

## Committee Report: 1<sup>st</sup> July 2019

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<b>Application Number:</b>	<b>CM/0068/18</b>
<b>Title:</b>	Application for recontouring of agricultural land using inert waste Use.
<b>Site Location:</b>	Land To The North East Of Park Hill Farm Bletchley Road Little Horwood
<b>Applicant:</b>	Churchill Waste Management Ltd
<b>Case Officer:</b>	David Periam
<b>Electoral divisions affected &amp; Local Member:</b>	Winslow, John Chilver
<b>Valid Date:</b>	24 <sup>th</sup> July 2018
<b>Statutory Determination Date:</b>	23rd October 2018
<b>Extension of Time Agreement:</b>	5 <sup>th</sup> July 2019

### Summary Recommendation(s):

The Development Control Committee is invited to REFUSE application no. CM/0068/18 for the reasons as out below.

### Reasons for Refusal

1. It has not been demonstrated that the site would be restored to a high environmental standard contrary to paragraph 7 of the National Planning Policy for Waste, saved Buckinghamshire Minerals and Waste Local Plan policy 31 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 26.
2. The development would result in the disposal of waste by landfill contrary to the Buckinghamshire Minerals and Waste Core Strategy policy CS15 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 13.
3. The development would divert waste from the restoration of mineral extraction sites contrary to Buckinghamshire Minerals and Waste Core Strategy policy CS15 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policies 13, 14 and 15.

4. The catchment area for the importation of waste to the site would result in a significant proportion of waste originating outside of Buckinghamshire contrary to paragraphs 1 and 4 of the National Planning Policy for Waste, Buckinghamshire Minerals and Waste Core Strategy policy CS16 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 15.

5. It has not been demonstrated that the development would be carried out without a significant adverse effect on the local landscape including the landscape character of the Whaddon – Nash Valley Local Landscape Area contrary to Buckinghamshire Minerals and Waste Core Strategy policies CS19 and CS23, the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 21, the Aylesbury Vale District Local Plan policy RA.8 and the Vale of Aylesbury Local Plan (2013 – 2033) policy NE5.

6. The development if permitted would intensify the use of an existing access on a section of an inter-urban principal road. The slowing and turning of vehicles associated with the use of the access would lead to further conflict and interference with the free flow of traffic on the highway and be detrimental to highway safety. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

## **Introduction**

1. The application seeks planning permission for the use of land at Park Hill Farm, Whaddon for the deposit of waste to land as a means of achieving an agricultural improvement.
2. The application was submitted to the County Council and subsequently validated on 24<sup>th</sup> July 2018. The development was screened under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017. It was considered the proposed development was not EIA development and so no EIA was considered to be required. The application was advertised by site notice and neighbourhood notification. The thirteen-week determination date was 23<sup>rd</sup> October 2018 and an extension of time for determination was agreed until 5th July 2019.

## **Site Description**

3. The site is a single pasture field and located approximately 200 metres to the north east of the farm buildings, which lies to the immediate north of the A421. The site lies to the north east of Great Horwood. The access to the site is directly off the A421. The size of the application area is 5.6 hectares and is in permanent pasture.
4. The eastern part of the field is crossed by a public footpath running from the A421 northwards to Whaddon. From here the land drops very sharply by approximately 18 metres to form a bowl with a spring running in the lower part of the site. From here the land falls more gradually to the north west by 3 or 4 metres. The site is surrounded by other agricultural land, some also being used for grazing and some in arable production.
5. The nearest SSSI (Oxley Mead) lies about 2.4km to the north east and the site lies within a SSSI Impact Risk Zone. The nearest SAM lies to the north east (Bowl Barrow on Church Hill). The nearest Listed building lie about 1km to the south west.
6. Other than Park Hill Farmhouse itself, the nearest residential property is Fernfield which lies approximately 300 metres to the southeast of the main site and about 120 metres from the site access on the other side of the A421. Beech Tree Cottage lies approximately 360 metres to the north east.
7. The site lies within Flood Zone 1 and the site is in the Whaddon – Nash Valley Local Landscape Area.
8. The site plan is shown below:

