

# Agenda

## *DEVELOPMENT CONTROL COMMITTEE*

**Date:** Monday 23 March 2020  
**Time:** 10.00 am  
**Venue:** Mezzanine Rooms 1 & 2, County Hall,  
Aylesbury

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

<b>Agenda Item</b>	<b>Page No</b>
<b>1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP</b>	
<b>2 DECLARATIONS OF INTEREST</b> To disclose any Personal, Disclosable or Prejudicial Pecuniary Interests.	
<b>3 MINUTES</b> The minutes of the meeting of the Committee held on 24 February 2020, to	<b>5 - 10</b>

be confirmed as a correct record.

- |           |   |                  |
|-----------|---|------------------|
| <b>4</b>  | <b>CM/0002/20 - PROPOSED CONTINUATION OF THE USE OF THE LAND AS A HOUSEHOLD WASTE RECYCLING SITE AS CURRENTLY CONSENTED BY PLANNING PERMISSION NO. CC/3/83 - BLEDLOW RIDGE HOUSEHOLD RECYCLING CENTRE, WIGANS LANE, BLEDLOW RIDGE</b>   | <b>11 - 38</b>   |
| <b>5</b>  | <b>CM/0055/19 - PLANNING APPLICATION MADE UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO VARY CONDITIONS 3 AND 4 ATTACHED TO PLANNING CONSENT SBD/8204/07 AT EAST BURNHAM QUARRY, FARNHAM LANE, EAST BURNHAM, SLOUGH</b>   | <b>39 - 66</b>   |
| <b>6</b>  | <b>CC/0059/19 - DEMOLITION OF A SINGLE STOREY BUILDING; ERECTION OF NEW TWO STOREY TEACHING BLOCK, SPORTS HALL AND CHANGING FACILITIES; SINGLE STOREY EXTENSION TO CREATE MUSIC PRACTICE ROOMS; TOGETHER WITH INTERNAL AND EXTERNAL REFURBISHMENTS AND MINOR WORKS TO EXISTING BUILDINGS, LANDSCAPING AND ASSOCIATED NEW PARKING SPACES (INCLUDING ACCESS FROM WATCHET LANE) - HOLMER GREEN SENIOR SCHOOL, PARISH PIECE, HOLMER GREEN</b> | <b>67 - 92</b>   |
| <b>7</b>  | <b>CX/02/19 - HAZARDOUS SUBSTANCE CONSENT APPLICATION TO STORE AND USE AN INVENTORY OF HAZARDOUS SUBSTANCES AT THE OLLECO ANAEROBIC DIGESTION FACILITY, ASTON CLINTON, AYLESBURY</b>  | <b>93 - 104</b>  |
| <b>8</b>  | <b>DATE OF NEXT MEETING</b><br>Monday 27 April 2020 at 10.00 am at County Hall, Aylesbury.  |                  |
| <b>9</b>  | <b>EXCLUSION OF THE PRESS AND PUBLIC</b><br>To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual  |                  |
| <b>10</b> | <b>CONFIDENTIAL MINUTES</b><br>The confidential minutes of the meeting of the Committee held on 24 February 2020, to be confirmed as a correct record.  | <b>105 - 106</b> |
| <b>11</b> | <b>ENFORCEMENT REPORT</b>   | <b>107 - 108</b> |

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*For further information please contact: Sally Taylor on 01296 531024, email: [staylor@buckscc.gov.uk](mailto:staylor@buckscc.gov.uk)*

## **Members**

Ms J Blake	Ms N Glover
Mr N Brown	Mr R Khan
Mr C Clare (VC)	Mr D Shakespeare OBE
Mrs B Gibbs	Mrs J Teesdale

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- **Registering on the website at:**  
<https://democracy.buckscc.gov.uk/mgCommitteeDetails.aspx?ID=105>
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# Minutes

## *DEVELOPMENT CONTROL COMMITTEE*

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**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 24 FEBRUARY 2020 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY, COMMENCING AT 9.59 AM AND CONCLUDING AT 10.29 AM**

### **MEMBERS PRESENT**

Ms J Blake, Mr C Clare, Mrs B Gibbs, Ms N Glover and Mrs J Teesdale

### **OTHERS IN ATTENDANCE**

Ms S Winkels, Mr D Periam, Mr J Suter, Ms A Williams, Ms K Stubbs and Mr T Higgs

### **Agenda Item**

- 1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**  
Apologies were received from Mr N Brown and Mr D Shakespeare.
- 2 DECLARATIONS OF INTEREST**  
There were none.
- 3 MINUTES**  
**RESOLVED:** The minutes of the meeting held on 2 December 2019 were **AGREED** as an accurate record and signed by the Chairman.

