

Development Control Committee: 20 May 2019

| | |
|---|---|
| Application Number: | CM/0085/18 |
| Title: | Use of land for construction and demolition waste recycling facility. |
| Site Location: | Bishops House, Crown Lane, Farnham Royal, Slough, Buckinghamshire SL2 3SF |
| Applicant: | Mr Stack, M&S Groundworks Grab Hire Ltd |
| Case Officer: | Catherine Kelham |
| Electoral divisions affected & Local Member: | Farnham Common and Burnham Beeches, Lin Hazel |
| Valid Date: | 17 th September 2018 |
| Statutory Determination Date: | 17 th December 2018 |
| Extension of Time Agreement: | 21 st May 2019 |

Summary Recommendation(s):

The Development Control Committee is invited to REFUSE application no. CM/0085/18 for the reasons as out below.

Reasons for Refusal

- The proposed development is considered to be inappropriate development in the Green Belt as it would conflict with the purpose of designation and does not preserve the openness of the Green Belt. It has not been demonstrated that there are no suitable alternatives sites in Buckinghamshire beyond the Green Belt. It has also not been demonstrated that very special circumstances to necessitate the siting of this waste facility within the Green Belt exist. The development is therefore contrary to policy GB1 of the SDBLP and policy CS20 of the BMWCS. In addition, as a new employment generating or other commercial site in the Green Belt, the proposed development is considered to be contrary to policy GB4 of the SDBLP.

Introduction

1. The application seeks planning permission for the use of the land off Farnham Lane ("the Application Site") for Construction, Demolition and Excavation (CD&E) recycling, waste transfer and operational development including the creation of bunds and placement of gates. It is a retrospective application.
2. The application was submitted to the County Council and subsequently validated on 17th September 2018. The development was screened under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017. It was considered the proposed development did not fall within Schedule 1 or Schedule 2 of these regulations and therefore EIA was not considered to be required. The application was advertisement, site notice and neighbourhood notification. The thirteen-week determination date was 17th December 2018 and an extension of time for determination was agreed until 21st May 2019.

Site Description

3. The development is located in Burnham, South Buckinghamshire and accessed via Farnham Lane. Adjacent to the east is Farnham Common Nurseries (accessed off Crown Lane). To the north of the site and also accessed via Farnham Lane and the same access road is East Burnham Quarry.
4. The Application Site, including the 200 metres long access road, has an area of approximately 0.393 hectares. The operational area of the Application Site ("the yard") is approximately 0.28 hectares and roughly triangular in shape. The access road is shared with East Burnham Quarry.
5. The location of the development (with the Application Site area outlined in red) is shown below:



6. To the east there is a single residential property approximately 95 metres from the entrance to the Application Site (approximately 240 metres from the operational yard area of the Application Site) and a second single residential property approximately 175 metres from the

entrance to the Application Site . Approximately 70 metres to the south-west of the Application Site yard and adjacent to the Application Site access road is a third single residential property. There are also residential properties approximately 50 metres to the south of the Application Site entrance, and approximately 250 metres from the operational area of the Application Site. To the north-east of the Application Site is Farnham Common Nurseries, East Burnham Park

7. The development is located in an SSSI impact zone, a drinking water protection zone and the Metropolitan Green Belt. Burnham Beeches Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) and Special Area of Conservation (SAC) is located approximately 1.2km to the north of the Application Site. Cockshert Woodland Local Nature Reserve (LNR) is located approximately 600 metres to the south-west of the development
8. The development is towards the edge of the area classified as “undulating farmland” by the 2011 Landscape Character Assessment. This area is characterised by undulating transition farmland topography with varying degrees of enclosure and an overall strong rural character.

Site History

9. The Application Site does not have any planning records, and nor does it benefit from immunity from planning enforcement action for a particular use (i.e. have a certificate of lawful development).
10. The applicant has stated that the yard has previously been used for a range of activities typically associated with a contractor’s yard, including storage of materials (including aggregates and soil), commercial vehicles, plant and machinery and containers. Four aerial photos of the Application Site illustrating the land on 8th October 2008, 31st December 2010 and 6th June 2013 and 25th March 2017 have been included in the application documents.
11. These do not appear to show a permanent structure or fixed surface infrastructure. They indicate that part of the Application Site was accessed via the nursery and that something, possibly associated with the nursery, was happening on various parts of the Application Site and in the area immediately to the north of the Application Site, at four discreet points in time over a period of nine years prior to the creation of the current business in January 2018. On a balance of probability it is not considered these observations are tantamount to the demonstration of a use.
12. In light of the information available, the Application Site is not considered to be previously developed land.

Description of the Proposed Development

13. The development subject to this planning application has been taking place on the Application Site since January 2018. It is therefore a retrospective planning application.
14. The development seeks to manage up to 75,000 tonnes of CD&E waste per annum.
15. The Development sources construction, demolition and excavation (CD&E) waste (mainly soils, hard-core and concrete) from construction projects, reportedly within a ten miles radius of the Application Site’s location. Material is screened to separate soil and stones and concrete is crushed on a campaign basis. The resulting material is then re-used in construction projects.
16. Around the boundary of the yard are existing bunds (without planning permission) and fencing. It is proposed that these bunds would be retained to be three-metres high and formed of soil. The yard is separated from the access road by 2.8 metre high steel gates.

