there must be a finding of an actually intended use as opposed to a mere legal or theoretical entitlement."*
- If the prospect of a railway undertaker resuming a railway undertaking on the land is less than realistic then it will be 'Wednesbury unreasonable' for a determining authority to attach any weight to that prospect and any decision to do would be vulnerable to challenge.
- The degree of probability of the use being resumed will, or at least may, be a material consideration, to be weighed by the decision- maker. Although the assessment of the probability and the weight to be attached to it in the overall planning judgment are matters for the decision-maker, it is reasonable to expect that the degree of weight to be attached to the fall-back position is proportional to the prospect of the fall-back position being realised.
- In this case the HGV movements that would dictate the level of contributions are stated to be 82 but have been discounted down to 28 as a result of the perceived likelihood of the fallback position. Therefore 54 of the 82, or 66% (two thirds) of the HGV movements have been discounted, This would indicate a 66% prospect of the railway undertaking use being

resumed. Based on the very limited and un-interrogated evidence submitted in support of the application it would seem Wednesbury unreasonable to attach this level of weight to a fall-back position on such a flimsy basis. There is a legal prerogative to ensure that the harmful impacts of development are mitigated to ensure that a decision to grant permission will be lawful. Bucks CC own legal advice accepts that “... *the CLPUD may in some respects be ‘theoretical’ in that there is currently no known railway undertaker willing to develop the Application Site pursuant to the CLPUD* 1 As defined by Article 2(1) of the Order and s.329 Highways Act 1980 as “persons authorised by any enactment to carry on a railway undertaking”. ...”.

- The CLPUD is merely a certification that another landowner, a railway undertaker, would be able to develop the land in that way should they occupy the land in the future. This is simply saying that permitted development rights exist for railway undertakers on the land were one to use it for operational purposes. That is saying no more than permitted development rights have not been removed by Article IV Direction.
- In this respect, the CLPUD is not a fall-back use and not a material planning consideration in the determination of the Applicant’s Application. To the extent that it is, we consider it would be *Wednesbury* unreasonable to treat the harm arising from the use in the CLPUD as the baseline against which to judge this Application given the only “*theoretical*” possibility of that coming to pass. If the determining authority do treat it as a material consideration, it should carry no weight.

Calculation of air quality mitigation

Without prejudice to the case put forward above on the weight attached to the CLPUD, there are serious concerns about the mitigation calculation methodology adopted by the applicant and accepted by the Council.

Looking solely at the impact from 28 lorries a day rather than the 82 that would be considered if no weight was attached to the CLPUD we have a number of concerns. These could have been addressed earlier but In terms of the process, Bucks CC did not disclose the damage cost calculations for the scheme until Friday 20th July with the application going to committee on Monday 23rd July. This information should have been disclosed earlier and SBC comments considered.

In terms of the calculations carried out by the scheme consultants, the main point is that that there are significant errors in the way that the damage cost calculation has been carried out. It would appear that there has been a deliberate attempt to use erroneous data and manipulate the calculation to achieve a favourable outcome for the applicant.

These errors include:

- use of the ‘transport average’ damage costs provided by the IGCB (DEFRA). This is the lowest priced category for transport and isn’t appropriate for schemes that will service developments within the M25. The ‘outer London’ category should be used

[The consultants have form on this. They had already tried using the ‘industry’ and ‘outer conurbation (not London)’ category. The industry category is the lowest priced damage cost -

transport costs are much higher, particularly with proximity to London]

- 2015 damage cost prices haven't been uplifted to 2018, 2019, 2020, 2021 and 2022
- a fixed emission rate has been used for all years 2018 to 2022. Emission rates for NOx and PM should have been calculated for each of the specified years

We have re-calculated the damage costs, following HMRC guidance and make the damage costs for 28 vehicles as **£63,782** (and not £21,336 as stated). Using the same emission rates as the scheme consultant the damage costs come to **£69,355. In the committee report, the damage costs are lowered again to £19,193.30**

Should the 82 vehicles per day be considered, the damage costs would be in the region of £190,000

Please see the calculations attached. I have also attached the applicants calculations for convenience. An additional issue to consider is that the contribution from the scheme is to be paid in instalments over 3 years. This will not allow SBC to put mitigation in place from the outset and would be unacceptable

We will advise if a representative from Slough BC is to attend the committee meeting when the application comes back before it.

Best regards

Martin Armstrong
Area Team Leader
Planning & Transport
Regeneration
Slough Borough Council

Website: www.slough.gov.uk

Central Government are raising planning application fees from 17th January 2018. Please see the following link for more details

<https://www.slough.gov.uk/planning-and-building-control/make-a-planning-application.aspx>



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Buckinghamshire County Council

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Development Control Committee – 25th February 2019

Application Number:	CM/0077/18
Title:	Variation of condition 18 of planning permission 11/20000/AWD (Energy from Waste Facility and associated development) to allow an increase in the maximum daily HGV movement from 276 per day (138 in, 138 out) to 600 per day (300 in, 300 out)
Site Location:	Calvert Waste Management Complex, Lower Greatmoor Farm, Quainton
Applicant:	FCC Environment UK Limited
Author:	Head of Planning & Environment
Contact Officer:	Emily Catcheside dcplanning@buckscc.gov.uk
Contact Number:	01296 383752
Electoral divisions affected:	Grendon Underwood and Great Brickhill
Local Members:	Angela MacPherson and Janet Blake

Summary Recommendation(s):

The Development Control Committee is invited to APPROVE application CM/0077/18 for the proposed variation of condition 18 of planning permission 11/20000/AWD to allow an increase in the maximum daily HGV movements from 276 per day (138 in, 138 out) to 600 per day (300 in, 300 out) subject to conditions to be determined by the Head of Planning and Environment, including those set out in Column 2 of Appendix A and a Deed of Variation to the each of the existing S106 Agreements to tie the obligations to the new planning permission.

Appendices:	Appendix A: Draft Conditions
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INVESTOR IN PEOPLE



SUPPORTING INFORMATION

Introduction

1. Application CM/0077/18 was submitted to the County Council by Axis on behalf of FCC Environment UK Limited on 13th August 2018 and it was subsequently validated and sent out for consultation on 20th August 2018. It was advertised by newspaper advert, site notice and neighbour notification. Further information was submitted on 12th December 2018 and a second round of consultation commenced on 20th December 2018. The sixteen-week determination deadline was 19th November 2018, although this has been extended to 1st March 2019 with written agreement from the applicant.
2. The application was submitted with an Environmental Statement and therefore falls within the scope of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). The content of the Environmental Statement complies with the Scoping Opinion adopted by the County Council on 14th December 2017. The Environmental Statement comprises:
 - The original Environmental Statement submitted with application 11/20000/AWD;
 - The four submissions of further information for application 11/20000/AWD (submitted October 2011 to February 2012)
 - The Environmental Statement Addendum submitted with this application dated July 2018 which includes updates to the original chapters on Air Quality, Ecology, Transport and Noise and Vibration;
 - The further information submitted with this application dated December 2018.
3. The EIA Regulations require the Development Control Committee to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the environmental information submitted in the Environmental Statement and summarised in this report, and to integrate that conclusion into the decision making process.

Site Description

4. The Greatmoor Energy from Waste Facility (EfW) is located within north Buckinghamshire, approximately 14km to the north of Aylesbury and 11km to the south of Buckingham. The facility comprises a main EfW building and Incinerator Bottom Ash processing facility as well as an In-Vessel Composting Facility which has planning permission but has not yet been constructed. The planning permission for the EfW (11/20000/AWD) also encompasses the Calvert Landfill Site, which lies to the north of the EfW facility and the main access road to the site from the A41. A second vehicular access is available from Brackley Lane at the northern end of the site however the use of this access is limited to staff and visitors' cars and light commercial vehicles.
5. The main access road from the A41 is approximately 4.5km in length and follows the route of the former disused Akeman Street railway line. It heads south from the EfW building towards the Woodham Industrial Estate where it joins Creighton Road to follow the eastern boundary of the Woodham Industrial Estate to its roundabout junction with the A41. The road is single-carriageway for the majority of its length, other than at the southern end nearest to the A41 where it widens to a two-lane carriageway. The access road provides 15 vehicle refuge bays along its length, as well as eight formal HGV passing points.

6. Public footpath nos. Woodham/4/3, Woodham/1/4 and Quainton/24A/1 cross the access road at grade, whilst bridleway no. Quainton 36/3 crosses the road via a bridge. The access road also passes beneath a bridged minor road that links Grendon Road and Shipton Lea Road.
7. The number of HGVs that are permitted to access the site is currently limited to 276 per day (138 in, 138 out).
8. The nearest settlements to the EfW are the villages of Edgcott (2.3km to the west of the EfW building), Calvert and Calvert Green (2.5km to the north of the EfW building), and Grendon Underwood (approximately 3km to the south west of the EfW building). HM Prisons Grendon and Springhill, as well as the Spring Hill residential area are located approximately 107m to the south west of the EfW building. Additionally, there are a number of dwellings in and around the route of the access road to the EfW facility, including those along Creighton Road (50m to the west of the access road, Knapps Hook Bungalow (63m to the west), Knapps Hook Farm (185m to the west), North Cottage and North Farm (50m to the east), Woodlands Farm (250m to the east, and Lower Greatmoor Farmhouse (70m to the south of the main EfW building).
9. The following four Sites of Special Scientific Interest (SSSIs) lie within close proximity to the application site, all of which contain areas of Ancient Woodland and Biodiversity Action Plan (BAP) Priority Habitats:
 - Sheephouse Wood (to the north of the EfW facility)
 - Grendon and Diddershall Woods (to the west of the access road)
 - Finmere Wood (to the north east of the access road)
 - Ham Home-Cum-Ham Woods (to the west of the access road)
10. Grendon Underwood Meadows, which lies further to the north-east, also contains BAP Priority Habitats. Calvert Lake, which lies to the north of the site is a BBOWT nature reserve.
11. Lower Greatmoor Farmhouse and Finemerehill Farmhouse are Grade II Listed Buildings.
12. The permitted route of the HS2 railway runs immediately adjacent to the application site, while a Maintenance Depot is also permitted to be constructed to the north of the EfW building. Additionally, if permitted, the proposed route for the East-West Rail scheme would affect the application site as the proposed Aylesbury spur would follow the northern boundary of the application site between the EfW facility and Sheephouse Wood.