**4 CC/0056/19 - REMOVAL OF CONDITION 6, PROVISION OF CYCLEWAY TO APPLICATION CC/0013/19, AMERSHAM SCHOOL, STANLEY HILL, AMERSHAM, BUCKINGHAMSHIRE, HP7 9HH**

Mr J Suter, Planning Graduate, provided an overview of the report and highlighted the addendum (appended to the minutes) which contained an objection from Chiltern District Council. The following site photos were presented to the committee to give an overview of the planned cycleway:

- Amersham School from above
- Site plan of the school
- Suggested route of cycleway required by condition 6
- Site access towards the school demonstrating a steep hill with access via stairs
- The intended cycleway route
- The current condition of the pavement
- The roundabout subject of the scheme required by condition 6

Mr Suter reminded committee members of the section 73 application which sought the demolition of an existing defunct dining hall in poor condition to be replaced with a single storey and two storey classroom extension. The original application was submitted to accommodate an increased number of staff. The terms of the permission granted included condition 6 which required the implementation of a new cycle way/ footpath.

Members of the committee raised and discussed the following points:

- 60% of students either walked to school or travelled by bus.
- It was estimated that the cycleway would be used by 29 students.
- It would be difficult to predict the future level of usage of the cycleway based on past usage. However previous data could be used for forecasting and to identify trends. There was not a significant uptake of cycling due to the geography of the area.
- The gradient of the hill was approximately 4%.
- Chiltern District Council was in favour of the implementation of the cycle way. There was an emphasis on making routes to school sustainable and safe.
- Committee members agreed that a priority should be given to sustainable modes of travelling to school.

Committee members highlighted that in some places the report was difficult to understand and that it would be a lot easier to read if sentences were worded in a positive frame. Clarification was given by officers that the recommendation was to approve the application to remove the condition. Members of the committee voted on the recommendation.

For	4
Against	1
Abstention	0

**RESOLVED: The Development Control Committee APPROVED application no. CC/0056/19 for the demolition of an existing defunct single-storey Dining Hall and its replacement with a two-storey and a single-storey classroom extension of the existing Science Block as permitted by CC/0013/19 but with the removal of Condition 6, subject to the provision of a financial contribution first being made towards an updated School Travel Plan encouraging the adoption of alternative**

means of transport to the private car for journeys to and from the school in order to support achieving the target in Condition 14 and to the other conditions set out in Appendix A and to any necessary amendment of the detailed wording of the conditions by the Head of Planning and Environment.

**5 DATE OF NEXT MEETING**

23 March 2020.

**6 EXCLUSION OF THE PRESS AND PUBLIC**

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

**7 CONFIDENTIAL MINUTES**

**8 ENFORCEMENT REPORT**

**CHAIRMAN**





Development Control Committee 24th February 2020 - addendum for Item 4:

**Application Number:** CC/0056/19

**Title:** Application for Removal of Condition 6, Provision of cycleway to application CC/0013/19.

**Site Location:** The Amersham School  
Stanley Hill  
Amersham

**Applicant:** Buckinghamshire County Council

Chiltern District Council:

The Council has considered the above application and raises the following objections:

The District Council notes the proposed removal of Condition 6 (provision of a cycleway) from planning application CC/0013/19 and wishes to object. The NPPF states in Paragraph 102 that opportunities to promote walking, cycling and public transport should be identified. Specifically, Paragraph 104 states that planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development and provide for high quality walking and cycling networks and supporting facilities such as cycle parking. In addition, Paragraph 110 states that within this context, applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

The District Council's own Core Strategy in Policy CS25 requires that development proposals identify and safeguard planned public transport, walking, cycling and road improvement lines from other development whilst Policy CS26 expects development proposals to provide safe, convenient and attractive access on foot and by cycle, making suitable connections with existing footways, public footpaths, bridleways, restricted byways and cycle ways, local facilities and public transport so as to maximise opportunities to use these modes.

It is therefore clear that there is policy support for the provision of cycleways and the District Council does not necessarily agree that it is unreasonable for one to be provided as part of the development. The Applicant has stated in their supporting statement that the inclusion of this condition does not meet two of the six Planning Condition tests because it's provision is unreasonable and the condition was imposed at a late stage in the application process. In contrast, the District Council does not consider the condition to be unreasonable, in that it is policy compliant and would also likely boost pupil numbers in terms of those who travel by bicycle, in line with sustainable transport objectives. The District Council cannot comment on the handling of the application by the County Council and whether or not the Applicant had adequate time to evaluate the proposed conditions,

but this in of itself is not considered to be satisfactory justification for the removal of the condition from the planning permission.

Officer comment: It is considered that the points raised including policies CS25 and CS26 of the Core Strategy for Chiltern District have been addressed in paragraphs 46 to 51 of the published committee report. The officer advice remains that the application should be approved as set out in the Recommendation to the published committee report.

**Buckinghamshire County Council**

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**Committee Report: 23 March 2020**

<b>Application Number:</b>	<b>CM/0002/20</b>
<b>Title:</b>	Proposed continuation of the use of the land as a Household Waste Recycling Site as currently consented by planning permission no. CC/3/83
<b>Site Location:</b>	Bledlow Ridge Household Recycling Centre Wigans Lane Bledlow Ridge
<b>Applicant:</b>	Mr Bill Bendyshe-Brown, Bledlow Ridge HRC CIC
<b>Case Officer:</b>	David Periam
<b>Electoral divisions affected &amp; Local Member:</b>	Ridgeway West Carl Etholen
<b>Valid Date:</b>	23rd January 2020
<b>Statutory Determination Date:</b>	23rd April 2020
<b>Extension of Time Agreement:</b>	N/A
<b>Summary Recommendation(s):</b>	

The Development Control Committee is invited to **APPROVE** application no. CM/0020/20 subject to the conditions set out in Appendix A and to any necessary amendment of the detailed wording of the conditions by the Head of Planning and Environment.