17. Operation of the development requires four operatives. The applicant's operational base is at the adjacent nurseries and the staff park and use facilities on the nursery site. An amended site plan indicates there would be two car parking spaces and an area for wheel cleaning in the yard area.
18. It is proposed there would be 28 HGV movements (14 in and 14 out) per day Monday to Friday and no more than 4 movements (2 in and 2 out) on Saturdays.
19. The development is proposed to operate between:
 - 07:30 to 17:00 Monday to Friday
 - 07:30 to 12:30 Saturday
 - No working on Sundays or Bank Holidays
20. Within these times, the applicant proposes that treatment of waste would only take place between:
 - 08:30 and 16:00 Monday to Friday
 - 08:30 and 12:30 Saturday
21. No artificial lighting is proposed.

Planning Policy and Other Documents

22. 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.
23. The development plan for this area comprises of:
 - Buckinghamshire Minerals and Waste Core Strategy (BMWCS)
 - Saved policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)
 - South Bucks District Local Plan (SDBLP)
 - South Bucks District Core Strategy (SBCS)
24. In addition, I consider the following documents are relevant for the determination of the application:
 - National Planning Policy Framework (NPPF)
 - National Planning Policy for Waste (NPPW)
 - Biodiversity and geological conservation: Circular 06/2005
 - Buckinghamshire Minerals and Waste Local Plan 2016-2036: Addendum Report to the Waste Needs Assessment – Review of Strategic Movements, Permitted Capacity and Future Capacity Needs (Updated November 2017)
25. 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, consultations on Main Modifications to the plan was undertaken in January 2019 and March 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.
26. South Bucks District Council together with Chiltern District Council are preparing a new **Joint Local Plan for Chiltern and South Bucks Districts**. This is at a very early stage with the call for sites taking between the 3rd December 2018 and 14th January 2019.

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

Buckinghamshire Minerals and Waste Core Strategy (BMWCS)

- CS6 (Sites for Recycled and Secondary Aggregates)
- CS9 (Additional Waste Management Capacity and Net Self Sufficiency);
- CS14 (Safeguarding Existing and Potential Waste Sites)
- CS20 (Green Belt)
- CS18 (Protection of Environmental Assets of National Importance)
- CS19 (Protection of Environmental Assets of Local Importance)
- CS22 (Design and Climate Change)
- CS23 (Enhancement of the Environment)

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

- Policy 28 (Amenity)

South Bucks District Local Plan (SBDLP)

- GB1 (Green Belt);
- GB4 (Employment Generating and Commercial Development in the Green Belt)
- EP3 (Use, design and layout of development)
- EP4 (Landscaping)
- TR5 (Accesses, Highway works and traffic generation)
- TR7 (Parking Provision)
- TR10 (Heavy Goods Vehicles)

South Bucks Core Strategy (SBCS)

- CP9 (Natural Environment)
- CP13 (Environmental and Resource Management)

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

- Emerging Policy 11: Spatial Strategy for Waste Management
- Emerging Policy 12: Waste Management Capacity Needs
- Emerging Policy 14: Developing a Sustainable Waste Management Network
- Emerging Policy 15: Development Principles for Waste Management Facilities
- Emerging Policy 17: Managing impacts on Amenity and Natural Resources
- Emerging Policy 18: Sustainable Transport
- Emerging Policy 19: Natural Environment
- Emerging Policy 22: Green Belt
- Emerging Policy 28: Minimising Land Use Conflict

Consultation Responses

28. The **Local Member**, Lin Hazel, has not commented on the application.

29. **Burnham Parish Council** objects to the application as it is located in the Green Belt, there would be a high level of noise pollution, dirt may be spread around the vicinity of the Application Site via the transportation vehicles, the Application Site is operating at unsociable hours, and the surrounding highway network is inadequate to cope with the weight and number of vehicles accessing the Application Site on a daily basis. In addition, they expressed concern about the safety of pedestrians and other road users including horse riders and cyclists, all of which they consider face a hazard with heavy load vehicles using the same path. They consider the Highway Authority should review the application. Lastly the Parish

Council considers that should the application be approved, conditions should be imposed to minimise adverse impacts by controlling the hours of operation and requiring vehicles to be sheeted and cleaned prior to leaving the Application Site.

30. The **South Bucks Planning Officer** objects to the application on the grounds that the proposed works would adversely impact upon the openness of the Green Belt as well as adversely impacting upon the amenity of local properties. They consider the development is contrary to policies GB1 and EP3 of the South Bucks District Council Local Plan (adopted March 1999, consolidated September 2007 and February 2011) , as well as the requirements of the NPPF.
31. The **BCC Highways Officer** has no objection to the proposed development subject to conditions limiting hours of operation and capping daily HGV movements. She has raised some concerns regarding the visibility and two-way HGV flow along the shared internal access road but notes this is within the Application Site limits. She has also raised concern about the lack of on-site parking provision but considers the Highway Authority would not be able to hold an objection to this point. She also notes that while the plans do show a wheel wash by the yard entrance the yard is unsurfaced. She considers this has the potential to make the yard entrance wetter and muddier during the winter months, increasing the risk of mud being tracked along the Application Site access road and deposited onto the public highway. She recommends the inclusion of informatives regarding obstructing the highway and preventing mud on the road.
32. The **South Bucks Environmental Health Team** has commented on contaminated land, air quality, noise and vehicle emissions and the need for an Environmental Permit. With regard to contaminated land, the officer has commented that the Application Site appears to have had an agricultural use and the proposed end use is not sensitive. He does however recommend a condition regarding the reporting of unexpected contamination is included on any permission granted.