Relevant Planning History & Context

13. Planning permission 11/20000/AWD for the EfW facility including its access road (the “New Access Road”) was granted in July 2012. The application also sought and gained permission for associated development including Incinerator Bottom Ash processing; Air Pollution Control residue treatment and disposal in a mono-cell in Pit 6; the continued use of Pit 6 for waste disposal and revision to Pit 6 restoration contours and restoration scheme; commensurate amendments to the restoration contours of Pit 5; an extension to Pit 6 southwards into part of Pit 8; surface water management and habitat management; and demolition of Upper Greatmoor Farmhouse and buildings.

14. The EfW facility became fully operational in 2016.
15. The planning permission that governs the site (11/20000/AWD) contains a number of conditions, including the following which control access and vehicle movements to and from the site:

Condition 18:

"In combination with all other consented waste management activities at the site, the maximum number of daily HGV movements using the New Access Road shall not exceed 276 (138 in, 138 out)

Reason: To protect the environment of residential properties located on the transport routes of vehicles delivering waste to the EfW facility, in accordance with Policy 24 of the MWLP and Policy RA.36 of the AVDLP".

Condition 19:

"In combination with all other consented waste management activities at the site, the maximum number of daily HGV movements using the Brackley Lane access shall not exceed 260 (130 in, 130 out) per day.

Reason: To protect the environment of residential properties located on the existing transport route of vehicles travelling to the development site and existing waste management facilities in accordance with Policy 24 of the MWLP and Policy RA.36 of the AVDLP".

Condition 26:

"Following the expiry of a period of one month after the New Access Road has been brought into use, the existing Brackley Lane entrance shall not be used other than for staff and visitors' cars and light commercial vehicles visiting the landfill site and its associated offices and infrastructure".

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user and to bring about the proposed environmental improvements in accordance with Policy 24 of the MWLP."

16. The operations on the site are also subject to the requirements of two S106 Legal Agreements, which include a clause which obligates the developer to the following:

"From the date that the New Access Road has been completed and is fit to take vehicular traffic not at any time to cause or permit any Heavy Goods Vehicles or a Refuse Collection Vehicle on a Relevant Journey to enter or leave the site other than by way of the New Access Road"

17. Deliveries of waste to the EfW facility are permitted between the following hours:

- 7am to 6pm on Mondays to Fridays
- 7am to 4pm on Saturdays
- No deliveries on Sundays and Bank Holidays other than from Household Recycling Centres which can take place between 8am and 4pm.

18. Since the grant of planning permission for the EfW facility, the County Council has determined two non-material amendment applications (NMA/0004/2017 in January

2017 and NMA/0020/2018 in March 2018), which regularised some non-material as-built changes to the original approved drawings and changed the surface of a single passing bay along the access road from grasscrete to tarmac.

19. In terms of broader history, the landfill site that lies to the north of the EfW facility has received domestic, commercial and industrial waste from Buckinghamshire and its surrounding areas since the early 1970s and is permitted to continue to operate until 21st September 2047. Since the late 1970s, a railhead has been in place to allow waste to be received at the site via rail in addition to road.

Proposed Development

20. The planning application seeks permission to increase the HGV movement limitation along the access road from the A41 from 276 per day (138 in, 138 out) to 600 per day (300 in, 300 out). This would amount to a variation of condition 18 of planning permission 11/20000/AWD.
21. There would be no built development as a result of the application and no other changes to the permitted operations at the site, including the approved operating hours and other amenity controls such as dust mitigation, lighting control, noise and vibration mitigation and wheel cleaning. There would also be no changes to the use of the Brackley Lane access to the landfill site, which would continue to be restricted to staff and visitors' cars and light commercial vehicles with all HGVs being required to use the main access road from the A41.
22. The applicant states that the current limitation of 276 vehicles per day was based on a series of assumptions regarding the waste management operations being undertaken at the site in 2011/2012 when planning application 11/20000/AWD was being prepared. At that time, the applicant states that the amount of waste being imported to Calvert Landfill Site had declined significantly and that the only major road based inputs were Buckinghamshire's municipal waste with all other major inputs being delivered by rail. For the purposes of preparing the Transport Assessment for planning application 11/20000/AWD, it was assumed that most existing road HGV deliveries would simply be diverted from landfill to the EfW or In-Vessel Composting Facility (and would therefore remain unchanged) and that the delivery of other waste inputs would continue to be via rail or internally within the site (e.g. bottom ash and fly ash waste arising from the EfW being transported internally to the landfill site).
23. Since the EfW has commenced operations, the operational requirements of the facility have evolved and are now known to differ from the assumptions considered to be robust at the time planning application 11/20000/AWD was submitted and subsequently determined. In particular, the applicant points to a large increase in the amount of construction, demolition and excavation (CDE) wastes arriving at the site for landfill as a result of an up-turn in economic activity and construction development as well as an increase in CDE materials being utilised for landfill restoration.
24. Additionally, the applicant states that the following matters indicate that a review of the vehicle movement cap is necessary:
 - i. The permitted In-Vessel Composting Facility has not yet been constructed. If the IVC facility is developed, it may result in up to an additional 38 HGV trips per day arriving at the site;
 - ii. Due to operational efficiencies, the Environment Agency has recently granted a variation to the Environmental Permit for the site, allowing an increase in waste throughput from 300,000 to 345,000 tonnes per annum.

- iii. The vehicle movement limitation constrains the ability of the operator to accept residual waste that was destined for other landfill sites during emergency or unforeseen circumstances, such as weather conditions, engineering issues or the temporary closure of other waste management sites;
 - iv. Planning application 11/20000/AWD assumed that Air Pollution Control Residues (APCR) arising from the EfW facility would be treated and deposited on-site within a hazardous waste landfill cell (Pit 6), thus preventing the need to transport this material off-site in HGVs or to import alternative waste materials to restore Pit 6. Since planning permission was granted, the Environment Agency has refused to grant an Environmental Permit for the creation of a hazardous waste cell, which has resulted in additional CDE waste materials being imported to restore Pit 6 and APCR being removed off-site for disposal elsewhere.
25. The applicant has stated that, due to these operational requirements, the HGV limit imposed by condition 18 has been breached periodically since planning permission was granted in 2012.

Planning Policy

26. Planning applications must be determined in accordance with the Development Plan, which should be considered as a whole, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The Development Plan in this case consists of the following, with the most relevant policies to the proposed development listed below:

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

Policy 28: Amenity

Buckinghamshire Minerals and Waste Core Strategy (adopted November 2012)

Policy CS/LP1: The Overarching Presumption in Favour of Sustainable Development

Policy CS11: Strategic Waste Complex at Calvert Landfill Site

Policy CS16: Imported Wastes

Policy CS18: Protection of Environmental Assets of National Importance

Policy CS19: Protection of Environmental Assets of Local Importance

Aylesbury Vale District Local Plan Saved Policies (AVDLP) (adopted 2004)

27. Policy GP.8: Protection of the Amenity of Residents
Policy GP.84: Footpaths
Policy RA.25: Calvert

Other Policy and Guidance

Buckinghamshire Minerals and Waste Local Plan 2016-2026 Submission Version (Draft MWLP)

28. The Draft MWLP 2016-2036 Proposed Submission Plan has been submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) for independent examination. Examination hearings were held in

September 2018 and, following an interim letter from the Inspector, a consultation on Main Modifications to the plan was undertaken in January 2019. The draft plan is considered to be at an advanced stage of preparation and is a material consideration for the determination of planning applications.

Draft Vale of Aylesbury Local Plan (VALP) (2014-2036)

29. The draft VALP has been submitted to the Secretary of State for MHCLG for independent examination. Examination hearings were held in July 2018 and, following the provision of the Inspector's interim findings, AVDC is currently preparing Main Modifications for consultation. The VALP is considered to be at an advanced stage of preparation and is a material consideration for the determination of planning applications.

Other Documents

30. The National Planning Policy Framework (NPPF) (2018), National Planning Policy for Waste (NPPW) (2014) and Planning Practice Guidance (PPG) are all material planning considerations in the determination of this application.