**1.0 Introduction**

- 1.1 The application seeks planning permission to continue the use of the application site as a Household waste Recycling Centre as currently permitted to the sole benefit of the County Council pursuant to planning permission no. CC/3/83.
- 1.2 The application was submitted to the County Council and subsequently validated on 23rd January 2020. 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 is 23rd April 2020.

## 2.0 Site Description

2.1 The Bledlow Household Recycling Centre is located on the eastern side of Wigans Lane, Bledlow Ridge. Woodland lies to the north, east and west and the boundary to Wigans Lane is also wooded. Both the site and the wooded area to the north, east and west was formerly a waste landfill site. The entire site is set at a lower level than Wigans Lane. It lies in the parish of Bledlow-cum-Saunderton. The site lies entirely within the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). The site also lies within the outer impact risk zone to the Lodge Hill Site of Special Scientific Interest. A Grade II listed building, Harpers, lies approximately 340 metres to the south-west and a Grade II listed building, Callow Down Farmhouse, lies approximately 390 metres to the north-east. The site lies within Flood Zone 1. Ancient and Semi-Natural Woodland lies approximately 260 metres to the west (Frenches Wood) and 460 metres to the east of the site. The nearest residential properties are at Wigans Farm, approximately 150 metres to the south-west of the site. Public footpath no. BCS/54/1 runs off Wigans Lane, approximately 50 metres to the south of the site, in a south-easterly direction.



Figure 1: Aerial photograph showing the location of The Bledlow Ridge Household Recycling Centre and the application site (Aerial photograph sourced from Google Maps copyright Map Data @2020).

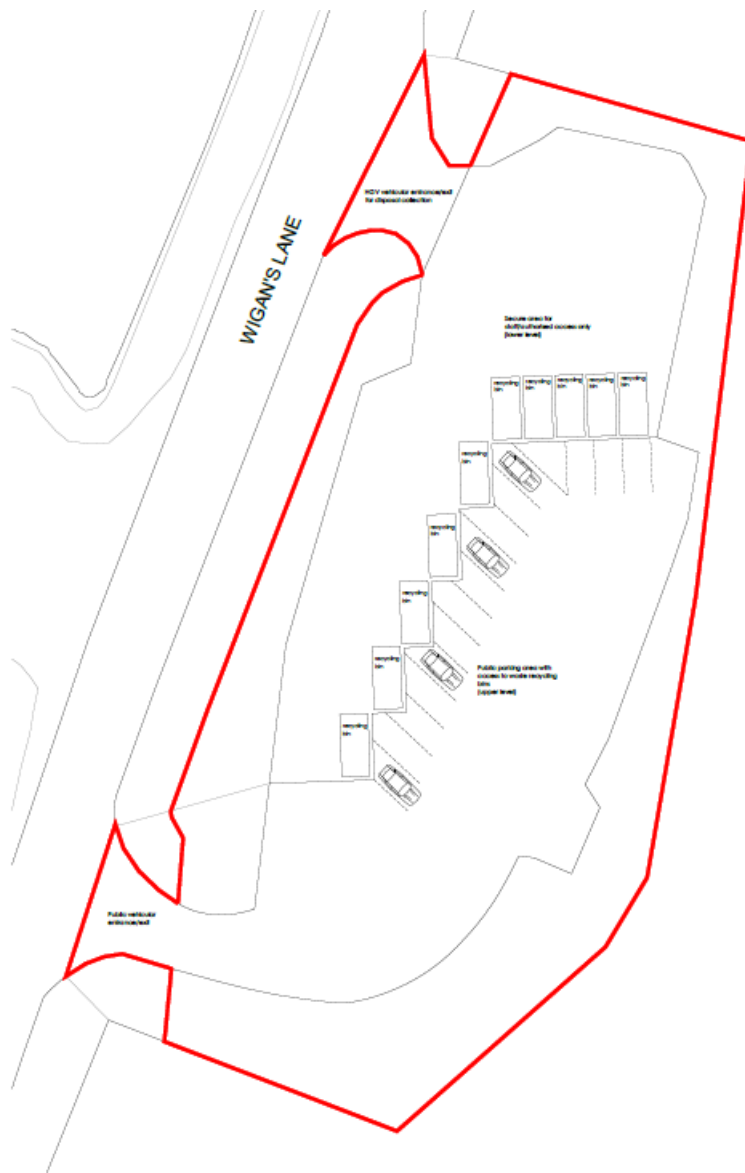


Figure 2: Location of The Bledlow Ridge Household Recycling Centre and the application site.

