

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 Doddershall 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 Sheepphouse 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.