CONSULTATIONS

31. **Local Members** - No formal comments have been received from Local Members Angela MacPherson and Janet Blake. Councillor Janet Blake is a member of the Development Control Committee.
32. **Edgcott Parish Council** objects to the application on the following grounds:
- The existing lorry movements have so far proved difficult to police with some lorries taking the country road routes rather than staying on A roads. There is also concern that the lorry movement limitation is already being exceeded.
 - The environmental effects would be too significant to be ignored. The increased air pollution from mostly diesel vehicles will be a health hazard to humans and wildlife.
 - The extra traffic on the A41 will also increase the likelihood of accidents, particularly at the many junctions where there are no roundabouts or traffic lights.
33. **Quinton Parish Council** objects to the proposed increase in traffic. The following comments are made:
- The 117% increase in movements will have a major impact on the local road system and the A41.
 - Quinton periodically suffers from lorries not complying with the approved routing which can cause damage to unclassified roads.
 - The CD&E waste is being transported to Pit 6 which is already estimated to be full by 2026/28 and these movements cannot fail to bring forward that date.
 - The increased movements will coincide with the substantial increase in traffic caused by HS2 and East West Rail.
 - The proposal conflicts with the Minerals and Waste Strategy aim of minimising movements of waste by road.
 - The proposal conflicts with policy 24 of the MWLP and policy RA36 of the AVDLP.
 - The proposal cannot fail to have an impact on the environment and ecology. The report fails to study the effects on the SSSI and Finmere Wood.
 - Cumulative impacts with HS2 have not been assessed.
 - HS2 do not intend to use Greatmoor for CD&E waste.

- The increase in waste will come from outside of Buckinghamshire.
 - No consideration has been given to the increased use of the rail facility.
34. **Calvert Green Parish Council** submitted a neutral comment and confirmed it does not have any objection to the application.
35. **Marsh Gibbon Parish Council** objects to the application because the applicant has admitted that it has been regularly in breach of the existing vehicle movement limitation. Marsh Gibbon already faces the prospect of non-compliant construction traffic for EWR and HS2 and the risk will be increased by the proposal. The applicant could continue to take CD&E waste to existing sites or to one of its other sites in a less sensitive area.
36. **The Highway Authority** comments that the TA demonstrates that the peak use of the site would occur between 14.00 and 15.00, with as many as 97 HGV movements (41 in, 56 out) during this period. During the peak hours of the A41 the site is likely to generate far fewer HGV movements, with approximately 36 movements (17 in, 19 out) in the AM peak (7.15-8.15) and 22 movements (11 in, 11 out) in the PM peak (16.15-17.15). The officer is satisfied that future growth on the A41 has been assessed in a robust manner. The officer originally requested further information regarding the sensitivity assessment of the Woodham roundabout, specifically relating to the differing AM peak hours between the proposal and the East West Rail application. However, the EWR data for the relevant hour are not available. The data for the EWR peak hour show that the EWR project would generate 13 vehicle movements in both directions and the officer would not expect the vehicle movements during the applicant's peak hour to be materially different. When considering the existing flows and the percentage increase in HGV movements, the officer would not expect the additional vehicle movements to have a severe impact on the operation of Woodham roundabout. The Officer has no objections to the proposal subject to a condition securing suitable signage along Creighton Road to prevent conflict with vehicles emerging from Woodham Industrial Estate.
37. **AVDC's Environmental Health Officer** has no objections to the proposal provided all mitigation remains in place. The following comments are made:
- Noise: Whilst the noise from the road would increase by 3dB, the overall increase in total noise at residential premises from before the road was commissioned ranges from 0 and 2.4dB with existing mitigation in place. At all but the residential receptors close to the A41 which are already badly affected by road noise from the A41, the noise generated would fall below the Lowest Observable Adverse Effect Level determined for road traffic noise for the HS2 project and therefore would have a very limited impact on residential occupation.
 - Vibration: Vibration impacts are not considered significant
 - Air Quality: The changes would have very limited impacts which are not significant in terms of impacts on human health
38. **Natural England** originally objected to the application on the basis that it could have potential significant effects on Sheephouse Wood SSSI and Ham Home-Cum-Hamgreen SSSI and further information was requested. Following receipt of that further information, Natural England has confirmed that the issues raised are resolved and that it considers there will be no significant adverse impacts on designated sites. Therefore, the objection is withdrawn. Natural England supports the planting of new blackthorn areas as part of the Ecological Management Plan review.

39. The Council's **Ecology Advisor** states that they are satisfied that the application has demonstrated that the operational changes proposed would result in no adverse significant effects on nature conservation sites, habitats, badgers, all bat species including Bechstein Bats, birds, herpetofauna including great crested newt and grizzle skipper butterflies. The advisor is also satisfied with the conclusions regarding combined effects and cumulative effects. The application has clearly justified with the implementation of additional mitigation measures that the proposal will result in no significant residual adverse effects on black and brown hairstreak butterflies and glow worms from wind tunnelling and dust deposition on blackthorn vegetation. Therefore, there are no ecological reasons to refuse the application. A suitably worded condition should be attached to enforce the implementation of the proposed additional mitigation measures. Existing conditions dealing with management and monitoring of ecological receptors should continue to be enforced.
40. **The Strategic Access Officer** raised a concern about the visibility at the road's crossing with Bridleway GUN/25/2 and suggested that a condition should be included to secure visibility splays unless evidence is provided to demonstrate the splays are provided. The Officer also notes that the legal alignment does not correspond with the route being used by walkers, cyclists and horse riders and it is recommended that it is suggested to the developer that the route is formally diverted.
41. **The Environment Agency** has no comments to make on the proposal.
42. **The Lead Local Flood Authority** has no comments to make on the proposal.
43. **HS2 Ltd** stated that it had no objections to the proposal.
44. **Network Rail** commented that the railway structures in the area will be reconstructed by HS2 Ltd, therefore there are no comments to make.
45. The following organisations were formally consulted on the application but have not provided any comments: AVDC Planning Team, AVDC Design & Conservation Team; BBOWT, Woodham Parish Council, Health and Safety Executive, and Steeple Claydon Parish Council.
46. **Full consultee responses are available at:**
<https://publicaccess.buckscc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Representations

47. Four letters of objection have been received; one of which is written on behalf of the Creighton Road residents. The reasons for objecting are summarised below:
- Visibility at the junction of the access road with Woodham Industrial Estate along Creighton Road needs improving through the use of mirrors or warning signs or similar;
 - Many HGV drivers ignore the speed limit along Creighton Road which is a safety risk to pedestrians walking along the road;
 - Local lay-bys are often full of lorries waiting to enter the site the following morning. Where will the additional lorries park up?
 - Creighton Road and the verges are used by drivers as a lavatory;
 - The screening bunds do not adequately screen the lorries and modifications are requested to screen them completely;

- The large road signs at the roundabout need updating with the agreed wording for the EfW and landfill sites;
- HGVs have caused cracks on properties due to vibration and speeding
- There should be a speed limit on the A41;
- The proposal would damage an important ecological corridor in the Ancient Bernwood Forest;
- The A41 is overloaded;
- The access road has been designated by HS2 for their benefit and there is no knowledge of their transport requirements;
- If the road is dualled it would cause total environmental destruction.

DISCUSSION

48. The main issues for consideration in relation to application CM/0077/18 are:

- The principle of the development
- The impact on the local highway network & Rights of Way
- The impact on local amenity and human health
- The impact on ecology and biodiversity
- The conclusion on environmental effects (EIA Regulations)
- Updates to conditions

Principle of the Development

49. 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.
50. The application site operates as a strategic waste complex for Buckinghamshire and is specifically supported in the development plan through policy CS11 of the MWCS. There would be no physical changes to the application site and, other than the increase in HGV movements, permission is not sought for any changes to the existing operations or environmental controls as approved through planning permission 11/20000/AWD. It is important that the application is considered within this context as the use of the land for waste management is already established in principle and cannot be revisited through the consideration of this application.
51. Objections have been received on the basis that there is no need for additional waste imports and that waste may arise from out-of-county locations. The permitted development is constrained through conditions and obligations insofar as it has been necessary to make the development acceptable in planning terms. It is relevant to the current application that the reason for limiting HGV movements to 276 per day is to protect the amenity of local residents and not to prevent or limit the commercial opportunities of the operator, which is not ordinarily a planning matter.
52. Amongst other things, the NPPW (paragraph 7) states that waste planning authorities should:

- *“only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need”*

The proposed increase in HGV movements would undoubtedly benefit the operator commercially and it is inevitable that not all of the additional waste imports would be derived from within Buckinghamshire. However, the cross-boundary movement of waste is an accepted component of the principle of net self-sufficiency and is not therefore in itself a reason for refusal save for where a facility is primarily intended for the management of imported wastes which would be contrary to Policy CS16 of the MWCS.

53. In support of the application, the applicant has provided waste return data, which shows that of the 2.7 million tonnes of waste that has been managed at the site since 2013, over 1 million tonnes originated within Buckinghamshire, Bedfordshire and Oxfordshire with the majority of the remaining waste (1.39 million tonnes) coming from London and the South East which is connected via a railhead. Condition 35 of planning permission 11/20000/AWD requires the facility to accept and process all residual municipal solid waste arising in Buckinghamshire that is delivered to the site therefore, whilst the County Council as Waste Disposal Authority continues to use the site for its own waste management needs, the Planning Authority has some ability (through condition 35) to ensure the facility serves Buckinghamshire’s waste management needs and does not primarily serve out-of-county locations.

54. Additionally, the importation of greater amounts of CD&E waste for restoration purposes would help to facilitate the timely restoration of the landfill site, which is supported in both national and local policy, including in the NPPW at paragraph 7, which states that waste planning authorities should:

“ensure that... landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”.