### 3.0 Site History

3.1 The site lies on the location of a former waste landfill site which was run by the former Wycombe Borough Council. Subsequent to this, planning permission was granted to application no. CC/3/83 on 4<sup>th</sup> April 1984 for “Household waste site, collection for final deposit elsewhere”. That planning permission was subsequently implemented and the site was run by the County Council until its closure on 31<sup>st</sup> March 2019. Although the County Council closed the site, the planning permission remains extant. The permission was granted under Regulation (4) of the Town and Country Planning General Regulations 1976. Counsel’s advice has been obtained and this advises that as such the benefit of the planning permission enures solely to the County Council. Therefore for any third party to operate the same use a further planning application is required to be made.

## **4.0 Description of the Proposed Development**

- 4.1 The development covers a total area of approximately 0.3 ha. The existing Household Recycling Centre contains two entrances/exits onto Wigans Lane, one which was used for general purposes and the other which was used for the bulk waste collection vehicles to take away the full skips. The site is laid out with hard surfaces which extend to meet Wigans Lane at the two access/egress points, with the top part of the site set at a lower level. Metal fencing separates the lower level area from the upper level. The site is laid out such as to accommodate 10 skips of 30 to 40 m<sup>3</sup> capacity for the collection of material, set at the lower level, and for the parking of 15 cars for staff and public use. There are existing pole-mounted lighting and CCTV cameras. There is a separate container for the collection of waste oil. There are two portacabins which did and are proposed to provide staff welfare and office facilities. There is a grassed bank along the northern, eastern and southern boundaries of the site with security fencing around the site boundary on all sides. The application seeks planning permission to carry out the development as permitted under planning permission no. CC/3/83 utilising the existing site infrastructure. There are no proposed physical changes to the site's infrastructure as set out on the ground and described above and the application proposes to restart the development as currently consented in April 2020, subject to the grant of planning permission. Daily hours of operation would be 8.00 am to 6.00 pm including Sundays and Bank Holidays (other than Christmas Day, Boxing Day and New Year's Day) although it is anticipated these would be more restricted to 9.00 am to 4.00 pm in the winter months. The proposed throughput of material would be 5,500 tonnes per annum. It is anticipated that there would be an average of 265 vehicle movements per day, although the majority would be at weekends and on public holidays. There would be regular removal of waste from the site in order to maximise operational efficiency and avoid or minimise adverse environmental effects associated with odours, insects, pests and vermin.
- 4.2 The catchment area would include Princes Risborough, Bledlow cum Saunderton, Radnage, Haddenham, Lacey Green, Stokenchurch and Longwick in Buckinghamshire and Chinnor, Thame, Towersey, Tetsworth and Aston Rowant in Oxfordshire.
- 4.3 In support of the application it is stated that following the County Council's closure of the site a local action group was set up with the aim of reinstating the recycling centre. As explained above, in order for this to be achieved, it is necessary for planning permission to be secured by the local action group. Once planning permission has been obtained the action group will seek local companies to tender to operate the site on a commercial basis.

4.4 The applicant considers that the proposed development accords with the National Planning Policy for Waste and the development plan, including policy 11 of the Buckinghamshire Minerals and Waste Local Plan, which identifies the targets for waste management capacity needs for Buckinghamshire. In terms of the site's location in the Green Belt and Chilterns AONB, it is considered that as there would be no new development there would be no material change in terms of the impact on these designations. It is also considered that the site is well screened by surrounding vegetation and its re-opening would have no impact on the local landscape or the wider landscape setting, there will be no impact on any neighbouring amenities, there will be no increase in noise or light emissions from the current use and there will be no material impact on the highway network.

## **5.0 Planning Policy and Other Documents**

5.1 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. Section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising a function affecting land in an AONB, the County Council shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Wycombe District Local Plan 2019 (WDLP)
- Wycombe District Adopted Delivery and Site Allocations Plan 2013 (ADSAP)
- Bledlow-cum-Saunderton Neighbourhood Plan 2016 - 2033 (BSNP)

The following policies are considered relevant to the proposed development:

### **Buckinghamshire Minerals and Waste Local Plan (BMWLP)**

- Policy 11 (Waste Management Capacity Needs)
- Policy 13 (Spatial Strategy for Waste Management)
- Policy 14 (Development Principles for Waste Management Facilities)
- Policy 16 (Managing Impacts on Amenity and Natural Resources)
- Policy 17 (Sustainable Transport)
- Policy 18 (Natural Environment)
- Policy 19 (Historic Environment)
- Policy 20 (Landscape Character)
- Policy 21 (Green Belt)
- Policy 22 (Chilterns AONB)
- Policy 23 (Design and Climate Change)

- Policy 24 (Environmental Enhancement)
- Policy 26 (Safeguarding of Minerals Development and Waste Management Infrastructure)

#### **Wycombe District Local Plan (WDLP)**

- CP1 (Sustainable Development)
- CP8 (Protecting the Green Belt)
- CP10 (Green Infrastructure and the Natural Environment)
- CP11 (Historic Environment)
- CP12 (Climate Change)
- DM30 (Chilterns AONB)
- DM31 (Development Affecting the Historic Environment)
- DM33 (Managing Carbon Emissions: Transport and Energy Generation)
- DM34 (Delivering Green Infrastructure and Biodiversity in Development)
- DM38 (Water Quality and Supply)
- DM39 (Managing Flood Risk and Sustainable Drainage Systems)
- DM42 (Managing Development in the Green Belt)