In regard to noise, the officer considers the development has the potential to generate noise leading to a significant adverse impact at the nearest residential receptor. He also comments that if the mitigation assumed in the noise management plan is in place (i.e. the three metre high earth bunds) this noise should be reduced to close to the target of "below lowest observed adverse effect Level". He recommends that operations on the Application Site are restricted to the hours specified in the plan.

The team have also recommended a number of aspects of the development are conditioned. This includes a requirement to submit a Dust Management Plan, exploring the possibility of limiting the height of bunds and spoil to allow them to be dampened down, restricting operational hours, requiring HGVs to arrive and leave sheeted and restricting daily vehicle movements. They also recommend there be a robust, dedicated and sustained water source on site to feed separately to the Crusher and Screener and that Euro VI vehicles are used to reduce harmful emissions.

33. The BCC SuDs Officer commenting as **Lead Local Flood Authority** reports the site is at varying risk of surface water flooding and it appears that the site lies within a surface water overland flow route. She notes that following her initial consultation response, the applicant has provided an opening in the bund within the eastern corner of the site. She considers that the stockpile for incoming material shown on the site plan may obstruct this surface water flow route in an extreme water flood event. She therefore advises the relocation of the stockpile and the construction of a linear drainage channel or similar to capture any sediments prior to

leaving the site. Overall, the officer has no objection to the proposed development subject to a condition regarding the submission and implementation of a surface water drainage scheme.

34. The **Environment Agency** has no objection to the development subject to a condition regarding unexpected contamination.
35. **Natural England** has no comment to make on the application.
36. The **BCC Planning Policy Officer** notes that the Application Site would contribute to the overall capacity needs for the recycling of inert waste within the County. She also comments that since the base line year of 2016 an additional 100,000tpa have been permitted within the County. As the Application Site is located in the Green Belt, she does not consider it is acceptable for development. The officer comments that Policy CS20 (Green Belt) of the BMWCS sets out that "conflict with the purposes of designation will only be permitted where it can be demonstrated there are no suitable alternative sites in Buckinghamshire". The officer does not consider the alternative site search has looked at all suitable locations including those not included in the list within the emerging plan. The officer also questions the impact of the 3 metre high bunds on the openness of the Green Belt and the ability of the Application Site to viably achieve a 75,00tpa throughput without becoming seriously overdeveloped and negatively impacting on the openness of the Green Belt.
37. The **BCC Ecology Advisor** has reviewed the Ecology Assessment and letter from Ecosupport Ltd dated 14 March 2019 relating to great crested newt *Tristurus cristatus*. The Officer is satisfied that sufficient effort has been made to access Ponds 5 and 6 at Deepwood House, and that should great crested newt be breeding in these waterbodies, there is a low likelihood of the proposals resulting in an offence. Should planning permission be granted she recommends an Ecological Management Plan (EMP) is submitted to be approved in writing by the County Planning Authority.
38. The Application Site is not within or adjacent to any statutory designated sites for nature conservation. In respect of non-statutory, locally designated sites, she considers that further desk-based assessment should be undertaken to demonstrate these would not be impacted by the proposals. Although the Ecologist considers that the compacted hardcore on the Application Site is likely to be of limited ecological/biodiversity value she considers the ruderal and scrub vegetation on the perimeter of the Application Site, including bunds or soil piles, has greater value. This is connected to surrounding habitats comprising woodland, grassland, scrub and ponds and could support protected and notable species including but not limited to amphibians (including great crested newt), common reptile species, such as slow worm, grass snake and common lizard, nesting birds and badger. The Ecologist considers it would be appropriate for a Preliminary Ecological Appraisal to be undertaken (including a desk study and walkover survey) to address the potential for ecological constraints at the site.
39. The **BCC Archaeology Officer** considers the development would not affect the heritage record listed on the Historic Environment Record. He comments that the Application Site is not thought to have significant potential to include as yet unidentified heritage assets of archaeological interest.
40. **Slough Borough Council** objects to the proposed development due to the likely HGV movements through Slough and the resulting impacts on air quality and pollution; increase in noise and disturbance, particularly on residential occupiers in Slough; and impact on the safety and function of the highway network. In addition, they consider there is an absence of any robust information identifying these impacts or any meaningful mitigation. They consider that consideration needs to be taken to ensure appropriate routing of vehicles and recommend

all HGV access to the Application Site should be via the M40 Junction 2 to the north, A355 and Farnham Lane east only. They also recommend restricting the daily HGV movements to no more than 28 per day, with HGVs permitted to operate between the hours of 0900 and 1500 only. With regard to Air Quality, Slough Council considers that if HGVs travel through one of their Air Quality Management Areas an air quality assessment would be needed before planning permission is granted. They also state that all HGVs should be Euro VI Standard or greater from scheme opening and the applicant should provide electric charging points for staff. Lastly, the Environment Quality Officer has commented that for applications outside Slough that add traffic to Slough roads they use a damage costs to identify a contribution for Air Quality mitigation schemes. These costs are proportion to the movements and should 28 lorries be accessing Slough Roads, he estimates the damage costs would be around £80k.