55. Objections received during the consultation process have also stated that the additional waste should be imported to the site via rail rather than road, and it is the case that the use of sustainable modes of transport is strongly supported in both national and local policy, including policy CS22 of the MWCS. Within the Environmental Statement, the applicant has considered the use of rail as an alternative to road for the importation of additional material. It is stated that, at the current time, over half (56%) of all waste is delivered to the site by rail each day; but that it is not viable or feasible to utilise the rail network for increased waste arisings in the local area due to the lack of railheads. Condition 27 of the existing planning permission requires the operator to undertake a biennial review of the prospects of the delivery of waste from southern Buckinghamshire by rail; and this condition would be transferred to any new planning permission issued. The proposal would not prejudice the use of the railhead for waste imports and therefore, although more sustainable transport modes are encouraged, the use of road is not a reason for refusal as a matter of principle particularly where the facility is intended to serve local (in-county) waste arisings.

56. Members of the Development Control Committee are advised that their consideration of the proposal should focus on whether the proposed variation of condition 18 for the increased vehicle movements would result in an unacceptable level of environmental

impact. If it is considered that the proposed increase would be acceptable in the light of the development plan and other material considerations then permission for the proposed variation should be granted. If it is considered that there would be an unacceptable impact resulting from the proposed variation then the condition should remain the same as that attached to the previous planning permission 11/20000/AWD and the application should be refused.

Highways/Traffic/ROW

57. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, paragraph 111 of the NPPF requires all developments that would generate a significant amount of movement to produce a travel plan and be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Saved Policy GP.84 of the AVDLP states that the Council will have regard to the convenience, amenity and public enjoyment of public rights of way. Policy RA.25 of the AVDLP sets out the requirements for the redevelopment of Calvert Brickworks. Whilst the application hereby considered does not include any new or altered built development, it is relevant that policy RA.25 aims, amongst other things, to seek appropriate local vehicle routeing arrangements and to establish and safeguard a suitable network of footpaths and bridleways.
58. The proposal represents a significant increase in traffic utilising the site access and would more than double the number of HGVs permitted to access the site on a daily basis. The impacts of this increase on highway safety, pedestrians and users of the Rights of Way network, as well as congestion on the A41, have all been cited as reasons for objecting to the application by interested parties. Additionally, comments have been made about the enforceability of HGV movement limitation conditions and routeing agreements, particularly as the applicant has acknowledged that the current limitation of 276 HGVs per day has periodically been exceeded. Concern has also been raised about the risk of collisions at the junction between the access road and Woodham Industrial Estate on Creighton Road.
59. The Environmental Statement submitted with the application includes a detailed Transport Assessment (TA). The TA concludes that the proposed traffic levels are not likely to result in any material changes to the capacity of the highway network, including the A41 and the Woodham roundabout when considered both in isolation and cumulatively with committed development in the surrounding area including HS2. This is, in part, because the HGV movements associated with the development would be spread across the day, with only relatively limited movements (11 in, 11 out) during the highway network AM peak hour. The applicant acknowledges that there is some risk that the cumulative impact of the development and HS2 during a 'combined peak' hour may have a greater effect, however this is unlikely to occur and, if it did, it would be limited to a short-term duration and would not be so severe as to warrant the refusal of planning permission.
60. The TA has been reviewed by the Highway Development Management Officer who is satisfied with the methodology and conclusions and has no objection to the application subject to a condition requiring additional signage to be erected at the junction of the access road and Woodham Industrial Estate along Creighton Road. Such a condition is therefore included in Appendix A and forms part of the recommendation to the committee.
61. In terms of enforceability, the committee is advised that regular monitoring visits are undertaken at the site by members of the Development Management Team. To date, the County Council has received one report of a breach of the vehicle movement

limitation. Additionally, the applicant states in the application documents that the vehicle movement limitation has been breached on occasion and that this planning application seeks to regularise that position and prevent future breaches from occurring. This is an appropriate response to an acknowledged breach of planning control and the application should be considered on its merits accordingly prior to any alternative response by the County Council as Local Planning Authority.

62. It is noted that the Strategic Access Officer has raised some concerns about the visibility at the junction between the access road and footpath GUN/25/2. Since that comment was received, the applicant has undertaken maintenance along the road verges and has submitted evidence to demonstrate that the visibility splay has been achieved.
63. Taking all of the above into consideration and subject to the condition requested by the Highway Development Management Officer, it is concluded that the impact of the proposal on the highway network would not be significant and therefore the highway impact would not amount to a reason for refusal of the application.

Amenity Impacts & Human Health

64. Taken together, policies 28 of the MWLP and GP.8 of the AVDLP seek to protect the amenity of all those who may be adversely affected by developments through significant adverse levels of disturbance from noise, vibration, dust, fumes, gases, odour, illumination, litter, birds or pests. The development has the potential to impact amenity and human health through noise, vibration, and air quality effects.
65. The impact of the proposal on amenity through noise and vibration effects has been assessed in the Environmental Statement, which reports on the effect of the development in isolation and cumulatively with HS2 and associated development. Baseline noise measurements were taken from a selection of nearby sensitive receptors, including Creighton House, Oving Hill Farm, Knapps Hook Cottage, North Cottage, Woodland Farm and Lower Greatmoor Farm and show that residual baseline daytime sound levels at those properties vary between 47dB LAeq and 61dB LA10. Once the existing operation and mitigation measures have been taken into account, which include the presence of acoustic screening, a 30mph speed limit, and surfacing materials, there would be an increase in noise levels as a result of the proposal of between 0dB and 2.4dB which at worst would be a negligible impact. Overall, the report concludes that the residual noise and vibration impact would not be significant.
66. The Environmental Statement also includes a technical report on the effects of the increased vehicle movements on air quality. The report assessed the impact in terms of aerial emissions, dust and odour, and climate change in the context of existing traffic generation, other committed developments to 2023 and the construction of the HS2 railway and sidings. The assessment concludes that the impact on air quality and human health would be negligible at the opening year, and not significant when considered cumulatively with committed developments including HS2.
67. The Environmental Statement has been reviewed by the Environmental Health Officer who has accepted the methodology and conclusions and has not objected to the application. Moreover, it is the case that the amenity impacts of the development are controlled through conditions, which include an approved dust mitigation strategy, limited operating hours, and controls over lighting and noise effects. It is recommended that these conditions are transferred to any new consent if planning permission is granted as set out in Appendix A. Subject to the inclusion of conditions as recommended, the development is considered to be in accordance with policies 28

of the MWLP and GP.8 of the AVDLP as it is unlikely to result in unacceptable amenity effects.

Ecology & Biodiversity

68. 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. Policy CS19 of the MWCS seeks to protect environmental assets of Local Importance, including Local Nature Reserves, landscapes, heritage assets, water resources and recreational spaces. Policy CS22 seeks to minimise adverse effects on climate change as a result of development and Policy CS23 seeks to ensure that the environment is enhanced through planning proposals.
69. Policies CS18 and CS19 of the MWCS aim to prevent significant adverse effects from occurring to environmental assets of national and local importance including SSSIs and Local Nature Reserves. The NPPF also requires planning decisions to contribute to and enhance the natural and local environment (paragraph 170). It also states that planning permission should be refused if significant harm to biodiversity cannot be avoided, mitigated or as a last resort, compensated for (paragraph 175) and that development on land outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted.
70. The proposed development has the potential to cause environmental effects to the four SSSIs within close proximity to the site as well as to named habitats and species through the increase in vehicle emissions, dust deposition, wind tunnelling, and the risk of collision with vehicles either from the proposed development in isolation or in combination with the HS2 development. In order to assess the significance of these impacts, an Ecology Report has been included within the Environmental Statement which assessed the potential impacts on ecological receptors including badger, reptiles and great crested newts, bats including Bechstein Bats, birds and invertebrates including black and brown hairstreak butterflies and grizzled skipper butterflies, and glow worms. The report concludes that, provided existing mitigation measures continue to be applied, the residual environmental effect would not be significant. Additionally, the Air Quality Report including within the Environmental Statement concludes that the residual impact of emissions on SSSIs would not be significant.
71. The operations at the site are subject to the mitigation and monitoring measures set out in the approved Ecological Management Plan (EMP) which is secured by condition and is reviewed on an annual basis in collaboration with the Greatmoor Biodiversity Partnership. The EMP was most recently reviewed by the Partnership in July 2018 and is still considered to be fit for purpose. However, a more substantial 5-year review which considers changes to the local context since the EMP was first agreed has recently been submitted to the Council for consideration and is the subject of a separate application. The 5 year review includes the provision of additional blackthorn planting as has been requested by Natural England in their response to this application. If the EMP review is approved, it is recommended that compliance with it is carried forward to the conditions on any planning permission issued as a result of this application.

72. Overall, the environmental information submitted with the application documents concludes that the residual adverse impact of the proposal on ecological receptors, including SSSIs would not be significant and I note that Natural England and the Council's Ecology Advisor have concluded this assessment is robust and have therefore not advanced any objections to the development. Taking this into consideration, it is concluded that the development would be in accordance with planning policies that seek to protect environmental assets of national and local importance on the proviso that the EMP continues to be secured though condition and reviewed regularly in collaboration with the Greatmoor Biodiversity Partnership.

Equality and Diversity Issues

73. The officers have considered the provisions of the Equalities Act 2010 and are satisfied that this proposal does not conflict with the duties imposed on the Council by that Act.

