

Agenda

DEVELOPMENT CONTROL COMMITTEE

Date: Monday 1 April 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.

Agenda Item	Page No
1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP	
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 Monday 25 February	5 - 16

2019, to be confirmed as a correct record.

- 4 DATE OF NEXT MEETING**
Monday 20 May 2019 at 10.00 am in Mezz 1 and 2, County Hall.
- 5 CM/0002/19: VARY CONDITION 2 ON CM/0006/18 CHANGE OF OPERATING HOURS FROM 8.00 - 18.00 MONDAY TO FRIDAY TO 7.00 - 17.00 MONDAY TO FRIDAY** **17 - 30**
- 6 EXCLUSION OF THE PRESS AND PUBLIC**
To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual
- 7 CONFIDENTIAL MINUTES** **31 - 32**
- 8 ENFORCEMENT REPORT** **33 - 40**

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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:**
<https://democracy.buckscc.gov.uk/mgCommitteeDetails.aspx?ID=105>
- **Contacting Democratic Services, on 01296 382290 or democracy@buckscc.gov.uk**

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

Minutes

DEVELOPMENT CONTROL COMMITTEE

MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 25 FEBRUARY 2019 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.05 AM AND CONCLUDING AT 11.36 AM

MEMBERS PRESENT

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

OTHERS IN ATTENDANCE

Ms M Rajaratnam, Mrs G Crossley, Mrs E Catcheside, Mr M Pugh, Ms S Taylor, Ms S Winkels and Mr D Marsh

Agenda Item

- 1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**
Apologies were received from Mrs A Cranmer.
- 2 DECLARATIONS OF INTEREST**
There were no declarations of interest.
- 3 MINUTES**
RESOLVED: The minutes of the meeting held on 14 January 2019 were **AGREED** as an accurate record and were signed by the Chairman.

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**

Mrs G Crossley, Development Management Officer, Buckinghamshire County Council (BCC), reminded Members that the application was first presented to the Committee in July 2018 where it was recommended for approval and members voted in favour of the officer's recommendation with the addition of a road condition survey. It had come before the committee again for consideration due to the material changes that had occurred since the matter was considered in July 2018.

Mrs Crossley highlighted the following points:

- The site benefitted from permitted development rights [granted under The Town and Country Planning (General Permitted Development) (England) Order 2015] to railway undertakers for the movement of traffic by rail.
- The landowner was Network Rail who was a Railway Undertaker.
- The applicant was Breedon Southern Limited who was not a Railway Undertaker.
- The concrete batching plant was not covered by the permitted development rights.
- The certificate of proposed lawful use or development may have caused some confusion. This provided evidence of the permitted development rights but even without this the permitted development rights would exist and these were considered a fall-back in planning terms.
- The proposed development required planning permission which was why it was being presented to the Committee.
- The site was an existing railway siding which was safeguarded for rail use in the Core Strategy and in the emerging Local Plan.
- The site lay within the green belt and was considered inappropriate but very special circumstances applied.
- The key objections raised to the application were highways and air quality matters.

There were three main material changes that had occurred since the application was brought to the Committee last year:

- South Bucks District Council (SBDC) had declared the Iver Air Quality Management Area (AQMA). SBDC Environmental Health Officers (EHO) were re-consulted on the application and they requested mitigation in the form of a contribution towards the progression of the Air Quality Action Plan (AQAP) (recommendation 4 should read 'AQAP' rather than Clean Air Zone)
- Damage Cost Calculation had been reviewed – used to quantify the financial cost of air quality pollutants (NO₂ and PM₁₀) generated by HGVs associated with the development, as there was no alternative mechanism. This methodology was originally suggested by Slough Borough Council (SBC) and agreed by the applicant as being an appropriate means of calculating the air quality impact. BCC had received contradictory views from the applicant and SBC and therefore were taking independent advice from the Department for Environment, Food and Rural Affairs (DEFRA) to ensure correct assessment was being made and adequate mitigation was sought. The figure provided within the recommendation was put forward by the applicant following a request from Officer's to use a particular category and other inputs as suggested by SBC and also to follow newly published guidance (January 2019). This figure (£39,841) was the latest at the time the report went to print. Since then, Mrs Crossley stated she had received further revised calculations from the applicant, SBC and DEFRA. Therefore, Officer's recommended that Members delegate that this be resolved to the Head

- of Planning, following discussion with the applicant, SBC, SBDC & DEFRA.
- Link Park Appeal Decision - an appeal decision was published on 24 July 2018 on the adjoining site referred to as Link Park. The inspector's report raised an issue about noise being generated by HGVs accessing the site outside of normal operating hours. The applicant was requested to provide a noise assessment of HGVs using the routes to and from the site to address this issue. The submitted noise assessment had been reviewed by the EHO and was deemed acceptable.

As part of the previous recommendation, the application was sent to the Secretary of State (SoS) to consider if they wished to “call it in” for their own determination, as a departure from Green Belt policy. The SoS had responded to say that they did not wish to “call it in” and therefore it fell to BCC as the determining authority to determine the application.