41. The **City of London** is concerned about the effect of the development on Burnham Beeches. They express concern over the lack of habitats regulation assessment, the development reducing the buffer for Burnham Beaches, the lack of vehicle routing, and increase light, noise and air pollution. They also consider it is contrary to policy CP9 of the SBCS and is inappropriate development in the Green Belt.

Representations

42. Twenty-five representations from members of the public have been received. All object to the development. The material planning considerations within these comments pertain to:
- Traffic generation from the development proposed
 - Road access to the Application Site
 - Noise and disturbance (from machinery operation, hours of operation and vehicles accessing the Application Site)
 - Impact of dust and air pollution on health
 - Effect on Burnham Beeches
 - Contrary to Green Belt
 - Effect on Wildlife
 - Nature of waste
 - Incompatibility of use with residential
 - Impact on Burnham Beeches

Discussion

43. The application is seeking planning permission for the use of the land for Construction, Demolition and Excavation (CD&E) waste transfer and operational development including the creation of bunds and placement of gates.
44. The main matters to consider are:
- Principle of the development
 - Principle of the location of the development
 - Supported sites for waste management
 - Material Considerations
 - Location in the Green Belt (and Very Special Circumstances)
 - Traffic, Transportation and Parking
 - Noise, Dust and Mud
 - Flood Risk and Contamination
 - Biodiversity
 - Landscaping

Principle of the Development

45. The proposed development would facilitate the moving of CD&E waste up the waste hierarchy and avoid it being disposed of to landfill. This is supported through national and local planning policy and the NPPW.
46. Policy CS9 of the BMWCS outlines the provision required to meet the waste management capacity needs of Buckinghamshire. For construction, demolition and excavation waste (CD&E), it is estimated that an additional 280,000 tonnes of recycling capacity would be needed across the County by 2026. This data is however largely out of date, and I suggest that weight is also attached to the 2017 Addendum Report to the Waste Needs Assessment. This is a material consideration and provides a more up to date indicator of need. It also forms part of the supporting evidence for the draft Buckinghamshire Minerals and Waste Local Plan and is reflected in table 7 (indicative future capacity needs over the plan period) of the draft plan. This data is also presented as Total Waste Management Capacity Needs in Emerging Policy 12 of the BMWLP36. The CD&E capacity need is summarised in the table below.
47. It should be noted this capacity shortfall or “need” is calculated for the county as a whole rather than by district. No specific need arising in the south of the county that must be managed in the south of the county is identified.

| Waste Management Method | Indicative future capacity needed (tonnes) | | | | |
|--------------------------------|---|-------------|-------------|-------------|-------------|
| | 2016 | 2021 | 2026 | 2031 | 2036 |
| Inert Recycling CD&E | 390,000 | 510,000 | 510,000 | 510,000 | 510,000 |

48. As shown in the table above, additional capacity for CD&E recycling is needed in Buckinghamshire. The comments from the BCC Planning Policy Officer however indicate that since the base line year of 2016, an additional 100,000tpa have been permitted within the County. This reduces the current and future capacity gap commensurately.
49. The applicant has stated the recycling facility would process up to 75,000 tonnes of material per year. This is consistent with the vehicle movements proposed assuming each load has a payload of approximately 20 Tonnes. Overall, it is considered the development would contribute to meeting the capacity shortfall.
50. The applicant has also provided information indicating that, despite the location on the Slough-Bucks border, around 70% of the waste processed at the Application Site between January 2018 and the request for the information in October 2018 was sourced from Buckinghamshire. On this basis, the County Planning Authority accepts the proposed development would primarily be for the management of in county waste and so is in accordance with policy CS9 of the BMWCS.

Principle of the location of the development

Supported sites for waste management

51. The strategy for waste as set out in the BMWCS, is to encourage waste prevention and safeguard existing management capacity while increasing local provision for recycling and composting so as to increasing divert waste from landfill. Policy CS6 of the BMWCS supports proposals for the temporary recycling and transfer of construction, demolition and excavation waste at minerals and landfill sites for a period not exceeding the permitted life of the site. It also supports new permanent sites for the production of secondary aggregates in some circumstances. As proposed development would produce recycled aggregate (i.e. from CD&E

waste) rather than secondary aggregate (i.e. those produced as bi-products of another operation or process), the latter part of this policy is not considered to express support for the proposed development.