Conclusion on Environmental Effects

74. As stated above, the application falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is accompanied by an Environmental Statement which includes the required information set out in the Scoping Opinion adopted by the Council on 14th December 2017.
75. The Environmental Statement includes addendum reports to the original Environmental Statement and further information submitted with application 11/20000/AWD on the following topics:
- Air Quality
 - Ecology
 - Transport
 - Noise and Vibration
76. Officers of the Council have reviewed the submitted environmental information and have consulted with competent experts in the relevant fields including the Environmental Health Officer at Aylesbury Vale District Council, the Highway Development Management Officer, Natural England, the Environment Agency, and a qualified Ecology Advisor all of whom have validated the conclusions set out by the applicant in the Environmental Statement and have no objections to the development.
77. Taking the above into consideration, it is concluded that the residual environmental effects of the development would not be significant and subject to the inclusion of conditions as set out in Appendix A to control and monitor the environmental effects, and to a Deed of Variation to each of the existing S106 Agreements there is no basis for the refusal of planning permission on environmental grounds.

Updates to Conditions

78. If members resolve to grant planning permission for this application, a new planning permission will be issued which, once implemented, would replace planning permission 11/20000/AWD. Since permission 11/20000/AWD was granted, a number of pre-commencement conditions have been discharged and some conditions no longer apply (e.g. conditions relating solely to the construction period). It is therefore recommended that any new permission is updated to reflect those circumstances and to assist with monitoring and compliance checks. The existing conditions for planning permission 11/20000/AWD are listed in column A of Appendix A and the proposed

updates to those conditions are listed in column B to assist in cross referencing the two sets of conditions.

79. As part of the overall recommendation in this report, members are invited to approve the changes listed in column B of Appendix A if planning permission is granted as well as the variation to condition 18 that is the subject of this application.

Overall Conclusion & Recommendation

80. Planning permission is sought to vary condition 18 of planning permission 11/20000/AWD to allow an increase to the existing HGV movement limitation from 276 per day (138 in, 138 out) to 600 per day (300 in, 300 out). The development is acceptable in principle and is unlikely to result in unacceptable adverse environmental effects that would warrant the refusal of planning permission.
81. It is recommended that any new planning permission issued includes a schedule of updated conditions, to reflect changes and approvals granted since the issue of decision notice 11/20000/AWD. Appendix A shows the existing conditions and the recommended revised wording or action where appropriate.
82. Subject to the revised conditions as set out in Appendix A and the completion of a Deed of Variation to each of the existing S106 Agreements to tie the obligations to the new permission number, it is recommended that planning permission is granted.

Appendix A: Recommended Updates to Conditions

	Column 1 Current Condition Wording (11/20000/AWD)	Column 2 Proposed Condition Wording/Comments																																												
1	<p>The development hereby permitted shall commence no later than three years from the date of this planning permission. Not more than seven days prior to the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority</p> <p>Reason: In accordance with the Town and Country Planning Act 1990.</p>	<p>Condition no longer required as the development has commenced.</p> <p>Recommendation: Delete</p>																																												
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans.</p> <table><tr><td>Application site</td><td>GR1/1</td></tr><tr><td>Long Sections</td><td>GR3/8B & GR3/9B</td></tr><tr><td>Master Plan</td><td>GR3/1B</td></tr><tr><td>Pre-settlement Restoration Contours</td><td>GR3/6A</td></tr><tr><td>Post-Settlement Restoration Contours</td><td>GR3/5A</td></tr><tr><td>Cross sections</td><td>GR3/7A</td></tr><tr><td>Rights of Way proposals</td><td>GR7/25A</td></tr><tr><td>Rights of Way alongside railway</td><td>GR7/26</td></tr><tr><td>Layout Plan</td><td>15737/A0/P/0101 Rev D</td></tr><tr><td>EfW External Works</td><td>15737/A0/P0102 Rev D</td></tr><tr><td>Building Layout</td><td>15737/A0/P/0105 Rev C</td></tr><tr><td>Building Layout</td><td>15737/A0/P/0106</td></tr></table>	Application site	GR1/1	Long Sections	GR3/8B & GR3/9B	Master Plan	GR3/1B	Pre-settlement Restoration Contours	GR3/6A	Post-Settlement Restoration Contours	GR3/5A	Cross sections	GR3/7A	Rights of Way proposals	GR7/25A	Rights of Way alongside railway	GR7/26	Layout Plan	15737/A0/P/0101 Rev D	EfW External Works	15737/A0/P0102 Rev D	Building Layout	15737/A0/P/0105 Rev C	Building Layout	15737/A0/P/0106	<p>Recommendation: Update drawings as follows to reflect Non-Material Amendment permissions.</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans.</p> <table><tr><td>Application site</td><td>GR1/1</td></tr><tr><td>Long Sections</td><td>GR3/8B & GR3/9B</td></tr><tr><td>Master Plan</td><td>GR3/1B</td></tr><tr><td>Pre-settlement Restoration Contours</td><td>GR3/6A</td></tr><tr><td>Post-Settlement Restoration Contours</td><td>GR3/5A</td></tr><tr><td>Cross sections</td><td>GR3/7A</td></tr><tr><td>Rights of Way proposals</td><td>GR7/25A</td></tr><tr><td>Rights of Way alongside railway</td><td>GR7/26</td></tr><tr><td>Layout Plan</td><td>15737/A0/P/0101 Rev E</td></tr><tr><td>Site Plan</td><td>P-3144_00000001_6.0</td></tr></table>	Application site	GR1/1	Long Sections	GR3/8B & GR3/9B	Master Plan	GR3/1B	Pre-settlement Restoration Contours	GR3/6A	Post-Settlement Restoration Contours	GR3/5A	Cross sections	GR3/7A	Rights of Way proposals	GR7/25A	Rights of Way alongside railway	GR7/26	Layout Plan	15737/A0/P/0101 Rev E	Site Plan	P-3144_00000001_6.0
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Building Layout	Rev C 15737/A0/P/0108	Building Layout	15737/A0/P/0106 Rev C
Building Layout	Rev C 15737/A0/P/0109	Building Layout	15737/A0/P/0107 Rev C
IBA Treatment Building Layout/Sections	Rev C 15737/A0/P/0115	Building Layout	15737/A0/P/0108 Rev C
IBA Treatment Building Elevations	Rev C 15737/A0/P/0116	Building Layout	15737/A0/P/0109 Rev C
Offices and Visitor Centre	Rev D 15737/A0/P/0118	IBA Treatment Building Layout/Sections	15737/A0/P/0115 Rev C
EfW Building SW Elevation	Rev C 15737/A0/P/0120	IBA Treatment Building Elevations	15737/A0/P/0116 Rev C
EfW Building NE Elevation	Rev C 15737/A0/P/0121	Offices and Visitor Centre	15737/A0/P/0118 Rev D
EfW Building SE & NW Elevation	Rev E 15737/A0/P/0122	EfW Building SW Elevation	P- 3144_00000303_12. 0
Gatehouse Plans and Elevations	Rev C 15737/A0/P/0180	EfW Building NE Elevation	P- 3144_00000304_11. 0
Cycle Shelter	Rev A 15737/A0/P/0184	EfW Building SE & NW Elevation	P- 3144_00000305_11. 0
HV/LV Floor Plan and Elevations	Rev A 15737/A1/P/0185	Gatehouse Plans and Elevations	P- 3144_00000020_7.0
Sprinkler Tanks	15737/A2/P/0190	Cycle Shelter	15737/A0/P/0184
MMU	15737/A1/P/0187	HV/LV Building	P- 3144_00000027_13. 0
EfW Building IBA Conveyor Details	15737/A1/P/0191	Fire Protection Pump and Tank Layout	P- 3144_00004907_6.0
Passing Bay Detail	7493/C/CR/200/R ev P05	Switchgear Substation Plan and Elevations	P506(02)-25-01-A
Access Drawing Layout	7493/C/CR/210/R ev P04		
Access Road Layout Plan 1	7493/C/CR/211/R ev P06		
Access Road Layout Plan 2	7493/C/CR/212/R ev P06		

Access Road Layout Plan 3	7493/C/CR/213/Rev P06	EfW Building IBA Conveyor Details	15737/A1/P/0191
Access Road Layout Plan 4	7493/C/CE/214/Rev P06	Passing Bay Detail	7493/C/CR/200/Rev P05
Access Road Layout Plan 5	7493/C/CR/215/Rev P06	Access Drawing Layout	7493/C/CR/210/Rev P04
Access Road Layout Plan 6	7493/C/CR/216/Rev P06	Access Road Layout Plan 1	7493/C/CR/211/Rev P06
Access Road Layout Plan 7	7493/C/CR/217/Rev P07	Access Road Layout Plan 2	7493/C/CR/212/Rev P06
Access Road Layout Plan 8	7493/C/CR/218/Rev P06	Access Road Layout Plan 3	7493/C/CR/213/Rev P06
Access Road Layout Plan 9	7493/C/CR/219/Rev P06	Access Road Layout Plan 4	7493/C/CE/214/Rev P06
Access Road Layout Plan 10	7493/C/CR/220/Rev P06	Access Road Layout Plan 5	7493/C/CR/215/Rev P06
Access Road Layout Plan 11	7493/C/CR/221/Rev P06	Access Road Layout Plan 6	7493/C/CR/216/Rev P06
Access Road Layout Plan 12	7493/C/CR/222/Rev P07	Access Road Layout Plan 7	7493/C/CR/217/Rev P07
A41 Roundabout Layout	7493/C/CR/A41/500/P06	Access Road Layout Plan 8	7493/C/CR/218/Rev P06
Section Through Access Road 1	7493/C/CR/600/Rev P09	Access Road Layout Plan 9	7493/C/CR/219/Rev P06
Section Through Access Road 2	7493/C/CR/601/Rev P04	Access Road Layout Plan 10	7493/C/CR/220/Rev P06
Section Through Access Road 3	7493/C/CR/602/Rev P04	Access Road Layout Plan 11	7493/C/CR/221/Rev P06
		Access Road Layout Plan 12	7493/C/CR/222/Rev P07
Reason: To define the permission.		A41 Roundabout Layout	7493/C/CR/A41/500/P06
		Section Through Access Road 1	7493/C/CR/600/Rev P09
		Section Through Access Road 2	7493/C/CR/601/Rev P04