#### **Wycombe District Adopted Delivery and Site Allocations Plan 2013 (ADSAP)**

- DM1 (Presumption in Favour of Sustainable Development)
- DM14 (Biodiversity in Development)

#### **Bledlow-cum-Saunderton Neighbourhood Plan (BSNP)**

- Policy 1 (Spatial Plan for the Parish)
- Policy 6 (Design Management in the Parish)
- Policy 10 (Environment)

5.3 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)
- National Planning Practice Guidance (NPPG)
- The Chilterns AONB Management Plan 2019-2024 (CMP) strategic objectives D01, D02 and D03 and development policies DP1, DP2, DP3, DP8, DP10 and DP13.

6.0 **Consultation Responses (Consultee comments may be viewed on the council's planning applications website - <https://publicaccess.buckscc.gov.uk/online-applications/>)**



6.1 The consultation responses are summarised in Appendix B.

## **7.0 Representations**

7.1 Representations have been received from members of the public: 67 objections, 498 in support and five neither in objection nor support but raising concerns. The reasons for support, objection and concerns raised are summarised in Appendix C.

## **8.0 Discussion**

8.1 This is an unusual planning application. No new operational development or change of use of the application site is proposed. It is solely proposed to continue the use of the existing permitted Household Recycling Centre as it currently exists at the site for which planning permission exists solely for the benefit of the County Council. Whilst the County Council as waste management authority chose to close the site on 31<sup>st</sup> March 2019, it is a permanent planning permission; there is no end date condition or restoration condition on it. This is a material consideration in the determination of this application. The discussion below is therefore set in the context of the planning position being that the site exists and that the application does not propose any additional development beyond that which is already consented and this is the development which falls to be determined against the development plan and any other material planning considerations.

8.2 Comments have been received in objection to the application regarding the commercial intentions and capabilities of the applicant with regard to the running of the site, should permission be granted, and the possibility of further development of the site beyond the existing situation. The application is for the same development as already consented and it is not considered that the applicant's business plan is a material planning consideration. Any future proposed development of the site would require a further planning application to be made which would need to be considered on its own merits at that time.

8.3 I consider that the main issues to be considered are the waste management policy context, the site's location in the Green Belt, its location in the Chilterns AONB, amenity impacts, highway impacts, biodiversity and the historic environment.

### **Waste Management policy context**

8.4 BMWLP Policy 11 sets out the waste management capacity needs for the county over the plan period. This sets out the need for recycling of municipal and commercial and industrial waste from both existing and proposed facilities at 0.541 million tonnes at the end of the plan period in 2036. Whilst the existing planning

permission remains extant, if permission were to be granted to this application, it would then run with the land and provide the opportunity for third parties to provide the capacity that was effectively lost when the County Council closed the site. The reopening of the site would help to ensure waste is collected and transferred elsewhere for re-use and recycling and so moved up the waste hierarchy. BMWLP Policies 13 and 14 provide support to the application being in compliance with the spatial strategy and allowing communities to take responsibility for their waste in line with the waste hierarchy and the proximity principle.

- 8.5 BMWLP policy 26 seeks to safeguard existing waste management sites with extant planning permission and associated infrastructure from other forms of development. Appendix 2 to the BMWLP sets out waste development commitments at the end of 2016. This includes the application site. The site is therefore safeguarded as a waste management site from other forms of development. As the application is to continue the development currently permitted there is no conflict with this policy.
- 8.6 It is therefore concluded that the continued use of the site for waste management development which would facilitate the collection of waste for re-use and recycling is in accordance with the above policies.
- 8.7 Objections have been raised to the application with regard to the catchment area which would be served by the site. There is no current condition geographically restricting the area from which waste may be received on the existing planning permission. However, the location of the site close to the county boundary with Oxfordshire and the lack of any Household Waste Recycling Centre in Thame or otherwise in the eastern part of Oxfordshire (the nearest Oxfordshire facility is understood to be in Wallingford) and the considerable number of representations for support received for the facility from Oxfordshire residents and Thame Town Council, indicates that the site would be convenient for and potentially used by Oxfordshire residents, as well as Buckinghamshire ones. The County Council through the BMWLP is required to make provision for net self-sufficiency for the management of the equivalent of its own waste arisings, but it is accepted that there will always be cross-county boundary movements of waste streams.

### **Green Belt**

- 8.8 BMWLP policy 21 supports the development of waste management facilities in the Green Belt where it can be demonstrated that the development would not form inappropriate development and provided that it preserves the openness of, and does not conflict with the purposes of including land in, the Green Belt. Circumstances where development would not be inappropriate include the extension or alteration of an existing waste management facility, provided that it does not result in disproportionate additions over and above the size of the original building, or the replacement of an existing waste management facility, provided

the new building is for waste management use and not materially larger than the one it replaces. WDLP policies CP8 and DM42 seek to protect the Green Belt from inappropriate development. In this case, there would be no new built development or change of use from the existing situation on the ground in accordance with the existing planning permission. It is therefore considered that the development would not be inappropriate and accords with these policies. It would nonetheless be appropriate to attach a condition to any permission granted to remove any permitted development rights which could lead to the erection of built development which may otherwise conflict with openness and the purposes of including land in the Green Belt.