SBC had put forward three further points:

- The damage cost calculation should now be based on 10 years, rather than 5 years because the “NO₂ levels in Brands Hill are not expected to meet the EU Limit Value for at least another 10 years”. SBC stated that this was in line with the latest guidance. However, DEFRA advised that five years was the most appropriate and that, whilst the example given in the latest guidance was for 10 years, “the guidance did not state a single year value to be applied; it implied this should be looked at on an individual case basis”. SBC’s calculations provided a damage cost figure of £80K.
- SBC had also asked that it was made clear to Members that the Damage Costs did not cover the cost of mitigation, which was why they asked for £100K mitigation on air quality within their initial objection.
- The cumulative effect of this scheme and the CEMEX scheme would see the air quality at Sutton Lane increase over the 40ug/m³ EU Limit Value and is therefore likely to result in the AQMA being extended along Sutton Lane or a new AQMA being declared.

The applicant had also sought advice from the DEFRA helpdesk with regard to sharing mitigation for the two separate AQMAs rather than requesting it twice. DEFRA had responded to say that they believed it should be split between the two areas, based on factors such as the link length within each authority, the sensitivity of the areas and background concentrations of pollutants etc. However, the Legal advice that BCC had received was that we could request the contribution twice for the two separate AQMAs. The applicant had also reiterated their point that the roads affected by this development were not within Outer London or within the M25, and therefore the most appropriate category would be the “Road Transport Outer Conurbation” and that the “Urban Not London” emissions factors should be used. This provided a cost of £13,545. The applicant argued that neither SBDC nor SBC had adopted a policy which would obligate a damage cost calculation to be undertaken. The applicant had carried out an AQA, which concluded that there were “no significant operational effects on air quality as a result of the proposed development”. They stated: “In the absence of any adopted relevant statutory local, regional or national policy which gave definitive terms on the applicability of damage costs calculations to development proposals; it was determined that the damage costs approach could not lawfully be applied as a planning obligation as suggested by BCC. It was not the responsibility of individual developments to fund additional local authority projects which were not guaranteed to directly or indirectly offset the emissions produced by their development. Requests of financial contributions to highways improvements as a Planning Obligation had been made which were significantly greater than the damage costs value and would give rise to significant improvements in air quality within the Slough AQMA No.1 and Iver AQMA. Therefore, if Planning Obligation V was determined to be accepted, this would cover the damage

costs value in almost three times its value.”

The applicant maintained that “the likelihood for the site, should this application fail, was for significantly more HGV movements than being proposed now.”

Mrs Crossley brought members' attention to paragraphs 98-101 of the report regarding the road condition survey which was requested by members at the Development Control Committee meeting in July 2018. Mrs Crossley reiterated that this had not been requested by the Highways Authority and Members might want to reconsider whether they still wanted to include it if the application were to be approved.

Mrs Crossley presented photos of the site and plans.

Mrs Crossley stated the Development Control Committee was invited to APPROVE the application subject to conditions and a Planning Obligation as set out within the report. However, due to the continued disagreement between parties concerning the Air Quality contribution, it was requested that Members delegate the final amount to be determined by the Head of Planning following negotiation between the applicant, SBC and SBDC, with support from DEFRA.

Public Speaking

The Ivers Parish Council submitted a summary of observations on application CM/19/17, which the Parish Council strongly objected to on a number of grounds. The summary was provided to the members of the Development Control Committee and is appended to the minutes.

Mr C Jordan, Iver Parish Council, stated that he wanted to focus on two fundamental issues underlying the Parish Council's objections.

The applicant had provided estimates of average sound levels per hour and had concluded that there would be a minimal increase in average noise level associated with heavy goods vehicle (HGV) movements during sensitive hours. The Parish Council believed this approach was flawed and therefore meaningless. Mr Jordan stated that if the average noise level associated with one hour of the committee meeting was determined and then repeated with the fire alarm sounding briefly every 10 minutes there would be little change in the total sound energy and therefore the average sound energy per hour, however the impact of the fire alarm would be intolerable. This was what the residents would hear and would be intolerable if the hours were extended during sensitive hours.

The same view was taken by the Planning Inspectorate appeal when a previous application for extended hours on the same site was rejected by this Authority. As regards the concrete batching plant, legal advice provided to this Committee in relation to a previous application, supported by a ministerial ruling, specifically excluded construction of a concrete batching plant under permitted development rights.

There were existing concrete batching plants close to the Thorney Mill site at Thorney Business Park, Langley Station, Denham, Sibson, and at the nearby CEMEX site recently approved by this Committee. Every vehicle carrying cement or concrete to and from the Thorney Mill Siding site would have to pass the CEMEX concrete batching plant. Mr Jordan queried what the condition of very special circumstances was that satisfied the justification of construction of the proposed plant in the Green Belt. BCC's Minerals and Waste Policy 28 stated that “development likely to generate HGV trips would only be permitted when they would not adversely affect the character or amenities of nearby properties or the locality, for example, through noise, vibration, disturbance or visual intrusion”. The South Bucks Local Plan policy TR10 made the same commitment.

The South Bucks Core strategy policy CP16 commented specifically on reducing the number and impact of HGV movements in South Iver and the draft Bucks Minerals and Waste Plan says that construction of new buildings was inappropriate in the Green Belt. The South Bucks Policy GB1 of the Local Plan adopted the same principle.

The Ivers Parish Council could find nothing in the applicant's statement of need to persuade them that disregard of these policies or dismissal of clear legal advice by the authorities' counsel on permitted development rights could be justified.

It was the view of the Ivers Parish Council that were the Committee to approve the application, in its present form, it would be acting "ultra vires".