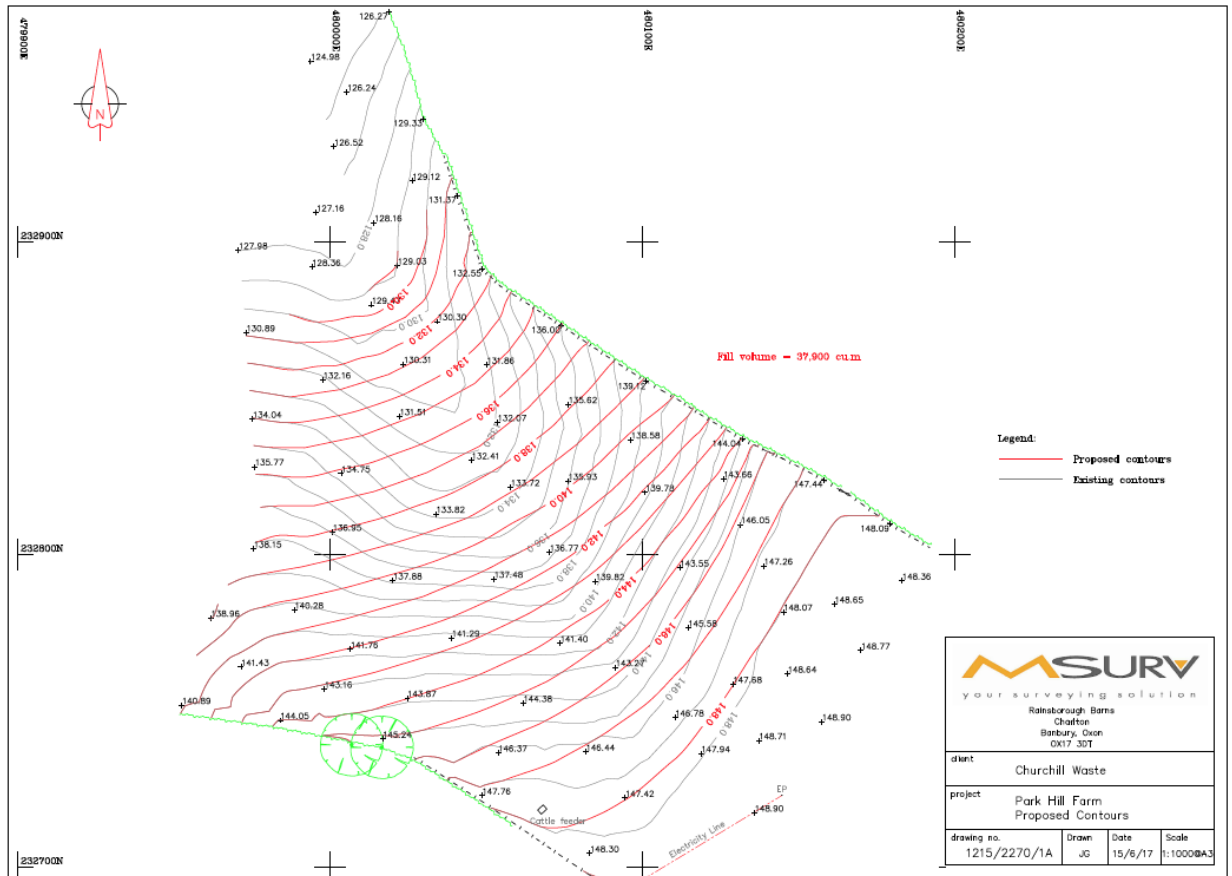


## Site History

9. There is no waste planning history for the site. However, there was permission for the erection of a new bungalow for agricultural dwelling at the farm in 1978 under Aylesbury Vale District Council (reference: 78/01701/AV. The bungalow was extended to create a granny annex in April 2000 (under reference: 00/00512/APP).
10. On the other side of the A421, an application for the filling of land with inert material from local development and restoration to agricultural use at Warren Farm was refused by Buckinghamshire County Council on 17<sup>th</sup> October 2000 under reference 00/01734/AWD) for a scheme totalling 290,000 cubic metres over a period of three years.