52. Policy CS14 of the BMWCS safeguards a number of sites for waste management purposes. These are: existing waste sites within Buckinghamshire, Woodham Industrial Area (Aylesbury Vale), Richings Park (Iver) and Thorney Mill (Iver). In addition to this, the NPPW states that when identifying sites in their local plans, local planning authorities should consider a broad range of locations including industrial sites, and look for opportunities to co-locate waste management facilities together and with complementary activities. It also states that priority should be given to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages. Although not defined in the NPPW, the term 'complementary' implies the activities enhance each other rather than exist together without conflict. An example of this may be a CD&E waste processing plant at a mineral extraction and backfilling operation.
53. As acknowledged by the applicant, strategic policy SO4 of the emerging BMWCS36, seeks to enable the development of a network of facilities to deliver the required waste management capacity in line with the waste hierarchy and proximity principle within the county and to support the co-location of facilities, minimize waste movements and make the best use of a limited number of site opportunities. The emerging plan is a material consideration, and as it is at an advanced state of preparation is considered to carry some weight.
54. In the BMWLP36, emerging policy 11 sets the strategy for waste management. This directs waste management networks towards the main urban areas for growth (High Wycombe, Aylesbury and Buckingham). In key settlements outside these three areas, the policy states that facilities for the preparation of wastes for re-use and recycling will be supported where appropriate, particularly where involving the reuse of previously developed land and/or the co-location of waste management facilities. In rural areas, the policy supports facilities for the biological treatment of waste - which the proposed development is not. The policy also supports opportunities to co-locate waste management facilities together with complementary activities and states that these will be supported particularly where relating to industrial estates, waste management sites and mineral extraction and processing sites. Emerging policy 14 of the same document also directs new standalone waste management facilities towards the primary and secondary areas of focus. Where a proposed development is not located in the area of focus, emerging policy 15 places preference on proposals that integrate and co-locate waste management facilities together and with complementary activities or maximise the use of previously developed land or redundant agricultural and forestry buildings (and their curtilages.) These locations for waste management are as encouraged by the NPPW.
55. The Application Site is located on land not considered to be previously developed. It is not located within an industrial estate, a permanent waste management facility or within an employment area. As it is not an existing waste site or a safeguarded site, its location is not considered to benefit from the support of policy CS14 of the BMWCS. It is not located in Aylesbury, High Wycombe or Buckingham or a key settlement of Buckinghamshire outside these areas. It is not a development for biological processing in a rural area and nor is it proposed to be a temporary facility at a mineral extraction site. The development is also not considered to be located within a redundant agricultural building or its curtilage.
56. The Application Site is close to, but not on, a quarry and backfilling operation. It is also adjacent to a former landfill. As the landfill has been restored in accordance with the

conditions of the relevant planning permission, in line with the definition of previously developed land in the NPPF, much of the adjacent land is also considered to be green field land. As such, it is not considered to be a co-located waste management facility or one supported by policy CS6 of the BMWCS.

57. There is a contractor's yard (planning status currently unknown) in the vicinity of the Application Site and this is known to be the applicant's Operational Base and vehicle licencing address. It is accepted there is a level of convenience to having the Operational Base and recycling facility located near to each other. Whether they are complementary uses is considered more tenuous. In addition, as the Application Site and Contractors Yard have different accesses and the public highway must be used to access one site from the other, it is questionable where they are co-located. For these reasons, it is not considered the proposed development is co-located with complementary activities. Overall, the proposed development is not considered to be in accordance with the types of sites recommended for waste management activities in the NPPW.
58. Looking at the emerging BMWCS36, although the proposed development would help to deliver the required waste, it is considered to be contrary to the emerging spatial strategy which sets out how the network of sites should be delivered. As the emerging BMWCS36 is not yet adopted, this is not considered to be a reason for refusal at this current time.

Material Considerations

Location in the Green Belt

59. The proposed development is located within the Metropolitan Green Belt. The aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It is protected from inappropriate development through policies CS20 of the BMWCS and policy GB1 of the SBDLP. This requirement to protect the Green Belt from inappropriate development is also seen in emerging planning policy 22 of the BMWCS36. Inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.
60. The essential characteristics of the Green Belt are its openness and its permanence. As set out in paragraph 134 of the NPPF, the Green Belt serves five purposes. These are listed below:
- *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*
61. Paragraphs 145 and 146 of the NPPF list certain forms of development that may not be considered to be inappropriate development in the Green Belt. As the development does not involve the creation of a new building, I consider paragraph 146 is of most relevance. This outlines certain other forms of development which are also not considered to be inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. These are:
- a) *mineral extraction;*

- b) *engineering operations;*
- c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) *development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

62. The proposal does include a material change of use of land although this change is of a different character and includes more operational development compared to the examples of outdoor sport, recreation, burial grounds or cemeteries given in paragraph 146.
63. Case law indicates that “openness” is more than the absence of built development. In this instance, there is considered to be a loss of openness due to the presence of the mounds of imported material, the large gates at the entrance to the main portion of the Application Site, the three metre high perimeter bunds and the operation of large, noise generating, plant and machinery. In forming this view, it is acknowledged that there are restricted views into and out of the main portion of the Application Site for the general public. The bunds and stockpiles are however visible from the closest dwelling house.
64. The proposed development would also encroach into the countryside. The developed area would expand towards the west from Crown Lane and towards the north from Farnham Lane. The proposed development is therefore considered to conflict with the purposes of the Green Belt as listed above and set out in paragraph 134 of the NPPF.
65. Overall, it is considered the proposed development does not fall within the exceptions to Green Belt policy. It is therefore inappropriate development and should only be approved in very special circumstances.