Ms M Rajaratham, Assistant Team Leader – Planning and Regeneration, Harrow and Barnet Law, commented that her understanding was that the advice previously given was that the current applicant did not benefit from the permitted development rights but the council's case was that the permitted development rights [granted by statute] would create a fall back. The applicant was not a railway operator but the site still benefitted from the permitted development rights [granted by statute].

Mrs Crossley stated that it was unusual to request a noise assessment of HGVs using a route to and from a site and therefore there was no set guidance as to how it should be approached. Following the Link Park decision, the applicant was asked to provide a noise assessment of HGVs travelling to and from the site outside of 'normal operating hours'. The approach and methodology was agreed between the applicant and South Bucks District Environmental Health Officers. The EHO reviewed the submitted assessment and accepted the outcomes.

The original noise assessment submitted for the development identified elevated levels at some receptors around the site and therefore noise barriers had been proposed in the south-east corner of the site closest to the residential property on Thorney Mill Road and up in the northern part to protect residents in Hillingdon.

A Member of the Committee asked for clarification on whether the Council would be acting "ultra vires" if the recommendation proposed was accepted. Ms Rajaratnam stated that, in her view, the Council would not be acting ultra vires if they accepted the officer's recommendation as the officer had considered all the material considerations thoroughly as set out in her report and it was now for the Committee to take a view whether, on a balance of probability, that there was a realistic possibility of the site, if the application was refused, being used by another railway operator under the permitted development rights which still existed.

A Member of the Committee requested clarification on the noise levels and asked whether it was an "average" sound level per hour as she felt it was the difference in noise level, when an HGV passed through a residential area, which should be considered rather than the average, particularly at night. Mrs Crossley stated that the noise assessment addressed the hours of 6.00-11.00 pm and the noise consultant had looked at the number of movements proposed in and out of the site and assessed how many would operate each hour between 6.00 and 11.00 pm. There would be an additional six HGV movements which equated to less than one decibel, which is imperceptible. Mrs Crossley confirmed it was the "average" noise level that was assessed and that it had been agreed between the EHO and the Noise Consultant. Mrs Crossley reiterated that HGV movements would occur anyway due to the permitted development rights.

Mr D Marsh, PDE Consulting attended the meeting on behalf of the applicant and spoke in support of the application. Mr Marsh raised the following key points:

- Since July 2018 PDE Consulting had worked with the case officer to consider the three material changes in the environment surrounding the proposed development; the new Iver AQMA, the methodology associated with calculating damage costs and the Inspector's decision on Link Park.
- The development was exactly the same as the application the Development Control Committee considered in July 2018 and previously resolved to grant permission for.
- PDE Consulting had assessed the development against the new emerging material circumstances and the Officer's recommendation was for approval.

There were no questions from Members of the Development Control Committee.

Ms L Sullivan, Local Member, had submitted comments prior to the meeting which had been circulated to the Committee Members. Ms Sullivan attended the meeting and read out her comments as appended to the minutes and highlighted the following points:

- That the Committee ensure that the calculations to equate the value of secured funding towards Iver AQMA at least matched that funding granted to Slough AQMA - minimum £50,000 calculation.
- To ensure a commitment from the applicant to adhere to the conditions and obligations as stated in the committee report.
- Assurance from the Committee that all the conditions were strictly adhered to and monitored and enforced by officers.
- To suggest a final recommendation from the Committee that the applicant agree to hold regular Community Forum Liaison meetings, with representatives from the applicant side, community, relevant residents' group and parish council.

Members of the Committee raised and discussed the following points:

- The Chairman referred to the figure quoted of £50,000 funding for air quality mitigation and asked if it was an appropriate amount; Mrs Crossley stated that, due to the varying amounts quoted by the different organisations, at the moment the recommendation was for £39,000 proposed by the applicant based on what SBC had put forward, but would like Members to delegate to the Head of Planning to be negotiated outside of the meeting.
- Mrs Crossley stated that the legal agreement was recommended to include that HGVs avoid Iver High Street and that vehicles were to comply with the Euro VI standards; a requirement that HGVs would not exceed 82 per day was recommended as a condition, along with precautions to prevent mud and debris on the highway.
- A Local Liaison meeting could not be conditioned, although it could be added as an 'informative'. Legal advice stated that it could be incorporated into the legal agreement if requested by Members, with appropriate wording.
- In response to a Member of the Committee asking if the resources were available to enforce the condition that HGVs did not travel along Iver High Street; Mrs Crossley confirmed the resources were available for monitoring planning permissions but they would also rely on reports from residents.
- A Member of the Committee expressed concern over the unconfirmed rail slot availability as, if there were not enough rail slots, aggregates would arrive and leave by HGV. Mrs Crossley was unable to comment as to whether there were sufficient rail slots available but confirmed that the number of HGV movements to and from the site would be conditioned.
- Ms Sullivan stated she would be happy to chair the Local Liaison meetings and that she felt they would be beneficial to the community.
- A Member of the Committee asked why the other sites in the area were not being

used. Ms Sullivan confirmed there were two other sites nearby. Mrs Crossley advised there was a need in the market; one of the concrete batching plants had closed down (Breedons) and this application would replace it.