## Description of the Proposed Development

11. The proposal is to fill using up to 40,426 tonnes of inert construction, demolition and excavation waste (it is understood it is intended these materials would be waste soils) to lessen the gradients in the steepest parts of the field where the gradient is steeper than 1 in 8. The agent on behalf of the applicant states that due to the steepness of those areas of the field, it does not have agricultural benefit and cannot be classified as best and most versatile agricultural land and overall is largely grade 4 land which is not generally suitable for crop growing. The proposed levels / contours after infill are shown in red in drawing 1215/2270/1A as shown below. The existing contours are shown in black. The gradient would become less than 1 in 8, would remove all safety hazards (tractors from rolling down the hill) and make the field available for arable crops. The application is supported by an agricultural report which supports this position.



12. The source of the waste would be from local construction projects within a 25 mile radius. It is proposed that the uppermost part of the landform would comprise inert soils at depths of 1m to ensure the land can be returned to productive agricultural use.
13. The capacity of the fill is approximately 37,900 cubic metres. It is proposed to infill over an 18-24 month period and hours of operation are proposed to be 07.30-17.00 Mondays to Fridays with no operations on weekends and Public Holidays. This would include no operations during 2 weeks over the Christmas period. The length of the operations would equate to a maximum of 48 week a year – 290 days maximum and no tipping would take place in extreme weather conditions.
14. Access would be from the existing access off the A421 and HGV movements would be 50 a day (25 in and 25 out).

*Phasing and restoration*

15. It is proposed to carry out the works in three phases. Soils would be stripped from each phase and stored in temporary bunds for use in the infilling and restoration stages. Imported fill would be placed in the phased area commencing at the bottom of the slope and working upwards.
16. Once appropriate levels are achieved, each phase would be capped and restored to achieve the agricultural requirements. Plant to be used on the site would be limited to a 360 degree excavator and bulldozer.

## Planning Policy and Other Documents

17. 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.
18. 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)
  - Adopted Aylesbury Vale District Local Plan
  - Vale of Aylesbury Local Plan (VALP)
  - 
  - The Great Horwood Neighbourhood Plan (GHNP)
19. 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)
  - The Buckinghamshire Local Transport Plan 4
  - The Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).
20. The draft **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) for independent examination. The plan has undergone public examination and the final Inspector's report was received in June 2019. This confirms that the plan, with modifications, is sound and so can proceed to adoption. As the plan at an advanced stage of preparation, and is to be adopted in July 2019, it is considered to hold considerable weight for the determination of planning applications.
21. 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
22. The following policies are considered relevant to the proposed development:

### **Buckinghamshire Minerals and Waste Core Strategy (BMWCS)**

- CS15 (Landfill)
- CS16 (Management of Imported Waste)
- CS19 (Protection of Environmental Assets of Local Importance)
- CS23 (Enhancement of the Environment)

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

- Policy 28 (Amenity)
- Policy 29 (Buffer Zones)
- Policy 31 (Restoration and Aftercare)

### **Aylesbury Vale District Local Plan (AVDLP)**

- RA.8 (Landscape)
- GP.8 (Amenity)
- GP.95 (Unneighbourly Uses)
- RA.36 (Traffic Adversely Affecting Rural Roads)

### **Draft Buckinghamshire Minerals and Waste Local Plan (BMWLP36) (2016-2036) including proposed Modifications**

- Emerging Policy 13: Disposal to Landfill
- Emerging Policy 14: Developing of 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 21: Landscape Character
- Emerging Policy 26: Delivering High Quality Restoration and Aftercare

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

- NE5 – Landscape character and locally important landscape

## **Consultation Responses**

23. **Aylesbury Vale District Council** has concerns about the proposed development. They would wish to see further information on the following:

- Specific landfill material to be used;
- Details on the infilling and restoration process;
- Whether the materials will be stockpiled or applied on arrival (if stockpiled, the location);
- Compaction information to ensure adequate drainage;
- Clarification on the extent of the area as phasing plan differs from contours plan;
- Location and details of storage bunds;
- Aboricultural Impact Assessment with method statement (including protection measures) to ascertain impact on adjacent hedgerow and trees;
- Information in respect of landscape and visual impact, including rights of way.