Very Special Circumstances

66. Green Belt sites are not precluded from waste management purposes, but where they would conflict with the purposes of designation, in accordance with Policy CS20 of the BMWCS they will only be permitted where it can be demonstrated there are no suitable sites in Buckinghamshire beyond the Green Belt and that very special circumstances exist. Similarly, emerging policy 22 of the BMWCS36 includes the consideration of reasonable availability of alternative sites outside the Green Belt as a matter which may contribute to very special circumstances.
67. It should also be noted that policy GB4 of the SBDLP seeks to prevent the establishment of new employment generating or other commercial sites in the Green Belt. The development appears to be a commercial site as it is used for business purposes. As the development involves the management of waste, I consider the proposal is sui-generis in nature rather than falling purely within use class B2 or B8. That said operations at the Application Site involve processing of waste material and the storage and transfer of processed waste material. As such, I consider the main purpose and function of the development is broadly similar in nature to operations falling within use classes B1 – B8. In accordance with paragraph 10.11 of the SBDLP, it therefore should be treated as employment generating development.

68. The applicant considers there are very special circumstances for the proposed development and these consist of the development's contribution to Buckinghamshire's CD&E recycling capacity and the lack of alternative sites available. They consider market area for business must be taken into consideration and that the development principles set out in emerging policy 15 of the BMWCS36 regarding the waste hierarchy and proximity principle should be taken into account.
69. As stated above, there is a need for additional CD&E recycling facilities across Buckinghamshire as a whole.
70. The applicant has stated that the facility would manage waste that is generated mainly in the South Buckinghamshire catchment area, plus waste from the nearest towns of Slough and Maidenhead in accordance with the proximity principle. As such, the applicant considers various sites from their search, including all those around Buckinghamshire should be dismissed, on the basis that they are too far from the source of the materials presently being managed by the applicant and their present operational base.
71. The Planning Authority acknowledges there is a convenience for the applicant in having their operational base and recycling facility in close proximity. The Planning Authority also does not disagree that if the applicant were to travel from their current operational base to the north of the county it would be a longer and therefore more polluting journeys than travelling from their current Operational Base to the Application Site. The Operational Base is however not part of this planning application and there is no guarantee that the two sites would always be occupied by the same operator. The proximity to the applicant's current Operational Base is therefore considered to carry little weight in the decision over the long term use of the Application Site for waste processing.
72. It is agreed that emerging planning policy 15 of the BMWCS36 supports the movement of waste up the hierarchy and the efficient collection and recovery of materials. This supports waste being managed close to its origin, as set out in the proximity principle. It does not require using the absolute closest facility to the exclusion of all other considerations. Furthermore, although the Council supports the management of waste as close as possible to its source, it does not identify a specific need arising in the south of the county that must be managed in the south of the county. Indeed, this links to the draft BMWCS36 - the north of Buckinghamshire is sufficiently proximate to the south of Buckinghamshire to allow the Green Belt to continue to benefit from protection.
73. Overall, it is not considered that the alternative site search has sufficiently considered all available options for waste management across the County in order to demonstrate that an undeveloped site in the Green Belt is the most suitable place to locate a CD&E recycling facility. On this basis very special circumstances are not considered to exist.

Traffic, Transportation and Parking

74. There are considered to be two main aspects to the impact of the proposed development in regard to traffic and transportation. This first is the impact on highway safety and road capacity. The second is the impact of the traffic associated with the proposed development on the amenity of the local area, for example its impact on litter, noise, dust, air pollution and vibrations.
75. In terms of highway safety and road capacity, Policy TR5 of the SBDLP requires that when considering proposals that generate additional traffic, regard should be had to safety, congestion and the environment. This requirement is also reflected in emerging policy 18 of the BMWCS36.

76. A number of public comments have been received from local residents regarding the highway safety. No objection has however been raised by the Highways Officer subject to conditions limiting the hours of operation and capping daily HGV limits to 14 in and 14 out Monday to Friday and two in and two out on Saturdays. A similar recommendation has been made by the Environmental Health Officer and Slough Borough Council, though the latter have also suggested HGVs are limited to leaving the Application Site between 09:00 and 15:00 so to avoid travel at peak times.
77. While there are some concerns relating to visibility along the Application Site access road and the two way flow of vehicles, this is inside the Application Site boundary and so would not affect the public highway. At the entrance to the Application Site, Farnham Lane benefits from a right hand turn lane to allow free flow of traffic whilst a vehicle is waiting to enter the Application Site. In addition, there is a passing place inside the Application Site on the access road. Should planning permission be granted, it is consider that in addition to capping of HGV movements, parking in the passing place along the access road should be prevented in accordance with policy TR5 of the SBDLP so as to not worsen the current situation and cause congestion on Farnham Lane.
78. As set out in Policy EP3 of the SBDLP, policy CS22 of the BMWCS and policy 28 of the BMWLP, traffic movements should not have an adverse effect on the amenities of nearby properties. This includes on the use, quality or character of the locality in general, including rural lanes. In addition, for HGV generating development, policy TR10 of the SBDLP requires that the access would not be onto a residential road, rural lane or other road which is not suitable for HGV traffic, and is able to access the strategic highway network without using such roads. A number of public comments have been received regarding the disturbance from HGVs, particularly along Farnham Lane and in and around the Britwell residential area to the south of Farnham Road. In addition, Slough Borough Council has commented that there are a number of schools along Long Readings Land and Farnham Lane to the south of the Application Site. They would therefore recommend that HGVs access the Application Site from the north.
79. Farnham Lane is a minor road connecting the A355 with Burnham, Lent and Lynch Hill. To the west of the junction with Crown Lane it has a 40 mph speed limit. The majority of residential properties are set back from the main carriageway. The western end of Farnham Lane between the Application Site and the roundabout is unsuitable for HGVs. To the east, it is approximately 850 metres along Farnham Lane to the A355 and the Buckinghamshire strategic highway network.
80. Provided access to the Application Site is to and from the east and the A355, I am satisfied there would be safe, suitable and convenient access to the Buckinghamshire Strategic highway network. While I understand that Slough Borough Council wish to direct HGV traffic away from the schools on the A355 to the south of the Application Site, it is only the journey between the junction of the Application Site with the public highway and the strategic highway network that I consider may be reasonable and enforceable to restrict. Subject to a routing agreement being in place and the conditions outlined above, I am satisfied the proposed development would be in accordance with policies EP3 and TR10 of the SBDLP, policy CS22 of the BMWCS and policy 28 of the BMWLP.
81. With regard to parking, Policy TR7 of the SBDLP states that development will only be permitted where: it is within or nearby the Application Site; complies with parking standards; does not increasing non-residential on-street parking; and is on land owned or controlled by the applicant and would not displace other parking provision.