- A Member of the Committee reiterated the need for a road condition survey as the developer would only be required to put right the damage made by them. It was felt that extensive damage could be caused by HGVs. Ms Rajaratham stated that it would be reasonable to include an obligation that the developer should carry out a survey before and after the development had commenced. It was accepted that the roads were already in a bad condition; the extent would be revealed in a survey carried out beforehand. Members agreed to retain the road survey condition.
- Mrs E Catcheside, Planning Lead Officer, summarised that there were two items being voted on which were not included in the officer's recommendation:
 - A road condition survey
 - Local Member Liaison Group being set up
- A Member of the Committee queried whether the applicant would be responsible for the cost of repairing any damage to the road surface. Ms S Winkels, Planning and Enforcement Manager, stated that the road condition survey had not been requested by BCC as a Highways Authority; it was however, a requirement of BCC to provide a highway of a certain standard. This was a road which had high traffic volume in its own right so the Highways response was to restrict the number of HGVs and did not see it as something that should be enforced. The Chairman reminded the Committee that the issue of proving who had caused the damage had been raised in July 2018 and that his own view was that it was better to keep it in because it provided an opportunity even though it may be difficult to prove. The Committee agreed to keep in the requirement for a road condition survey.
- Members of the Committee agreed that Liaison Committee meetings would be held and that it would be part of a legal agreement; the wording would be provided by the officers and would allow for the possibility that the meetings may cease if interest dwindled.

The Chairman stated the recommendation was 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 should be in full compliance with the Euro VI Standards and the applicant should 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 SBC'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 SBDC towards the progression of an AQ Action Plan for the Iver AQMA.
- v. A financial contribution of £115,700 towards Highways Improvements at the

- Sutton Lane/A4 London Road Junction.
- vi. A road condition survey to be carried out.
 - vii. Local Member Liaison meetings to be held at regular intervals to be arranged with the Local Member.

Due to the continued disagreement between parties concerning the Air Quality contribution, it was requested that the Committee delegate the final amount to be determined by the Head of Planning following negotiation between the applicant, SBC and SBDC, with support from DEFRA.

Mr Clare proposed the approval of the recommendations as listed in the report (with the slight amendment to number iv) and the two further recommendations as listed above.

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

For	6
Against	0
Abstention	0

RESOLVED: The Committee unanimously APPROVED 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 recommendations listed above.

- 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)**

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)

Ms J Blake, Local Member, confirmed she would consider the application with an open mind.

Mrs E Catcheside, Planning Lead Officer, BCC stated that the reasons for the increase in the maximum daily HGV movement were set out in paragraphs 22-24 of the report. There had been some objections received from the local residents and parish councils due to the highway impacts immediately surrounding the sites as well as the impact on the environment. Mrs Catcheside stated that there had been extensive discussions with the Highway Authority, Ecology Advisers, Natural England and Environmental Health Officers at the district council and there were no objections outstanding.

Mrs Catcheside highlighted two points of clarification:

- Paragraph four referred to the In-Vessel Composting Facility which did have its own planning consent but the movements to and from the site, if it was implemented, would form part of the current 276 or the proposed 600.
- Paragraph 25 stated that “the HGV limit imposed by condition 18 had been breached periodically since planning permission was granted in 2012”. Mrs Catchside clarified that the periodic breaches had taken place since the site became operational in 2016 rather than 2012.

Mrs Catchside presented photographs of the site, the access and the Sites of Special Scientific Interest (SSSIs). Natural England had raised concerns in connection with the SSSIs but these had been overcome.

Members of the Committee raised and discussed the following points:

- A Member of the Committee stated that significant controversy had occurred as the reason for the original recommendation of the limitation of traffic movements was to protect the environment of residential properties located on the transport routes of vehicles delivering waste to the Energy from Waste (EFW) Facility and therefore the movements were regulated to not exceed two hundred and seventy six. The current application represented a vast increase. The report had gone into great detail to explain environmental and residential concern and it would give members comfort to know why the facility was built in the first place. Mrs Catchside explained that the vehicle movement limitation was not requested by any technical consultees. The movement limitations were proposed by the applicant and had formed the basis of the technical assessments submitted at the time therefore it was good practice to limit the movements to those proposed. This application proposed to increase those vehicle movements quite substantially and this application had been accompanied by updated assessments which concluded that there would not be any significant adverse effects arising from the increase and this had been reviewed in terms of noise and air quality effects on local residents and there were no objections.
- A Member of the Committee raised concern over whether the road could cope with 600 vehicles a day as much of the road was single carriageway with blind bends. Mrs Catchside confirmed that a traffic assessment had been carried out; there were a number of vehicle refuge bays along the road and the assessment produced stated that no widening of the road was required.

Public speaking

Mr M Pollard, Axis, Planning Consultant and Mr M Nicholson, FCC Environment UK Limited, attended the meeting on behalf of the applicant.

Mr Pollard had submitted a statement, appended to the minutes, which he read out highlighting the following points:

- The current limitation on vehicle numbers was derived from traffic figures included in the original planning application for the EFW

- facility in 2011.
- The EFW facility did not become fully operational until early 2017, by which time, the circumstances had changed. There had been an upturn in the economy and an associated increase in development activity, which had led to greater demand for the disposal of waste at the landfill site.
 - The proposed increase in the vehicle cap from 276 to 600 daily HGV movements would provide FCC with operational flexibility and headroom they needed to address the continued up-turn in waste inputs at the landfill site.
 - The planning application had been supported by a wealth of technical and environmental information, which had assessed the impacts of the daily increase in vehicle movements.
 - Officers had concluded that the proposal would not give rise to unacceptable effects on the highway network, the environment or the amenity of local residents.