They would also wish to defer further response until the council as Highway Authority has commented on the application.

24. **Historic England** has no comments.

25. The **Landscape advisor's** comments are as follows:

#### **Recommendations of Review**

i. Submission of additional information and the revision/clarification/confirmation of submitted information is appropriate to address the matters underlined below. This would then enable the potential landscape and visual effects of the proposals both during and after the operational (recontouring) period to be fully understood and considered in the determination of the application and the application of conditions if/where appropriate.

ii. The proposals would introduce temporary operations within the Whaddon-Nash Valley Local Landscape Area (LLA) and the level of significance of resulting landscape and visual effects should be a material consideration in the determination of the application.

#### **Detailed comments**

i. With the exception of the brief descriptions in paras 2.27 - 2.29 of the Planning Statement, the application provides no information on the proposed infilling and restoration process. The application does not identify the source(s) nor the certainty of the proposed landfill materials – critical to the proposed completion in 18-24 months, nor does it clarify whether imported materials will be stockpiled or progressively applied on arrival (weather conditions permitting). The application should be supported by a soil conservation and management strategy; confirming existing and imported soils/overburden quantities for restoration purposes; setting out a process and programme for sub and topsoil placement (including depths), relief of compaction, and land drainage; all designed to create suitable ground conditions to achieve the objective of increasing the flexibility of the land for agricultural purposes. Whereas several references to restoration are made they do not constitute a restoration proposal suitable for development management purposes. The applicant states that *'Imported materials will be progressively applied on arrival at the site, thereby minimising the potential for temporary visual impacts.'*

ii. The phasing plan shows three phases covering a larger area than the proposed area of recontouring as shown on the proposed contour plan which does not extend to the full area of the field. It would appear that much of Phase 1 and part of Phase 2 are outside the proposed area of recontouring. The area of disturbance should be minimised and defined on the application plans, which should also show if applicable the locations of stockpiles of imported materials awaiting placing. Clarification and further details are required including timescales for Phases 1-3 and details of the operations in each phase. The applicant acknowledges that the proposed recontouring area is less than the area shown as Phases 1-3.

iii The proposed soil storage bunds would be alien in the wider landscape requiring design and management to minimise visual effects. Details are required of the



locations, dimensions and slope angles of the topsoil and subsoil stores, and of the vegetative treatment and management during the storage period, including seed mixes. No firm details are provided. The applicant simply states that '*...bunds will be located on western edge of the footpath at heights no greater than three metres.*'

iv. No details are provided of an agricultural aftercare programme to progressively return the land to productive agriculture once the infilling and placing of soils has been completed. The application should be supported by a programme of aftercare management, designed to reinstate the land to agricultural use within five years and capable of sustaining thereafter. The strategy should recognise the limitations of land recently subject of restoration and this should be reflected in the agricultural uses and operations in years 1-5 commencing with grassland. The applicant states '*The objective of the Aftercare Scheme is to ensure that after initial restoration the land is suitably managed for a period of five years to bring it back to a satisfactory and acceptable agricultural standard.*' Several references to aftercare then follow but do not constitute an aftercare proposal suitable for development management purposes.

v. The adjacent hedgerows and hedgerow trees are essential components of the local and wider landscape character – their protection and effective management is vital to ensure their continued contribution in the post restoration landscape. Subject to the application of appropriate buffers the proposals should have limited direct impact upon them. Appropriate buffers and protection should be derived from a professional arboricultural impact assessment and set out in an arboricultural method statement. An arboricultural submission has not been made but the applicant states '*Appropriate protection will be provided for trees and hedgerows. Prior to commencement of any development an arboriculturist will visit the site to establish the baseline conditions and supervise the installation of appropriate protection, such protection will be maintained for the duration of works.*' Appropriate buffers and protection should be determined prior to approval of the restoration contours – the proposed contours plan shows no buffer to boundaries and a proposed revised landform extending up to site boundaries which would be detrimental to boundary vegetation and consequently to visual amenity.