		<p>Section Through Access Road 3 7493/C/CR/602/Rev P04</p> <p>Reason: To define the permission.</p>
3	<p>The development shall not commence until details of the materials to be used in the construction of the Energy from Waste facility and all other buildings and fixed plant and their colours have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development is visually acceptable in accordance with Policies 17 and 18 of the MWLP and the provisions of Paragraph 58 of the National Planning Policy Framework 2012 (NPPF).</p>	<p>Recommendation: Update as follows to reflect approved materials</p> <p>The Energy from Waste facility and all other buildings and fixed plant shall not be constructed other than with materials and of colours as approved in writing on 29th August 2012 pursuant to application AOC/11/20000/AWD or otherwise as have first been submitted to and approved in writing by the County Planning Authority.</p>
4	<p>No part of the development including the proposed access road (the disused railway line) shall take place until the Ecological Management Plan (EMP), submitted as Appendix 7 G-4: Ecological Management Plan ref 408.00197.00780 and produced by SLR dated August 2011, has been reviewed and updated and the amended document has been submitted to and approved in writing by the County Planning Authority. The Ecological Management Plan as submitted shall include:- (NB. Multiple inclusions listed on planning permission)</p> <p>The scheme has approved by the Council shall be adhered to throughout the construction and operation of the plant hereby approved.</p> <p>Reason: To ensure the adequate protection of species important for the nature conservation and their habitats in accordance with Policies 24 and 33 of the MWLP and the</p>	<p>Recommendation: Update as follows to reflect approved EMP</p> <p>The development shall not be constructed or operated other than in complete accordance with the Ecological Management Plan (EMP) as approved in writing by the County Council on 29th August 2012 pursuant to application AOC/11/20000/AWD when read in conjunction with any annual or other review documents that have subsequently been approved in writing by the County Planning Authority pursuant to condition TBC of this consent.</p> <p><i>NB The condition referred to as TBC is condition 7 of 11/20000/AWD (Column 1) as amended and re-numbered.</i></p>

	provisions of Paragraphs 109 and 118 of the NPPF.	
5	<p>Vegetation clearance including areas to be used for storage of materials, access and site compounds shall be undertaken outside of the breeding bird season (between 1 October and 28 February), or shall only be undertaken under the supervision of an ecologist approved by the County Planning Authority. If any breeding birds are encountered, works must be postponed until the young have fledged. Cleared areas should be managed to prevent re-growth of vegetation.</p> <p>Reason: To minimise the disruption to wildlife in accordance with Policy 33 of the MWLP and the provisions of Paragraph 109 of the NPPF.</p>	Recommendation: Retain condition with no changes
6	<p>No works associated with the proposed new access as indicated on plan Reference 7493/C/CR/210/Rev P04 (The New Access) shall take place on the line of the disused railway, until the membership and Terms of reference of the proposed Greatmoor Biodiversity Partnership have been submitted to and approved in writing. The partnership shall include the operator and its ecologist; representatives of the County and District Planning Authorities, Natural England and local ecological stakeholder organisations and shall be operated in accordance with the proposals contained in the Ecological Management Plan.</p> <p>Reason: To monitor and advise the County Council on the implementation of the Ecological Management Plan and to accord with Policy 33 of the MWLP and the provisions of Paragraph 109 of the NPPF.</p>	Recommendation: Combine with current condition 7 as outlined below.
7	The Ecological Management Plan shall be reviewed	Recommendation: Update as follows to assist with

	<p>annually in consultation with the Greatmoor Biodiversity Partnership and the revised details shall be submitted to the County Planning Authority for approval in writing by 31st January each year throughout the operational life of the EfW plant. All subsequent ecological management works on site shall be undertaken in accordance with the latest approved version of the Ecological Management Plan.</p> <p>Reason: To ensure the protection of species of important nature conservation interest and enhancement of their habitats and to accord with Policies 24 and 33 of the MWLP and the provisions of Paragraph 109 of the NPPF.</p>	<p>compliance monitoring</p> <p>The Ecological Management Plan (EMP) referred to in condition TBC of this planning consent shall be reviewed annually in consultation with the Greatmoor Biodiversity Partnership to ascertain its ongoing effectiveness. In the event that the annual review identifies the need for changes to be made to the EMP in order to maintain its effectiveness; an updated EMP shall be produced. The outcome of the annual review, including an updated EMP where required, shall be submitted to and approved in writing by the County Planning Authority by 31st January each calendar year throughout the operational life of the EfW plant. The EMP shall thereafter be implemented in accordance with the latest approved version. For the avoidance of doubt, the Terms of Reference and membership of the Greatmoor Biodiversity Partnership shall be as approved in writing by the County Planning Authority on 10th September 2012 pursuant to application AOC/11/20000/AWD(2).</p> <p><i>NB The condition referred to as TBC is condition 4 of 11/20000/AWD (Column 1) as amended and re-numbered.</i></p>
8	<p>No part of the development shall commence until a detailed landscape planting scheme has been submitted to and approved in writing by the County Planning Authority based on the measures identified on the Restoration Master Plan (GR3/18) including the planting of hedgerows and orchards to restore the historic agricultural setting of Lower Greatmoor Farmhouse. The detailed landscape planting scheme shall be carried out in accordance with the approved details and timescales contain therein.</p>	<p>Recommendation: Update as follows to reflect approved landscape planting scheme</p> <p>The development shall not be undertaken other in complete accordance with the detailed landscape planting scheme as approved in writing by the County Planning Authority on 29th August 2012 pursuant to application AOC/11/20000/AWD.</p>

	Reason: To mitigate the effects of the development on the surrounding landscape and to preserve, as far as possible, the setting of the listed building to accord with Policies 24 and 31 of the MWLP, Policy GP.38 of the Aylesbury Vale District Local Plan, January 2004 (AVDLP) and the provisions of Paragraph 109 of the NPPF.	
9	<p>Infilling of Pit 6 as defined on Plan No GR3/6A submitted with the application (Pit 6) shall not commence until a phased landscape restoration plan based on further future projections and assessments of landscape and visual impact has been submitted to and approved in writing by the County Planning Authority. The plan, as approved in writing shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that the planting is undertaken at acceptable densities using appropriate species in accordance with Policy 31 of the MWLP</p>	<p>Recommendation: Update as follows to reflect approved landscape restoration plan</p> <p>Infilling of Pit 6 as defined on Plan No GR3/6A shall be restored in complete accordance with the landscape restoration plan as approved in writing by the County Planning Authority on 1st June 2017 pursuant to application AOC/0070/2016.</p>
10	<p>No part of the development shall commence until a detailed arboriculture survey of the proposed new access road as detailed on Plan ref 7493/C/CR/210/RevP04 (New Access Road) has been submitted to and approved in writing by the County Planning Authority.</p> <p>Reason: To ensure that existing trees, not directly affected by the development, will be afforded protection in accordance with Policy 31 of the MWLP and Policy GP.39 of the AVDLP.</p>	<p>Recommendation: Update as follows and combine with existing condition 11 to reflect approved arboriculture survey and tree protection plan</p> <p>Trees shall be protected and maintained, for the lifetime of the EfW facility, in complete accordance with the detailed arboriculture survey and tree protection details as approved in writing by the County Planning Authority on 16th November 2012 pursuant to application AOC/11/20000/AWD(3).</p>
11	No part of the development shall commence until a detailed tree protection plan in accordance with BD 5837:2005 has been submitted to and approved in	Recommendation: Combine with current condition 10 as outlined above.