Members of the Committee raised and discussed the following points:

- A Member of the Committee stated that the Liaison Committee was still functioning and asked whether it had been included in the consultation. Mrs Catcheside stated that the Liaison Committee was not a formal body and, as such, would not have been consulted.. However, the people who attended the Liaison Committee meetings would have been included in their other roles e.g. the parish council, local member and as local residents.
- In response to a query from a member as to whether the HS2 routes had been confirmed; Mr D Marsh, Senior Highways Development Management Officer, stated that HS2 had submitted a cumulative assessment and he was satisfied that there would not be a severe impact on junction capacity.

Mr Clare proposed the approval of application CM/0077/18.

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

For	6
Against	0
Abstention	0

RESOLVED: The Committee unanimously APPROVED 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.

6 DATE OF NEXT MEETING

Monday 1 April 2019 at 9.30 am 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

Buckinghamshire County Council

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Committee Report: 1st April 2019

Application Number:	CM/0002/19
Title:	Vary condition 2 on CM/0006/18 change of operating hours from 8.00 - 18.00 Monday to Friday to 7.00 - 17.00 Monday to Friday
Site Location:	Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
Applicant:	Mr J Bone Enterprise Skip Hire Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
Case Officer:	Catherine Kelham
Electoral divisions affected & Local Member:	Wendover, Halton and Stoke Mandeville Steve Bowles
Valid Date:	3 rd January 2019
Statutory Determination Date:	4 th April 2019
Extension of Time Agreement:	n/a

Summary Recommendation(s):

The Development Control Committee is invited to APPROVE application no. CM/0002/19, to vary condition 2 to change of operating hours from 8.00 - 18.00 Monday to Friday to 7.00 - 17.00 Monday to Friday, subject to the conditions set out in Appendix A



Introduction

1. Application CM/0002/19 seeks to vary the existing hours of operation at Enterprise Skip Hire located at Chiltern View Nurseries and shown edged red on the diagram below (“the Application Site”) from 8.00 - 18.00 Monday to Friday to 7.00 - 17.00 Monday to Friday.
2. It was submitted to the County Council on 28th December 2018 and subsequently validated on 3rd January 2019. It was advertised by newspaper advertisement, site notice and neighbourhood notification. The thirteen-week determination date is 4th April.

Site Description

3. The Application Site is part of the Chiltern View Nurseries Complex and shares the same access from the A413 (Wendover Road). It is located to the west of the A413 (Wendover Road), alongside the Amersham branch of the Aylesbury – London railway line. It is approximately 1.0km to the southeast of Stoke Mandeville, approximately 1.1km to the southwest of Weston Turville and approximately 4.8km to the south west of the centre of Aylesbury.
4. The Waste Transfer Station at the Application Site forms the north east part of the Chiltern View Nurseries Complex. Adjacent to the southeast of the Waste Transfer Station/Application Site is an area of land where planning permission has been granted for the storage of empty skips, empty containers and skip lorries (CM/0002/18) and carpark. Approximately 100m to the southeast of the Waste Transfer Station/Application Site across the carpark is the Triangle Business Park. Unit 1, Triangle Business Park, which is the closest building to the Application Site, has been granted planning permission for a change of use from B1(a) office use to C3 residential use (AVDC Planning Reference: 18/00510/COUOR). To the east is Chiltern View Nurseries glasshouses and retail area. The nearest residential property to the northeast of the Application Site on Wendover Road is approximately 245 metres away from the Application Site. To the west of the Application Site is the railway line, and then fields. The nearest property in this direction is Stoke House, a Grade II listed building, approximately 700m away.
5. The Application Site (with the approximate application area outlined in red) is shown below:



6. The Application Site falls within the Southern Vale landscape character area. This area is characterised as a large area of low-lying vale landscape with limited topographic variation. It

contains transport corridors and large villages that due to the open nature of the area and the urban edge of Aylesbury break-down the rural character of the area.

7. It is not located in close proximity to any nationally recognised environmental assets. The edge of Chilterns AONB is approximately 1.4km to the south-east of the Application site and the nearest asset of recognised environmental value is Weston Turville Reservoir SSSI, approximately 1.5km to the east of the Application Site. The Application Site is located within flood zone 1.