In the absence of the above the potential landscape and visual effects of the proposals both during and after the operational (recontouring) period cannot be fully assessed.

vi The application area is within the Whaddon-Nash Valley Local Landscape Area (LLA) designated by Aylesbury Vale District Council. Hence in this valued landscape, the landscape and visual effects are important considerations during the operational period – which should be minimised, as is the sustainable use of the land for agriculture thereafter.

vii The land is in agricultural use and is consistent with the local landscape character. There is no landscape case for undertaking the proposed recontouring as no landscape benefits would result.

viii. The application is not accompanied by any landscape proposals, e.g. planting. Whereas no change to the overall landscape configuration is necessary, there would be potential for modest contributions to the landscape guidelines. The successful return of the land to appropriate agricultural use would be vital in the conservation of landscape character within.

ix. During the extraction and restoration period there would be disturbance in the landscape. The associated vehicular movements (25 per day) would lead to an occasional minor loss of tranquillity.

x. Views to the application area from local public viewpoints are limited but include the public right of way WHA/9/4. Public viewpoints are not identified by the applicant and no mitigation is proposed for any viewpoint including diverted public rights of way. However, there may be potential to use temporary soil bunds to remove/reduce visual effects where screening is not already provided by boundary vegetation.

xi. The applicant has not provided a professionally prepared landscape and visual impact assessment following current guidance (GLVIA3). The provision of such an assessment is not a compulsory requirement. Our view is that a landscape and visual impact assessment to GLVIA3 is not essential in this instance however a proportionate assessment would be appropriate taking account of the LLA location. An assessment of landscape and visual effects should be provided to record the key receptors and the significance of effects upon them, and to identify appropriate mitigation.

xii. The application is not accompanied by photomontages for Years 1 and 15 from key representative viewpoints. They are not considered essential to demonstrate visual effects.

xiii. Whereas not specifically stated by the applicant, no effects would arise from the proposed development upon any Registered Park and Garden.

26. **Natural England** has no objection to the planning application.

27. **Whaddon Parish Council** has stated that the application should be refused based on the fact the site is clearly being used for agricultural purposes and the negative impacts to highway safety, users of the public footpath, landscape (the site is in a Local Landscape Area), wildlife, the potential for pollution to water, noise, dust and the lack of identified need.

28. The **County's Archaeologist** has no objection and no condition to add.

29. The **County's Ecologist** has no objection to the application.

30. The **County's Flood Management Team** has no objection to the proposed development as long as the development is as in the submitted drawing no.1215/2270/1A – Park Hill Farm – Proposed Contours (dated 15<sup>th</sup> June 2017, prepared by MSurv).

31. The **District Environmental Health Officer** has no objection to the proposed development.

32. The **Environment Agency** has no comments on the application but provided some guidance for the applicant and noted that an Environmental Permit may be required.

33. The **Rights of Way Officer** has no objection but would wish to see fencing to the west of the public footpath and temporary matting to protect the surface of the footpath where it would be crossed by the proposed access route.
34. The **Highways Development Management** Officer objects to the application for the following reason:

The development if permitted would intensify the use of an existing access on a section of an inter-urban principal road. The slowing and turning of vehicles associated with the use of the access would lead to further conflict and interference with the free flow of traffic on the highway and be detrimental to highway safety. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

## **Representations**

35. Eight comments have been received from members of the public and seven of these are objections. The main reasons for objections are as follows:

- Impact on Highway Safety;
- Impact on the landscape and especially since the site is in a Local Landscape Area;
- Noise and dust;
- Pollution;
- Impact on the public footpath;
- Impact on ecological features in the area;
- Need for development.

One member of the public mentioned that although the site is in Whaddon Parish Council, the access road is in Great Horwood Parish Council. Both Parish Councils have been consulted but no comments have been received from Great Horwood Parish Council. The Great Horwood Neighbourhood plan is therefore material to the access road part of the application area.

## **Discussion**

36. The development is for the deposit of waste to land in order to facilitate an agricultural improvement. The applicant is of the view that this should be considered as a beneficial engineering operation. However, the development is considered to be land raising/landfilling which in waste hierarchy terms sits towards the bottom of the waste hierarchy. It is considered that the main issues are compatibility with the Development plan policies and the National Planning Policy for Waste in relation to the need for the development and potential impacts the development would have should it be approved. The main issues to consider are as follows:

- Need for development;
- Impact on landscape;
- Impact on amenity;
- Highways impact.