	<p>writing by the County Planning Authority. The plan shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that existing trees, not directly affected by the development will be safeguarded in accordance with Policy 31 of the MWLP and Policy GP.39 of the AVDLP.</p>	
12	<p>The tipping of waste in Pit 5 as indicated on plan reference GR3/6A submitted with the planning application (Pit 5) and the revised Pit 6 area, shall be undertaken strictly in accordance with the approved pre-settlement and post-settlement contours set out in the application (approved plans reference GR3/5A and GR3/6A).</p> <p>Reason: To ensure that the final landform of the landfill areas are at acceptable levels in accordance with Policy 31 of the MWLP.</p>	Recommendation: Retain condition with no changes
13	<p>No infilling within that part of Pit 5, requiring amendment to the final landform to ensure that the contours align with those of Pit 6, shall commence until a phasing plan for the landfilling and restoration of the revised Pits 5 and 6, has been submitted to and approved in writing by the County Planning Authority.</p> <p>Reason: To ensure that the restoration of the landfilling areas is to an acceptable standard and completed within an acceptable timescale in accordance with Policy 31 of the MWLP.</p>	Recommendation: Retain condition with no changes
14	<p>No infilling shall take place within Phase 2 of Pit 6, as</p>	Recommendation: Retain condition with no changes

	<p>indicated on plan reference GR3/6A submitted with the planning application, until a five year programme of agricultural/woodland aftercare for the restored revised Pit 6 area and Pit 5 has been submitted to and approved in writing by the County Planning Authority. The aftercare programme shall commence immediately following the application of the final restored layer in each phase. The programme, as approved in writing, shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that the restoration of the landfilling areas is to an acceptable standard in accordance with Policy 31 of the MWLP and Policy GP.38 of the AVDLP.</p>	
15	<p>Prior to the commencement of the development hereby approved, a detailed management plan for Lower Greatmoor Farmhouse shall be submitted to and approved in writing by the County Planning Authority including a schedule of works to upgrade and maintain the fabric of Lower Greatmoor Farmhouse and works to be carried out on the surrounding fields to improve the setting of the buildings, arrangements for monitoring the structural integrity of the building during the construction period, the principles and arrangements for the longer term management of the building and arrangements for regular meetings of a management liaison group to agree priorities, review progress and discuss further opportunities. The management plan shall be implemented in accordance with the details and timescales contained therein.</p> <p>Reason: To ensure the preservation of the listed building and its setting in accordance with Policy 24 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect approved management plan for Lower Greatmoor Farmhouse</p> <p>The development shall not be undertaken other than in complete accordance with the detailed management plan, including the schedule of works and monitoring of Lower Greatmoor Farmhouse as approved in writing by the County Planning Authority on 10th September 2012 pursuant to application AOC/11/200000/AWD(2).</p>

16	<p>No development shall take place until the programme of archaeological interest have been fenced and a programme of archaeological work has been completed in accordance with a written scheme of investigation submitted to and approved in writing by the County Planning Authority.</p> <p>Reason: To ensure the protection of areas of potential archaeological interest in accordance with Policy 24 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect approved scheme of investigation for archaeological works</p> <p>The development shall not be undertaken other than in complete accordance with the programme of archaeological works agreed in the written scheme of investigation as approved in writing by the County Planning Authority on 10th September 2012 pursuant to application AOC/11/20000/AWD(2).</p>
17	<p>No part of the development shall commence until measures to be taken (including any wheel cleaning facilities) to keep the new access road as indicated on plan reference 7493/C/CR/210/Rev P04 (New Access Road) both free of mud and potholes has been submitted to and approved in writing by the County Planning Authority. The scheme, as approved in writing, shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that mud is not carried by vehicles associated with the development onto the public highway in accordance with Policy 24 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect approved scheme of investigation for archaeological works</p> <p>The development shall not be undertaken other than in complete accordance with the approved measures to be taken to keep the access road from the A41 free of mud and potholes as approved in writing by the County Planning Authority on 10th September 2012 pursuant to application AOC/11/20000/AWD(2)</p>
18	<p>In combination with all other consented waste management activities at the site, maximum daily HGV movements using the new Access Road shall not exceed 276 (138 in, 139 out) per day.</p> <p>Reason: To protect the environment of residential properties located on the transport routes of vehicles delivering waste to the EfW facility, in accordance with policy 24 of the MWLP and Policy RA.36 of the AVDLP.</p>	<p>Recommendation: Vary as follows</p> <p>In combination with all other consented waste management activities at the site, maximum daily HGV movements using the access road from the A41 shall not exceed 600 (300 in, 300 out).</p>

19	<p>In combination with all other consented waste management activities at the site, the maximum number of daily HGV movements using the Brackley Lane access shall not exceed 260 (130 in, 130 out) per day.</p> <p>Reason: To protect the environment of residential properties located on the existing transport route of vehicles travelling to the development site and existing waste management facilities in accordance with Policy 24 of the MWLP and Policy RA.36 of the AVDLP.</p>	<p>Recommendation: Delete condition. This was a temporary condition that is now superseded by existing condition 26 which prevents the use of the Brackley Lane access other than by staff and visitors and light commercial vehicles.</p>
20	<p>Phase 2 of the development, defined within the planning application as the main building construction, installation and closing works (steel work, cladding and internal systems) shall not commence until the New Access Road and the associated roundabout junction, proposed in the planning application indicated on plan reference 7493/C/CR/A41/500/P06 (Roundabout Junction), have been constructed and are available for use. The access road and associated roundabout shall be constructed in accordance with detailed engineering drawings to be submitted to and approved in writing by the County Planning Authority. No part of the development shall be occupied until the access road which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details. Construction vehicles associated with Phase 2 and later construction phases of the development and all vehicles carrying waste associated with the development shall only use the new access road.</p> <p>Reason: To ensure that the proposed access road is available for use prior to the commencement of the second construction phase of the development of the EfW facility and associated buildings and ancillaries and</p>	<p>Recommendation: Delete condition. The access road and roundabout have been constructed and have received highway approval.</p>

	during its operation to minimise danger, obstruction and inconvenience to users of the highway and the development in accordance with Policy 24 of the MWLP and Policy RA.36 of the AVDLP.	
21	<p>Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences walls or other means of enclosure other than those shown on the approved plans (or the detailed engineering drawings to be approved) shall be erected along the site frontage of the New Access Road within 50 metres of the edge of the carriageway.</p> <p>Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of highway users.</p>	<p>Recommendation: Update Condition to reference the Town and Country Planning General Permitted Development Order 2015 as amended changes</p> <p>Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order) no gates, fences walls or other means of enclosure other than those shown on the approved plans shall be erected along the site frontage of the New Access Road within 50 metres of the edge of the carriageway.</p>
22	<p>No other part of the development of the New Access Road shall begin until visibility splays at the roundabout junction on the A41 Bicester Road have been provided (or are demonstrated to be in place) on both sides of the access between a point 2.4 metres along the centre line of the access measures from the edge of the carriageway and a point 90 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway of the A41.</p> <p>Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway.</p>	<p>Recommendation: Delete condition. The access road has been constructed and has received highway approval.</p>

23	<p>No part of the development shall be commenced until provision has been made to accommodate all site operatives, visitors' and construction vehicles loading, offloading, parking and turning within the site during the construction period in accordance with details to be submitted to and approved in writing, shall be adhered to throughout the construction of the development.</p> <p>Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the highway.</p>	<p>Recommendation: Delete condition. This was a temporary condition related to the construction period and is no longer required.</p>
24	<p>The scheme for parking, manoeuvring and the loading and unloading of vehicles, as hereby permitted shall be laid out prior to the initial occupation of the EfW development hereby permitted and the area shall not thereafter be se for any other purpose. The scheme shall be adhered to throughout the operation of the development.</p> <p>Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the highway.</p>	<p>Recommendation: Retain condition with no changes</p>
25	<p>No part of the development shall commence until a Travel Plan for the site for the development construction period has been submitted to and approved in writing by the County Planning Authority. The Travel Plan shall set out measures to reduce single occupancy journeys by private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal shift in the</p>	<p>Recommendation: Update as follows to reflect approved workplace travel plan and to remove reference to the construction period, which is no longer relevant</p> <p>The development shall not be undertaken other than in complete accordance with the Workplace Travel Plan approved in writing by the County Planning Authority on 15th</p>

	<p>forthcoming year. No part of the development shall then be occupied until the approved Travel Plan has been updated to include the operational phase of the development which shall be submitted to and approved in writing by the County Planning Authority. The Travel Plan as approved shall be implemented and adhered to and subject to annual review thereafter. Any changes approved by the County Planning Authority in writing following the annual review shall also be adhered to. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.</p> <p>Reason: In order to influence modal choice and to reduce single occupancy private car journeys and to comply with national and local transport policy.</p>	<p>October 2012 pursuant to application AOC/11/20000/AWD(3).</p>
26	<p>Following the expiry of a period of one month after the New Access Road has been brought into use, the existing Brackley Lane entrance shall not be used other than for staff and visitors' cars and light commercial vehicles visiting the landfill site and its associated offices and infrastructure.</p> <p>Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user and to bring about the proposed environmental improvements in accordance with Policy 24 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect the opening of the access road from the A41</p> <p>The entrance to the site from Brackley Lane shall not be used other than for staff and visitors' cars and light commercial vehicles visiting the landfill site and its associated offices and infrastructure.</p>
27	<p>Every two years, following the commencement of the development, a review of the prospects of securing the delivery of waste from the three southern districts of Buckinghamshire by rail to the proposed facility shall be undertaken and the results of that review shall be submitted to the County Planning Authority by 1st March.</p>	<p>Recommendation: Retain condition with no changes</p>

	Reason: To ensure that the delivery of waste by rail is kept under review in accordance with the provisions of Policy 30 of the MWLP.	
28	<p>No part of the development shall be commenced until details setting out how a BREEAM overall industrial rating score of very good will be achieved including details of their source both in terms of geographical origin and manufacture and the use of recycled materials where possible have been submitted to and approved in writing by the County Planning Authority. The details, as approved in writing, shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that the development is constructed in accordance with national standards and the provisions of Policy CC2 of the Regional Spatial Strategy for the South East 2010.</p>	Recommendation: Delete condition. The development has been constructed in accordance with approved details.
29	<p>No part of the development shall be commenced until a detailed lighting scheme has been submitted to and approved in writing by the County Planning Authority. Lighting shall be provided and maintained in accordance with the approved scheme throughout the operation of the development.</p> <p>Reason: To ensure that lighting associated with the development does not intrude or have a deleterious effect on neighbouring property in accordance with Policy 28 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect the approved lighting scheme</p> <p>The development shall not be undertaken other than in complete accordance with the detailed lighting scheme as approved by the County Planning Authority on 29th August 2012 pursuant to application AOC/11/20000/AWD. The approved lighting scheme shall be maintained throughout the operation of the development.</p>
30	No part of the development shall be commenced until a detailed dust control scheme has been submitted to and approved in writing by the County Planning Authority.	<p>Recommendation: Update as follows to reflect the approved dust control scheme</p> <p>The development shall not be undertaken other than in</p>