### **Chilterns AONB**

- 8.8 BMWLP policy 22 states that proposals for waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest. Proposals for waste development within the Chilterns AONB and its setting will be permitted where it can be demonstrated that it does not result in harm to the AONB and does not conflict with the purpose(s) of the designation; and contributes towards provision of waste management capacity for preparing for reuse and recycling; and supports the economies and social well-being of local communities in the area; and includes opportunities, where appropriate, to enhance the character, assets and appearance of the AONB and its setting, including ensuring a high standard of design for development and integration of the site within its landscape setting; and is compliant with other BMWLP policies. BMWLP policy 20 states that proposals for minerals and waste development should protect and enhance valued landscape in a manner commensurate with their status recognising their importance and contribution to wider networks. BMWLP policy 24 makes similar provision.
- 8.9 WDLP policy DM30 seeks that development conserve and, where possible, enhance the natural beauty of the Chilterns AONB, is appropriate to the economic and social wellbeing of local communities within the AONB, delivers the highest quality design which respects the natural beauty and built heritage of the Chilterns and enhances the sense of place and local character. Planning permission for proposals which constitute major development within the Chilterns Area of Outstanding Natural Beauty will only be permitted in accordance with national policy, and will otherwise be refused. BSNP policy 10 states that development proposals must conserve and enhance designated environmental and landscape assets, especially the Chilterns Area of Outstanding Natural Beauty.
- 8.10 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs and permission for major development should not be granted other than exceptional circumstances

and where it can be demonstrated that it is in the public interest. Appendix B to the NPPW states that in determining planning applications consideration should be given to the need to protect AONBs.

- 8.11 Although the development arguably does not conserve or enhance the Chilterns AONB, the site is safeguarded for waste use in the BMWLP and the application is for the same development as already consented and which already exists in situ. Although all waste development is defined as major development, the site area is relatively small; the application site covers an area of approximately 0.3 ha. It would contribute to recycling waste as set out above and would arguably support the local economy and social well-being of the local community in terms of providing a facility for the collection of their household waste for recycling. There would be no greater impact on the Chilterns AONB than from the operation of the site under the terms of the existing planning permission and no demonstrable additional harm to the landscape setting and scenic beauty.
- 8.12 It is appropriate to consider whether there is the opportunity for the development now proposed to enhance the Chilterns AONB compared to the existing situation. The site is well screened by the existing vegetation surrounding the site and is set at a lower level than the surrounding land and there does not seem scope for or obvious benefit to the Chilterns AONB in providing additional planting. There could be some scope for biodiversity enhancements as discussed below but again this would seem limited. CMP policy DP8 seeks to keep skies dark at night by only using light where and when needed, to the minimum required and which meets or exceeds guidance for intrinsically dark zones. There is scope to limit the impact of the lighting on the site by controlling its hours of operation. The on-site lighting would not generally be required during the proposed operational hours of 8.00 am to 6.00 pm during the summer months. The applicant has indicated that it is anticipated the winter operational hours would in any instance be limited to 9.00 am to 4.00 pm. It is therefore proposed that should planning permission be granted the hours of use of the facility and so the lighting during the period from 1<sup>st</sup> November to 28<sup>th</sup> February be limited to 8.30 am to 4.30 pm which would allow time for staff to set up and tidy-up the site for half an hour either side of its opening hours. Comment has also been made with regard to the site having an operational management plan to prevent the spilling of waste out of the site and littering. This would be controlled by the Environmental Permit for the site which would need to be obtained separately to the planning process from the Environment Agency, but, as set out below in the discussion on amenity impacts, the provision of a site management plan where appropriate is provided for through other BMWLP policies and so can be covered by condition.
- 8.13 It is considered that with the proposed limitations on hours of use set out in the discussion of amenity impacts below, the lighting would be acceptable in terms of balancing the impact on the Chilterns AONB and the need for safety and security of the site. Taking this into account, whilst the application is for major

development, it is not considered that there would be any significant impact on the Chilterns AONB beyond the existing permitted situation. The proposed development is considered to be generally in compliance with the aims of BMWLP policies 20, 22 and 24, WDLP policy DM30 and BSNP policy 10.