Site History

8. The most relevant planning history for the Application Site and Chiltern View Nursery Complex is outlined below:

11/20002/AWD	Proposed change of use of former railway land and agricultural yard to waste and recycling transfer centre	Application permitted 16. September 2011
11/20006/AWD	Proposed waste recycling shed and revised layout	Application permitted 06. January 2012
12/20003/AWD	Proposed waste recycling shed	Application permitted 14 February 2013
	N.B. Development not implemented within three years of date of permission	
13/20002/AWD	Change of use of land from Agriculture to extension to waste transfer site	Application withdrawn 20. August 2013
13/20003/AWD	Extension to waste and recycling transfer station	Application permitted 03. February 2014
CM/69/14	Erection of Operational and Storage Sheds to serve Waste Transfer Station and Temporary siting of shipping containers.	Application permitted 02. December 2014
CM/63/15	Removal of Condition 10 of Planning Permission CM/69/14 (The Waste Recycling Process and Storage operation shall be undertaken solely under cover within the Operational & Storage Sheds and not elsewhere within open areas of the site.)	Application refused 07. April 2016
APP/P0430/W/16/3148503	Appeal against refusal of application CM/63/15	Appeal partially upheld 29. November 2016
CM/54/16	Retention of buildings as constructed with an extension to building B, erection of storage bays and the storage of skips.	Application withdrawn 11. January 2017
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 waste processing. Increase in height of stockpiles. Removal of staff car parking. Increase in HGV vehicular movements to 50 in and 50 out per working day. Change of hours of operation from: 08.00-18.00 Mon-Fri and 08.00-13.00 Sat to 06.30-18.30 Mon-Sat	Application Approved 23. August 2018
CM/0002/18	Use of land for storage of empty skips, empty containers and skip lorries	Application approved 12. September 2018
18/00432/APP	Change of use from car park to modular B1/B8 business start-up units	In the process of determination (AVDC)

Proposed Development

9. This application seeks permission to amend the hours of operation at the existing waste transfer station at the Application Site.
10. Although as part of application CM/0006/18, planning permission was sought to extend the hours of operation from 08.00-18.00 Mon-Fri and 08.00-13.00 Sat to 06.30-18.30 Mon-Sat, the impact of this was considered unacceptable due to a lack of information on the amenity impact in the early morning. On this basis the planning permission granted did not allow the change of hours and instead included a condition to maintain the hours of operation of 8:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday with no working on Sundays or Bank and Public Holidays.
11. This application seeks to move the hours of operation earlier by one hour Monday to Friday. Instead of operating between 08:00 and 18:00, they wish to instead operate between 07:00 and 17:00. The running of the screener and crusher are not included in the proposed variation and the applicant intends for these to operate after 08:00 as is currently permitted. The Saturday hours of operation are not proposed to change and would continue to be between 08:00 and 13:00.
12. No other changes to the Application Site or its operation are proposed and there would be no built development as a result of this application.
13. The applicant states that they wish to change the hours to allow skip lorries to exit the Application Site at a reasonable time to avoid rush hour traffic.

Planning Policy and Other Documents

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
15. The development plan for this area comprises of:
 - Saved policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)
 - Buckinghamshire Minerals and Waste Core Strategy (BMWCS)
 - Adopted Aylesbury Vale District Local Plan (AVDLP) 2004
16. Other documents that need to be considered in determining this development include:
 - National Planning Policy Framework (NPPF)
 - National Planning Policy for Waste (NPPW)
17. The draft **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** 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.
18. The draft **Vale of Aylesbury Local Plan (2013-2033)** 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.

19. The following policies are considered relevant to the proposed development:

Adopted Buckinghamshire Minerals and Waste Core Strategy (BMWCS) 2012

- CS22 (Design and Climate Change)

Saved Policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)

- Policy 28 (Amenity)

Adopted Aylesbury Vale District Local Plan (AVDLP) 2004

- GP.8 Protection of Amenity of Residents
- GP.95 Unneighbourly uses

Draft Buckinghamshire Minerals and Waste Local Plan (BMWLP36) (2016-2036)

- Policy 17: Managing impacts on Amenity and Natural Resources

Draft Vale of Aylesbury Local Plan (VALP) (2013-2033)

- NE9 - Pollution, Air Quality and contaminated land

Consultation Responses

20. The **Local Member**, Steve Bowles, has no comment to make on the application.
21. **Aylesbury Vale District Council** has not commented on the proposed development.
22. **Stoke Mandeville Parish Council** has resolved to offer no comment.
23. The **Aylesbury Vale District Environmental Health Officer** has reviewed the noise impact assessment written by Peak Acoustics (project ref number PA760 dated 10/01/2019). She comments that the lowest background noise level over a 30 second interval is 47dB LA90 which is exactly the same dB level as the noise level produced at the Application Site (excluding the concrete crusher) as measured at the recently approved flats at Triangle Business Park. As this location is closer than the houses on Wendover Road she considers it confirms that at both locations the noise level as a result of operations of the Application Site (excluding the concrete crusher) are acceptable between 7am to 8am Monday to Friday. She therefore has no objections to varying condition 2.
24. **BCC Highways Development Management** has not commented on the proposed development.
25. BCC as **Lead Local Flood Authority** has no comment to make on the application.
26. The **BCC Ecology Officer** has no objection to the application.
27. The **Environment Agency** has no objection to the variation of condition 2.
28. **Natural England** has no comment to make on the variation of condition 2.
29. **HS2 Safeguarding** considers the application lies outside the limits of land subject to the HS2 Phase One Safeguarding Directions and so has no comments to make.
30. No comments have been received from **Network Rail** or **Chiltern Railways**.

Representations

31. Three public representations, all objecting to the proposed development have been received. The planning matters raised are:

- Work starting earlier than currently permitted and proposed hours of working
- Number of vehicle movements
- Noise and vibrations impact from machinery moving about and concrete crushing
- Effect of dust on local amenity.

32. **Weston Turville Parish Council** has also made representation on the planning application. They have objected to the application as they consider there would be an adverse impact on nearby residents.

Discussion

33. The application is at committee today as objections have been raised by persons who may be adversely affected by the proposals and those objections are on planning grounds and have not been previously considered and discounted by the authority.