### **Need for development**

37. The National Planning Policy for Waste (NPPW) sets out objectives for sustainable waste management and encourages diversion from landfill as well as encouraging the process of reuse, recycling and biological processing. This is also mentioned in the Minerals and Waste Core Strategy on pages 43 – 45 which states:

*“The strategy for waste is to encourage waste prevention and to safeguarding existing waste management capacity within Buckinghamshire, whilst increasing local provision for recycling and composting so as to increasingly divert waste from landfill”*

38. Policy CS15 of the BMWCS states that no additional landfill capacity for inert waste will be provided within Buckinghamshire in the period to 2026. Emerging policy 13 states no specific capacity will be provided for inert disposal (or recovery) during the plan period. Where the deposit of inert waste to land is proposed at sites not directly associated with the restoration of mineral extraction sites it must be demonstrated that there are no opportunities afforded by extraction. BMWLP36 Emerging policy 14 states that the deposit of inert waste to land should be focused at mineral extraction sites with extant planning permission to facilitate restoration. BMWLP36 Emerging policy 15 states that the deposit of inert waste to land should be focused at mineral extraction sites with extant permission requiring restoration, unless it can be clearly demonstrated that an alternative location would not prejudice the restoration of these sites; it also states that waste management should be in line with the waste hierarchy. BMWLP policy 31 seeks to see sites restored to an appropriate use within a reasonable timescale. BMWLP36 Emerging Policy 26 seeks to achieve high quality restoration and aftercare. Paragraph 7 of the NPPW states that in determining waste applications, waste planning authorities should ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
39. The application site is put forward as facilitating an agricultural improvement at this specific site which could not be achieved by other means. Paragraph 83 of the NPPF states that planning decisions should enable the development of agricultural businesses. A degree of judgement is therefore necessary to determine whether the predominant purpose of the development involves waste disposal for its own sake or for a genuinely necessary agricultural improvement. The applicant has provided an agricultural assessment in support of its case, and whilst the degree of improvement in the quality of the land has not been made clear, the importation of waste would clearly

improve the existing concave contours of the land from an agricultural perspective rendering the land easier and safer to access. The land is nonetheless currently in agricultural use as grazing land, as it presumably has been for many years, and no evidence has been provided to quantify the economic benefit to the viability of the farm of which it is a part. The farm includes other surrounding land which is in arable use and also land to the south which is not proposed to be raised as part of this application, which is not subject to the same existing land contours, but which is being used for grazing. This appears in much the same condition as the application site but also contains piles of various farm waste materials which have been left on this land suggesting that there is no particular concern with maximising its agricultural potential. The impact on the local landscape is discussed below but it is clear that the applicant has not submitted sufficient information to demonstrate that the development could be carried out without an adverse impact on landscape character and with restoration to a high environmental standard. The application is therefore contrary to paragraph 7 of the NPPW, BWLPP policy 31 and BWLPP36 Emerging policy 26. It would also be a landfill site, and divert waste that could potentially be used in the restoration of mineral sites contrary to BWCS policy CS15 and BWLPP36 Emerging policies 13, 14 and 15.

40. Furthermore, the applicant has stated that the waste could be imported from local construction sites within a 25 miles radius from the site. The concept of managing waste proximal to its source is a material planning consideration (as set out in paragraphs 1 and 4 of the NPPW). As such, policy CS16 of the BWCS states that the Council will resist proposals to create new landfill sites where a significant proportion of waste would originate outside of Buckinghamshire. BWLPP36 Emerging policy 15 states that amongst others, two factors that must be demonstrated by proposals for waste management facilities are the catchment area for the waste to be received on site and the management of waste in line with the proximity principle. The applicant has not provided further details on the likely sources of waste and a 25 miles radius could lead to a significant proportion originating from outside of Buckinghamshire. Consequently, without the benefit of such information, in this respect the proposed development cannot be considered to be in compliance with paragraphs 1 and 4 of the NPPW, policy CS16 of the BWCS and BWLPP36 Emerging policy 15.