### **Amenity impact**

- 8.14 Objections and concerns have been raised to the application with regard to the impact on the amenity of local residents including from associated vehicle movements. BMWLP policy 16 seeks to see waste management developments secure a good standard of amenity including to human health and well-being and amenity to communities. WDLP policy DM5 seeks to protect the amenities of neighbouring land and property.
- 8.15 The development would be a continuation of that already permitted and the impacts on health, well-being and amenity are likely to be similar to those experienced previously when the site was in operation as a Household Recycling Centre. The site is well screened by existing vegetation. The closest residence to the site is approximately 340 metres distant and the nearest public footpath to the site is approximately 50 metres distant. Any direct impacts on health, well-being and amenity are therefore considered likely to be limited. The greatest impact is likely to be from the traffic associated with the operation of the site on residents alongside the rural roads serving the site including through Bledlow Ridge village and other road users including pedestrians, horse-riders and cyclists. The associated vehicle movements would be at their peak at weekends and on Bank and Public Holidays and the bulk of the movements would be by private cars/vans. It is considered that it is necessary to limit the impact of the development such that it would be no greater than that which would pertain if the site were to be re-opened under the terms of the existing planning permission as any greater impact has not been assessed. Whilst it would be very difficult to apply a daily vehicle movement restriction on the numbers of private car/van users visiting the site, the applicant has stated that the annual throughput of the site would be around 5,500 tonnes per annum which is in line with that which the site catered for in its last years of operation. It is therefore advised that should planning permission be granted to the application it is subject to conditions limiting the annual throughput to 5,500 tonnes per annum along with a condition requiring that the tonnages accepted at the site are provided to the County Planning Authority on a quarterly basis.
- 8.16 As set out above, the impact of lighting from the site could be covered by a condition limiting the hours of use of the site in the winter months. Concerns have also been raised with regard to matters such as litter which were a problem previously and whilst these are matters which may be controlled by the Environmental Permit, BMWLP policy 16 does state that a site-specific management plan should be developed where appropriate to mitigate impacts and this could be required to be submitted prior to any permission granted to this

application being first implemented. It would also be in the interests of the amenity for the existing site fencing to be maintained and the site gates to be secured outside the hours of operation. This can be required by condition.

- 8.17 Therefore, whilst there would be impacts, subject to the conditions suggested above it is considered that these would not be at such a level as to warrant refusal of the application. Subject to this, the application is therefore considered to be in general compliance with BMWLP policy 16 and WDLP policy DM5.

### **Highways Impacts**

- 8.18 BMWLP policy 17 supports sustainable transport including consideration of adverse impacts on the community and environment and the mitigation measures required. WDLP policy DM33 makes similar provision. The site is clearly not well-located in terms of its access to the strategic highway network. However, the County Council as Highway Authority has not objected to the application on the basis that there would be no increase in the tonnage of material exported from the site from that which pertained when the site was operational under the existing planning permission. It is therefore considered that grounds for refusal of the application on the grounds of the capacity or suitability of the local highway network or road safety could not be sustained, although these are clearly concerns which have been raised with regard to the application. As set out above, whilst a daily vehicle limitation on would not be practical, a limitation on the annual tonnage in line with that which the site was previously handling and as proposed by the applicant would be appropriate in order to limit the highway impacts to those which existed previously and could exist again if the site were to be re-opened by the County Council at any time in accordance with the existing planning permission.

- 8.19 Subject to the attachment of such a condition, the application is considered to be in compliance with aims of BMWLP policy 17 and WDLP policy DM33.

### **Biodiversity**

- 8.20 BMWLP policy 18 requires that mineral and waste related developments should conserve and enhance natural assets and resources, including protected and notable species. It goes on to state with regard to SACs and SSSIs that there should be no likely adverse effects on the site's notified special interest features resulting from the development. Further, it states that Ancient woodland along with aged and veteran trees are an irreplaceable resource that should be protected. Permission will only be granted where it can be demonstrated that the need for, and benefits of, the development clearly outweighs the loss. Where adverse effects are likely permission will only be granted where it can be demonstrated that the benefits of the development clearly outweigh the impacts. BMWLP policy 24 makes similar provision. WDLP policy CP10 seeks to secure a net gain in biodiversity and policy DM34 seeks to protect biodiversity and also achieve improvements. ADSAP policy

DM14 makes similar provision. BSNP policy 10 states that any development proposals should contribute to and enhance the natural environment by ensuring the protection of local assets such as mature trees, hedgerows and woodland, and the provision of additional habitat for wildlife and green spaces for the community.

8.21 The application site is not subject to any specific biodiversity designations and the nearest SSSIs and Ancient Woodland are at some distance from the site. Neither the County ecology officer nor Natural England has raised objection to the application. There is very limited scope for any further biodiversity enhancements within the existing site which is small and constrained by the existing banking and security fencing, with the operational area being hard-surfaced with no substantive buildings. The site is surrounded by woodland on three sides with the boundary to Wigans Lane also being substantially wooded. In this instance therefore it is considered that there is no practical likelihood of achieving any biodiversity enhancements and that a refusal of permission on this ground could not in this situation be supported. It is considered that the proposed development is otherwise in accordance with these policies.

### **The Historic Environment**

8.22 BMWLP policy 19 requires that minerals and waste development must conserve heritage assets in a manner appropriate to their significance and enhance the historic environment. WDLP policy DM31 makes similar provision. The site is not subject to any historic designations and is at some considerable distance from the nearest listed buildings, such that it is not considered to affect their settings. No additional development is proposed to that which is already existing at the site and so there would be no excavation carried out and so no archaeological impact. It is therefore considered that the proposed development is in accordance with these policies.