82. There is no specified parking provision for a waste facility within the development plan for the area. Two car parking spaces, each measuring 2.4 metres by 4.8 metres have however been included within the yard area on an amended site plan. These are currently not physically present and there are stockpiles in their place. Information provided as part of the planning application states the development requires four operatives and that these staff park and use the facilities at the adjacent nursery site and applicant's Operational Base. As part of the planning application, it has not been demonstrated that parking would be available at the Operational Base for the duration of the development, nor that operator parking at the Operational Base would not displace other parking provision. Overall however, it is not considered that there are sufficient grounds on which to sustain a reason for refusal on this basis.

Noise, Dust and Mud

83. Taken together, policy EP3 of the SBDLP and saved policy 28 of the BMWLP seek to protect the amenity of all those who may be affected by waste proposals and avoid granting planning permission for proposals which are likely to generate significant adverse levels of disturbance from various nuisances including noise, vibration, dust, fumes, gases, lighting and odour. Similarly, policy CS22 of the BMWCS requires development to minimise and avoid unacceptable noise, odour and air pollution. As the development seeks to manage inert CD&E waste, concerns are focused on noise, dust, vibrations and air quality from the processing element of the operation and transport of the material rather than odour or vermin. The requirement to manage impacts on amenity and minimise land use conflict area set out in emerging planning policies 17 and 28 of the BMWCS36.
84. A number of public comments have been received from local residents regarding the noise impact of the operations. A noise assessment has been submitted and this indicates that with the three metre high earth bunds as noise mitigation, the noise level should be close to the target of "below lowest observed adverse effect". As such, the SBDC Environmental Health Officer has no objection to the development but does recommend the proposed hours of operation are controlled via condition. In light of this advice, and subject to the hours of operation being secured via condition, it is considered there would not be a severe impact of noise on amenity. This is in accordance with policy EP3 of the SBDLP, policy 22 of the BMWCS and saved policy 28 of the BMWLP.
85. Space has been allocated for wheel washing facilities at the Application Site. Given the ground surface in December 2018 (see photos below) and knowledge that the Application Site is not hard surfaced, there is concern that the addition of water based wheel washing facilities would make the situation worse. No information has been provided as to how any water for wheel washing would be controlled and off-site flooding prevented. Temporary measures provided by the applicant have reduced mud on Farnham Lane and the Access Road but moved muddy water elsewhere. A non-water based wheel washing facility – for example a wheel spinner may be a possibility, though the noise impact of this, particularly with regard to the residential property approximately 70 metres to the south-west of the Application Site yard would need to be assessed. Hard surfacing the Application Site may ease the issue of ground churning by plant and HGVs and reduce the amount of debris tracked out of the site by vehicles but may have secondary drainage impacts which would need to be assessed. Overall, this issue would need to be resolved prior to planning permission being granted.



86. The SBDC Environmental Health Officer has recommended that a number of conditions relating to the management of dust, including the submission of a dust management plan, sheeting of vehicles and dampening down areas of the yard be attached to any planning permission granted. These elements were also outlined in the application documents. Taking into account the Application Site layout including the surrounding bunds and with the recommended conditions including the sheeting of HGVs, it is considered there would not be a severe impact of dust on amenity. This is in accordance with policy EP3 of the SBDLP, policy 22 of the BMWCS and saved policy 28 of the BMWLP.
87. The Application Site is not within an Air Quality Management area and the proposed routing to the A355 as set out above would not direct HGVs through an Air Quality Management Area. It is therefore not considered a financial contribution would be necessary to make the development acceptable or that it would be reasonable to make the grant of planning permission subject to a financial contribution being forthcoming via a Section 106 Legal Agreement as requested by Slough Borough Council.