	<p>The scheme, as approved in writing, shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that dust associated with the development does not migrate onto neighbouring property in accordance with Policy 28 of the MWLP.</p>	<p>complete accordance with the dust control scheme as approved by the County Planning Authority on 10th September 2012 pursuant to application AOC/11/20000/AWD(2).</p>
31	<p>No part of the development shall commence until details of the measures to be taken to ensure that noise levels do not exceed the standard day time construction and operational and night time decibel levels (expressed as equivalent continuous sound levels) both during construction and the operation of the proposed development have been submitted to and approved in writing by the County Planning Authority. The details and measures, as approved in writing, shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that noise levels associated with the development do not exceed acceptable levels to accord with Policy 28 of the MWLP.</p>	<p>Recommendation: Update as follows and combine with existing condition 32 to reflect the approved noise and vibration management plan</p> <p>The development shall not be undertaken other than in complete accordance with the noise and vibration management plan as approved by the County Planning Authority on 10th September 2012.</p>
32	<p>No part of the development shall be commenced until details of the measures to be taken to mitigate vibration impacts both during construction and operation have been submitted to and approved in writing by the County Planning Authority. The details and measures, as approved in writing, shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that vibration impacts associated with the development do not exceed acceptable levels in accordance with Policy 28 of the MWLP.</p>	<p>Recommendation: Combine with current condition 31 as outlined above.</p>

33	<p>No part of the development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the County Planning Authority. The Site Waste Management Plan, as approved in writing, shall be adhered to throughout the construction and operational period of the development.</p> <p>Reason: To ensure that waste generated by the development is properly managed in accordance with Policy 10 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect the approved site waste management plan</p> <p>The development shall not be undertaken other than in complete accordance with the site waste management plan as approved in writing by the County Planning Authority on 10th September 2012 pursuant to application AOC/11/20000/AWD(2).</p>
34	<p>No waste shall be delivered to the Energy from Waste facility until details of the arrangements, for both MSW and C&I waste streams to demonstrate that waste would, as far as practicable, be residual, have first been submitted to and approved in writing by the County Planning Authority. The details, as approved in writing, shall be adhered to throughout the operation of the development.</p> <p>Reason: To ensure that the EfW facility is, as far as practicable, only used for the processing of residual waste in accordance with Policy 10 and 17 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect the approved details</p> <p>The development shall not be undertaken other than in complete accordance with the proposed arrangements to ensure that waste would, as far is practicable, be residual as approved in writing by the County Planning Authority on 7th April 2016 pursuant to application AOC/0002/1634.</p>
35	<p>The facility shall accept and process all residual MSW arising in Buckinghamshire that is delivered to the site.</p> <p>Reason: To ensure that local residual MSW waste arisings are treated at the EfW facility in accordance with the provisions of Policy 10 of the MWLP.</p>	<p>Recommendation: Retain condition with no changes</p>
36	<p>No deliveries of waste to the Energy from Waste facility shall occur other than between 7.00am to 6.00pm Monday to Fridays and 7.00 to 4.00pm on Saturdays. No</p>	<p>Recommendation: Retain condition with no changes</p>

	<p>deliveries of waste shall take place on Sundays and Bank Holidays other than delivered from household waste recycling centres within Buckinghamshire between 8.00am and 4.00pm.</p> <p>Reason: To protect the environment of residential properties located on the transport routes of vehicles delivering waste to the EfW facility in accordance with Policy 28 of the MWLP.</p>	
37	<p>Except as may be approved in writing by the County Planning Authority, no construction work shall take place on Sundays and Bank Holidays.</p> <p>Reason: To ensure that disturbance to local residents is minimised during the construction of the facility in accordance with Policy 28 of the MWLP.</p>	Recommendation: Delete condition. The development has been constructed.
38	<p>No landfilling shall take place in Pit 5 and the revised Pit 6 area other than during the hours as consented for pits 4 and 5 pursuant to planning permission no. 07/20003/AWD.</p> <p>Reason: To protect the environment of neighbouring properties in accordance with Policy 28 of the MWLP.</p>	Recommendation: Retain condition with no changes
39	<p>No part of the development shall be commenced until a detailed scheme for the reinstatement of the flow into the Muxwell Brook has been submitted, and approved in writing by, the County Planning Authority. The approved scheme shall be implemented fully in accordance with the details therein.</p> <p>Reason: To ensure that the development does not give rise to increased risk of flooding in accordance with</p>	<p>Recommendation: Update as follows and combine with existing condition 42 to reflect the approved scheme for the reinstatement and realignment of Muxwell Brook</p> <p>The development shall not be undertaken other than in complete accordance with the scheme for the reinstatement and realignment of Muxwell Brook as approved in writing by the County Planning Authority on 21st November 2012 pursuant to application AOC/11/20000/AWD(3).</p>

	Policy 33 of the MWLP.	
40	<p>The development shall not be carried out other than in accordance with the approved Flood Risk Assessment (FRA) as set out in the planning application, the accompanying environmental statement and subsequent amendments to these.</p> <p>Reason: To ensure that the development does not give rise to increased risk of flooding in accordance with Policy 33 of the MWLP.</p>	Recommendation: Retain condition with no changes
41	<p>No part of the development shall commence until a surface water drainage scheme for the site, including the access road, based on sustainable drainage principles and an assessment of the hydrological context of the development has been submitted to and approved in writing by the County Planning Authority. The approved drainage scheme shall be implemented in accordance with the details therein.</p> <p>Reason: To ensure that the development does not give rise to an increased risk of flooding in accordance with Policy 33 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect the approved surface water drainage scheme</p> <p>The development shall not be undertaken other than in complete accordance with the surface water drainage scheme as approved in writing by the County Planning Authority on 21st November 2012 pursuant to application AOC/11/20000/AWD(3) and 25th January 2016 pursuant to application AOC/2000/1141.</p>
42	<p>No part of the development shall be commenced until a scheme for the proposed river alignment has been submitted to and approved in writing by the County Planning Authority. The scheme as approved in writing shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To ensure that the river alignment contributes to the nature conservation value of the site and to reduce the risk of flooding in accordance with Policy 33 of the</p>	Recommendation: Combine with current condition 39 as outlined above.

	MWLP.	
43	<p>No part of the development shall be commenced until a scheme for the disposal of foul drainage has been submitted to, and approved in writing by, the County Planning Authority. The scheme as approved in writing shall be adhered to throughout the construction and operation of the development.</p> <p>Reason: To avoid the risks of pollution to ground and surface waters arising from the proposed development in accordance with Policy 33 of the MWLP.</p>	<p>Recommendation: Update as follows to reflect the approved scheme for the disposal of foul water</p> <p>The development shall not be undertaken other than in complete accordance with the scheme for the disposal of foul water as approved in writing by the County Planning Authority on 5th December 2012 pursuant to application AOC/11/20000/AWD(3).</p>
44	<p>No Hazardous waste shall be imported for either treatment or disposal at the site.</p> <p>Reason: To ensure compliance with Policy 33 of the MWLP as the development of the site, as proposed, is intended only to cater for hazardous waste generated by the Energy from Waste facility.</p>	<p>Recommendation: Retain condition with no changes</p>
45	<p>Details of the total tonnages of Municipal Solid Waste and Commercial and Industrial Waste delivered to and processed within the application site, the total tonnage of waste disposed of to the landfill within the application site and the total quantities of metals, incinerator bottom ash and other recovered materials exported from the application site shall be submitted annually, no later than 31 January each year, to the County Planning Authority (the application site is as defined within the planning application, plan reference GR1/1).</p> <p>Reason: To enable the County Planning Authority to monitor the extent of the diversion of waste from landfill in accordance with Policy 40 of the MWLP.</p>	<p>Recommendation: Retain condition with no changes</p>

46	<p>Following commencement of the development, an annual review (or such longer period as may subsequently be approved in writing by the County Planning Authority) of the prospects of securing provision of further heat off-take from the EfW facility shall be undertaken and results of that review shall be submitted to the County Planning Authority.</p> <p>Reason: To ensure that the opportunities for utilising surplus head are kept under review in accordance with Policy 17 of the MWLP and the provisions of Policy CC2 of the Regional Spatial Strategy for the South East 2010.</p>	Recommendation: Retain condition with no changes
47	<p>The Energy from Waste Facility and all associated buildings, plant and machinery shall be decommissioned, removed and the site restored no later than 6 months from the cessation of the operation of the facility in accordance with a scheme to be submitted to the County Planning Authority no later than 1 month from the cessation of the operation of the facility.</p> <p>Reason: To ensure the restoration of the site when the facility is no longer required for the purposes permitted in accordance with Policy 29 of the AVDLP and the provisions of Circular 02/98.</p>	Recommendation: Retain condition with no changes
48.		<p>Recommended New Condition:</p> <p>This planning permission hereby granted shall not be implemented until a traffic regulation scheme to alert drivers to the junction of the access road with the private access to Woodham Industrial Estate and to vehicles accessing and egressing from it has been laid out and erected on Creighton Road in accordance with details that have first</p>

		<p>been submitted to and approved in writing by the County Planning Authority.</p> <p>Reasons:</p>
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