34. The main issues for consideration in relation to application CM/0002/19 are:

- Principle of the proposed development
- The impact on the amenity of local residents

Principle of the proposed development

35. 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.

36. Members of the Development Control Committee are advised that their consideration of the proposal should focus on whether the proposed variation of condition 2 by the amendment of the hours of operation would result in an unacceptable level of harm.

37. If it is considered that the proposed change to the hours of operation would be acceptable in 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 CM/0006/18 and the application should be refused.

Impact on Amenity of Local Residents

38. Policy 28 of the BMWLP seeks to protect the amenity of all those who may be affected by mineral and waste development proposals, both near the Application Site and on routes to and from it, from noise, vibration, dust, fumes, gases, odour, illumination, litter, birds or pests. This is also seen in policy 17 of the draft BMLP36. Similarly, policy CS22 of the BWMCS seeks to minimise pollution from development, including noise, air and odour pollution. This is further supported by policies GP.8 and GP.95 of the AVDLP which seek to prevent development which would unreasonably harm any aspect of the amenity of nearby residents and prevent development that exacerbates any adverse effects of existing uses. In addition, the draft VALP, policy NE6 states that developments likely to generate more significant levels of noise will only be permitted where appropriate noise attenuation measures are incorporated which would reduce the impact on the surrounding land uses to an acceptable level.

39. Objections have been raised by persons who may be adversely affected with regard to the hours of operation and the current lack of adherence to those hours. A noise assessment has been submitted to accompany the planning application, and following consideration of the document, the District EHO has advised that the proposed operations at the Application Site (i.e. vehicles leaving and not use of the concrete crusher) would not have an acoustic impact on amenity at the closest residential dwellings between the hours of 7am to 8am Monday to Friday.
40. A number of public objections have also been raised with regard to the noise and vibrations from the crushing and shredding operations. These were deemed to be acceptable when planning permission was originally granted and the proposed development would not change their duration. The Planning Committee should also be aware that the Enforcement Officer is continuing to work with the applicant to ensure compliance with the planning conditions.
41. Within the supporting documents, the applicant has advised that the lorries are all now fitted with wear sleeves over the skip chains to prevent adverse noise from them banging on the arms of the lorries and skips. As the wear sleeves were in place at the time noise assessment was carried out, it is considered this condition should be also included as part of this development. This would bring the Application Site in line with the adjacent site used for the storage of empty skips and lorries (condition 10 of CM/0002/18). The applicant has agreed to the inclusion of this condition.
42. A number of public comments regarding dust on Wendover Road have also been received. The Environment Agency has investigated the source of this dust and concluded it is not solely from operations at Enterprise Skip Hire
43. Within the design of the development, there are elements, such as the walls around the Application Site which seek to contain dust from the Application Site. There are also planning requirements, such as keeping the access clean, which seek to limit the spread of dust. In addition, to comply with their environmental permit regulations, the applicant has water sprays on site to dampen material to prevent dust from becoming airborne. This application would not change the nature of operations on the Application Site or the total hours of operation. It would also not increase the amount of material processed at the Application Site as this is controlled through vehicle movements.
44. On this basis, it is not considered that the proposed development would change the dust generated at the Application Site. As such it is considered the proposed development would not cause a further adverse impact on the amenity or health of local residents.
45. Mindful of the comments from the District EHO, and with the inclusion of the condition outlined above, the planning officer is satisfied the proposed development would not have a harmful impact on local amenity and would be in accordance with the development plan policies.

Equality and Diversity

46. Equality Act 2010, Section 149 states:
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - 1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

47. The proposal would not conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

Conclusion

48. As set out above, the principle of the waste transfer development at the Application Site is established. The main issues for consideration are the impacts of changing the hours of operation on the amenity of local residents. In light of the evidence provided in the noise assessment and comments provided by the EHO, it is considered these impacts would not be harmful.

49. The proposed development is considered to be in accordance with the development plan policies and, subject to the conditions as set out in Appendix A below, it is recommended planning permission is granted for this development.

Appendix A – Conditions

Time limit for commencement

Not applicable

Approved Plans

1. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:
 - Location Plan with Site Plan inset, Drawing number: CVW.LP1250, Dated: 04/12/2017, Revised 11/01/2018
 - Building A, Drawing number: CVW.Plan 1, dated 07/12/2017
 - Building B, Drawing number: CVW.Plan 3, dated: 07/12/2017
 - Surface Water Drainage Plan
 - Perimeter Wall “Fixing Guide”, Drawing Title: 3.75-JP-F-L-B-2017, dated: 12/06/2017
 - Illumination Plan, Drawing number: CVW.IL500, dated: 07/12/2017

Reason: To define the development which has been permitted so to control the operations in accordance with policy 28 of the BMWLP and policies GP.8 and GP.35 of the AVDLP.

Pre-commencement Conditions

Not applicable

Development Phase Conditions

None

Post Development Phase Conditions

None

On-going Conditions

2. Subject to the requirements of condition 3 no operations shall take place other than between the following hours:

Monday to Friday 7:00am to 5:00pm

Saturday 8:00am to 1:00pm

There shall be no working on Saturday afternoons, Sundays, Bank Holidays or Public Holidays

For the avoidance of doubt, operations include but are not limited to skip vehicles and HGVs entering and leaving the site.