### **Landscape impact**

41. The site lies within the Whaddon – Nash Valley Local Landscape Area. BWCS policy CS19 states that planning permission will not be granted for waste development that would lead to a significant adverse effect on the character, appearance, or intrinsic environmental value of locally important landscapes. BWCS policy CS23 requires waste developments to demonstrate how they will ensure the positive integration of the site into the wider landscape taking into account Landscape Character Assessments and areas. BWLPP 36 Emerging policy 21 states that waste development proposals should protect and enhance valued landscape and should be

accompanied by a Landscape Impact Assessment. AVDLP policy RA.8 states that development proposals in Local Landscape Areas should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured. VALP policy NE5 makes similar provision.

42. As set out above, the council's landscape advisor has raised a number of concerns with regard to the potential impact of the development both during the filling operation and once completed on the local landscape and the lack of the necessary supporting information to make a fully informed assessment. The applicant has not responded to these comments with any additional information. The site is an attractive feature within the existing local landscape and it is considered that in the absence of the additional information requested, it has not been demonstrated that the development would not have a detrimental landscape impact contrary to the above policies. It is not considered that this is a matter that could be rendered satisfactory through the imposition of a condition requiring the submission of a detailed landscaping scheme.

### **Amenity Impact**

43. Policies 28 and 29 of the BMWLP seek to protect those who may be affected by waste development proposals from any significant adverse levels of disturbance both near the site and on routes to and from it, including noise, lighting, dust and vibration, and imply that an adequate buffer should exist between the waste development and neighbouring sensitive uses. Additionally, policies GP.8 and GP.95 of the AVDLP, policy CS22 of the BMWCS and BMWLP36 Emerging policy 17 all seek to protect amenity.
44. The nearest property to the application site is Park Hill Farmhouse itself but the site is otherwise relatively remote from any immediate neighbours. The main impact on amenity would be on users of the public footpath which crosses the site and with which the proposed access road is shared. However, the council's Rights of Way Officer has not objected subject to appropriate fencing and surfacing. There would be transitory visual impacts to users of the footpath but it is not considered that in the context of a longer walk, these would be significant. Whilst there would be impacts from the traffic associated with the development, the access would be onto the A421 and vehicles would be routed to enter the site by turning left and similarly egress it by turning left. I do not therefore consider that there would be such a significant impact on amenity as would warrant refusal of the application against these policies.

### **Impact on Highways**

45. Policy RA.36 states that in considering proposals for development in Rural Areas, the council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic increases and routing unsuited to rural roads. Policy 18 of the BMWLP36 requires proposals for waste development to be accompanied by a Transport Assessment. The National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe. The Buckinghamshire Local Transport 4 has as one of its key aims highway safety and this is reflected in the Council's Highways Development Management Guidance document

46. The development would result in a maximum of 50 vehicle movements going to and from the site per day via what is currently an agricultural access onto the A421 which would be upgraded. Although in a countryside location, access would be taken onto the A421 and so the major road network and therefore I do not consider that it would be contrary to the aims of AVDLP policy RA.36. However, the Highways Development Management Officer is not satisfied that the vehicle movements required could be carried out without an unacceptable impact on highway safety. It is considered that the development should therefore be refused for this reason.

#### Equality and Diversity Issues

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

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

#### **Conclusion**

48. Application CM/0068/18 seeks planning permission for the importation of 40,426 tonnes of inert waste material to re-contour the gradient in a field at Park Hill Farm near Whaddon as an agricultural improvement. Whilst there would be an agricultural improvement in that the existing concave slopes would be modified to shallower convex ones more suitable for arable farming, insufficient evidence has been provided to demonstrate the extent of this benefit to the viability of the farm of which the site is a part, that the development would be carried out to a high environmental standard or that it could be carried out without significant landscape impacts. Therefore, it is considered that the application is essentially a waste disposal development which would have an unacceptable impact on highway safety and is contrary to the development plan, NPPF and NPPW and it is recommended that application CM/0068/18 be refused for these reasons.