Drainage and Contamination

88. Policy CS22 of the BMWCS requires proposals to demonstrate a high standard of design and minimise any adverse effects on and from climate change. This includes reducing flood risk from all known sources and avoiding, or minimising adverse impacts on the water environment and the possibility of pollution. In addition, policy CP13 of the SBCS seeks to ensure prudent and sustainable management of the District's Environmental Resources, including protecting and enhancing water quality.
89. Further guidance on flooding in new development is provided through the NPPF. This states that *"new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change."* It goes on to say that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe for its lifetime without increasing flood risk elsewhere."*
90. Concern has been raised by BCC as LLFA over the risk of surface water flooding related to the bunds and stockpiles obstructing or altering the surface overland flow route. Following the submission of further information, the LLFA are however satisfied that a workable drainage solution exists. They have no objection to the proposed development subject to the submission and implementation of a surface water drainage scheme for the site. The LLFA considers this should include: a linear drainage system or similar to capture sediment leaving the application site in the event of surface water flooding; an opening in the perimeter bund that will be kept unobstructed from any stockpile material contained within the site boundary; maintenance details for the drainage system, including the frequency of maintenance and who will be responsible; and construction details of the drainage scheme. With the changes to the

site layout and inclusion of the condition recommended by the LLFA, I am satisfied the proposed development is in accordance with policy CS22 of the BMWCS and the NPPF.

91. With regard to contamination, both the Environmental Health Officer and Environment Agency have advised they have no objection to the proposed development subject to a condition regarding the reporting of unexpected contamination. In this instance, following consultation, neither pre-existing contamination nor a risk of contamination from the development has been identified. I am also aware that the control of polluted land and its remediation falls within other legislation. On this basis, it is not considered that the condition fulfils a planning purpose. For this reason, if planning permission was to be granted it is recommended this condition is not included. This recommendation would however mean that should planning permission be granted it would be against the advice of the Environment Agency.

Biodiversity

92. Taken together, policies CS22 and CS23 of the BMWCS and CP9 of the SBCS seek to minimise the impact on biodiversity and increase the potential for biodiversity. The Application Site is also located close to Burnham Beeches (SSSI, SAC and NNR) and Cockshert Woodland (LNR). The character, appearance and intrinsic environmental value of these areas is protected through policy CP9 of the SDBCS and policies CS18 and CS19 of the BMWCS. The requirement for waste developments to conserve and enhance natural assets and provide biodiversity net gains is also seen in emerging planning policy 19 of the BMWCS36.
93. The applicant has undertaken an extended phase one habitat survey and several management and ecological enhancement measures are proposed. These include checking more permanent soil piles for mammal holes prior to them being moved, checking the health of the hedge and re-planting any lost trees on the southwest boundary, seeding the bunds and erecting four bird and two bat boxes. The Ecology Officer has not objected to the application, and is satisfied that sufficient effort has been made to access the nearby pond.
94. Subject to the provision of Ecological Management Plan as recommended by the Ecology Officer, and the inclusion of the proposed ecological enhancement and management measures, from an ecology perspective, the application is considered to be in accordance with policies CS22 and CS23 of the BMWCS and policy CP9 of the SDCS.
95. With regard to the site's proximity to Burnham Beeches SAC, consideration must also be given to the provisions of The Conservation of Habitats and Species Regulations 2017 which require pursuant to Section 63 that permission cannot be granted without consideration being given to whether it is likely to have a significant effect on a European Site and, if so, making an appropriate assessment of the implications of the application for that site's conservation objectives. In this case, the recommendation is for refusal of the application however, should the council be otherwise minded to grant planning permission, then the requirements of Section 63 would then have to be further considered and more information requested from the applicant.

Landscaping

96. Policy CS22 and policy CS23 of the BMWCS seek to ensure waste developments have a high standard of design including sensitivity in the massing and scale of structures to the surrounding environment, particular in locations within or adjoining the Green Belt, and integrate the Application Site positively within the wider landscape. Through policy EP4 of the SBDLP, developments are also required to incorporate hard and soft landscaping as part of the development.

97. There are restricted views into and out of the main portion of the Application Site though, as discussed above, there is considered to be some impact on openness. As part of ecological enhancement measures, the applicant has proposed to plant native scrub on the outer aspects of the boundary bunds and seed the bunds. It is considered this would aid the bunds to fit into the area. With this planting and long term management in place, and the height of the perimeter bunds and stockpiles limited by condition, from a landscape perspective the proposed development is considered to be in appearance with policy EP4 of the SBDLP and policies CS22 and CS23 of the BMWCS.

Other Matters

98. The proposed development is not considered to conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

99. 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 liaising with consultees, respondents and the applicant/agent and their agreeing an extension of time for determination to enable to applicant/agent to overcome issues pertaining to noise and protected species.

Conclusion

100. The development would facilitate the moving of CD&E waste up the waste hierarchy and avoid its being disposed of to landfill. This is supported though the NPPF, NPPW and local planning policy.

101. The proposed development is however inappropriate development in the Green Belt as it would conflict with the purpose of designation and does not preserve the openness of the Green Belt. It has not been demonstrated that there are no suitable alternative sites in Buckinghamshire beyond the Green Belt. It is also not considered that the need for the development combined with other material considerations, such as the employment generated and the proximity to the applicant's current Operational Base outweighs its Green Belt location. Very special circumstances to necessitate the siting of this waste facility within the Green Belt have not been demonstrated to exist.

102. On this basis, the development is considered to be contrary to policy GB1 of the SDBLP and policy CS20 of the BMWCS. In addition, as a new employment generating or other commercial site in the Green Belt, the proposed development is considered to be contrary to policy GB4 of the SBDLP.

103. For this reason, it is recommended that planning permission is refused.