Reason: To protect local residents, particularly those on Wendover Road and the future occupants of the permitted dwellings on Unit One Triangle Business Park, from being adversely impacted by noise from operations taking place on the site in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

3. There shall be no use of the mobile screener and crusher other than between the following hours:

Monday to Friday 8:00am to 5:00pm

Saturday 8:00am to 1:00pm

There shall be no working on Saturday afternoons, Sundays, Bank Holidays or Public Holidays.

Reason: To protect local residents, particularly those on Wendover Road and the future occupants of the permitted dwellings on Unit One Triangle Business Park, from being adversely impacted by noise from vehicle in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

4. No hazardous waste shall be imported to or processed at the site.

Reason: To comply with policy CS22 of the BMWCS, policy 28 of the BMWLP and policy GP.8 of the AVDLP as the importation of this waste type may raise other environmental and amenity issues which would require consideration afresh to ascertain the acceptability of the use of the land for that purpose.

5. Notwithstanding the height of the perimeter wall shown on the approved drawings, the perimeter wall shall not exceed 3.75 metres in height.

Reason: To define the development which has been permitted so to control the operations in accordance with policy 28 of the BMWLP and policies GP.8 and GP.35 of the AVDLP.

6. The planting along the exterior of the concrete perimeter walls, as marked in green on plan "Site Plan inset, Drawing number: CVW.LP1250 Revised 11/01/2018", and currently composed of native and non-native species, shall be maintained for the duration of the development.

Reason: To ensure the visual impact of the development, and in particular the concrete perimeter walls in the north-east section of the site, can be adequately mitigated for residents along Wendover Road, to ensure the planting maintains its screening function over the operational lifetime of the facility and to provide opportunity for biodiversity around the development in accordance with policy GP.38 of the AVDLP, policies CS22 and CS23 of the BMWCS, policy 28 of the BWMLP and paragraph 170 of the NPPF.

7. The total combined maximum number of heavy goods vehicle movements (where heavy goods vehicles are those greater than 3.5 tonnes unladen weight and for the avoidance of doubt include skip lorries) shall not exceed 100 two-way (50 in, 50 out) per day.

Reason: To protect local residents, particularly those close to the site entrance on Wendover Road, from being adversely impacted by noise from HGVs travelling to and from site in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

8. A record of the number of daily vehicle movements and the tonnage of waste being imported to the site shall be maintained for the duration of the development hereby permitted and shall be made available to the County Planning Authority no later than one week after any request to view them has been made.

Reason: In the interests of highway safety and the amenities of the local area and to comply with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

9. All loaded vehicles shall enter and egress the site sheeted.

Reason: To prevent waste from being deposited on the public highway in the interests of highway safety and local amenity in accordance with policy 28 of the BWMLP and policy GP.8 of the AVDLP.

10. Chains on the skip lorries shall be isolated using a resilient layer.

Reason: To mitigate the metallic impact sound as the metal chains come into contact with other metal surfaces such as the skip and/or vehicle frame so to protect local residents from being adversely impacted by noise in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

11. The site access road shall be hard surfaced and shall at all times be maintained and kept clean and clear of mud, debris and potholes along its entire length from the junction on to the A413 (Wendover Road) to the Waste Transfer Yard.

Reason: To prevent waste from being carried onto the public highway in the interest of highway safety and local amenity in accordance with policy 28 of the BWMLP and policy GP.8 of the AVDLP.

12. Free standing stockpiles of processed or unprocessed material shall not exceed a height of 3 metres. Processed or unprocessed material stockpiled against the concrete perimeter walls shall not exceed the height of the top of the wall.

Reason: In the interests of local visual amenity and in accordance with policy CS23 of the BMWCS and policies GP.8 and GP.35 of the AVDLP.

13. Stacks of skips and containers shall not exceed the height of the concrete perimeter walls.

Reason: To prevent stacks of skips and containers exceeding the height of the concrete perimeter walls in the interests of local visual amenity and in accordance with policy CS23 of the BMWCS and policies GP.8 and GP.35 of the AVDLP.

14. No lighting, other than low level security lighting, shall be used at the site other than during the operational hours as set out in condition 2.

Reason: To protect local residents, partially those on Wendover Road and the future occupants of the permitted dwellings on Unit One Triangle Business Park, from being adversely impacted by light from the site in accordance with policy 28 of the BMWCS and policies GP.8 and GP.35 of the AVDLP.

INFORMATIVES

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

In determining this planning application, the County Planning Authority has worked positively and proactively in accordance with the requirements of the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. In this instance, this requirement can be demonstrated through the County Planning Authority highlighting the breach of planning control to the applicant and advising of ways to resolve the matter.

Mud on the Road

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

Parking on the highway

No vehicles associated with the development shall park or wait on the public highway so to cause an obstruction. Obstructing the highway is an offence under Section 137 of the Highways Act 1980.

Great crested newt (*Triturus cristatus*)

Great crested newt and their breeding sites or resting places are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. Should the presence of such species be discovered on site during construction work must stop and Natural England or a qualified ecologist should be contacted for further advice.

Network Rail

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:

AssetProtectionLNWSouth@networkrail.co.uk

Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree to the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works

All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Suitable foul drainage must be provided separate from Network Rail's existing drainage.
- Drainage works could also impact upon culverts on developers land.

- Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA. The email contact is provided below:

AssetProtectionLNWSouth@networkrail.co.uk

Site Notice

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

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

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

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