### **The Water Environment**

8.23 BMWLP policy 16 seeks to protect the water environment from adverse impacts of waste management developments. WDLP policy DM38 seeks to protect sources of water supply from contamination. WDLP policy DM39 seeks to see development carried out in the areas of lowest flood risk. The site is located in the location of a historic landfill site and concerns have been raised with regard to potential contamination. However, no new development is proposed beyond that which exists in situ and there would be no change to the site's existing drainage system. Neither the Lead Local Flood Authority nor the Environment Agency have raised any objection to the application on the grounds of surface waste drainage or pollution concerns, or requested the provision of further information. The District Environmental Health Officer has not raised objection or concerns. The site is

located in Flood Zone 1 which is the area which is least likely to flood. It is therefore considered that there is no conflict with these policies.

### **Sustainable development and Climate Change**

8.24 BMWLP policies 16 and 23 taken together seek to support sustainable development. Policy 23 states that minerals and waste development should secure high quality design and minimise adverse effects on and from climate change. WDLP policy CP1 supports sustainable development and policy CP12 promotes mitigation and adaptation to climate change. ADSAP policy DM1 makes similar provision.

8.25 As set out above, there would be no new development beyond that which is already permitted. The development would therefore operate within the same terms other than any new conditions which may now be judged necessary to make the development acceptable which have also been discussed above. Although the site is supported in principle by development plan waste management policies as set out above, it is accepted that it is not a sustainable location for such a facility, being in a rural area without ready access to the strategic highway network. Nonetheless, the provision of a facility for the collection of waste for recycling elsewhere which may otherwise be disposed of is in principle sustainable development which serves to mitigate against the effects of climate change. It is therefore considered that on balance the development would contribute towards the aims of these policies.

### **Equality and Diversity issues**

8.26 In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

### **Conclusion**

8.27 As set out above, the starting point for this application is that it is for a continuation of the development permitted for the benefit of the County Council under the existing consent. No new built development or change of use of the land is proposed. The development would accord with the aims of development plan waste management policies and would have no greater impact on the Green Belt or Chilterns AONB than the existing situation. It would not have any greater health, well-being or amenity impacts or impacts on the natural environment than the existing in situ development. It is therefore recommended that the application be approved.



## **Appendix A - Schedule of Conditions**

### **Time limit for commencement**

1. The development shall commence no later than three years from the date of this consent. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

### **Approved Plans**

2. The development hereby permitted shall not be carried out other than in complete accordance with the submitted documents and the following drawing:
  - Drawing no. 01 Rev A Location Plan & Site Plan

Reason: To define the development which has been permitted so to control the operations in accordance with policies 16 and 28 of the BMWLP.

### **Pre-commencement Conditions**

3. Prior to the commencement of the development, a site management plan identifying the potential impacts of the development and the measures to be taken to mitigate them including from litter shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved site management plan.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane in accordance with policy 16 of the BMWLP.

### **On-going conditions**

4. The security fencing around the boundary of the site shall be maintained throughout the duration of the development and the site gates shall be secured closed outside the permitted hours of operation.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane in accordance with policy 16 of the BMWLP.

5. The site shall not open other than during the following hours:

8.00 am to 6.00 pm daily 1<sup>st</sup> March to 31<sup>st</sup> October

9.00 am to 4.00 pm daily 1<sup>st</sup> November to 28<sup>th</sup> February (29<sup>th</sup> February in Leap Years).

Other than that staff may enter the site half an hour before opening and must leave the site half-an hour after closing.

The site shall not open on the Christmas Day, Boxing Day or New Year's Day Bank/Public Holidays.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane in accordance with policy 16 of the BMWLP.

6. No lighting shall be used other than during the following hours:

8.30 am to 4.30 pm daily 1<sup>st</sup> November to 28<sup>th</sup> February (29<sup>th</sup> February in Leap Years).

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane and to preserve the dark skies of the Chilterns Area of Outstanding Natural Beauty in accordance with policies 16, 22 and 24 and WDLP policy DM30 and BSNP policy 10.

7. No additional lighting shall be provided at the site other than in accordance with a detailed lighting scheme which shall be first submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane and to preserve the dark skies of the Chilterns Area of Outstanding Natural Beauty in accordance with policies 16, 22 and 24 and WDLP policy DM30 and BSNP policy 10.

8. The annual tonnage of waste imported to the site shall not exceed 5,500 tonnes. Returns of the tonnage of waste imported to the site during the preceding Quarter shall be provided to the County Planning Authority no later than 15<sup>th</sup> January, 15<sup>th</sup> April, 15<sup>th</sup> July and 15<sup>th</sup> October in each calendar year that the site is operational.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane and to limit the impact on the highway network to that which has been previously permitted and on which the acceptability of the development has been considered, in accordance with policies 16 and 17 of the BMWLP.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any subsequent revisions, modifications, revocation or re-enactment, no industrial buildings shall be erected, extended or altered pursuant to Schedule 2 Part 7 Class H and no extension or alteration of a building shall be carried out or replacement plant or machinery installed pursuant to Schedule 2 Part 7 Class L.

Reason: The site is located in the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty and these restrictions on permitted development rights are necessary to ensure that no development which would otherwise be inappropriate in the Green Belt or which would not conserve and enhance the Chilterns Area of Outstanding Natural Beauty in accordance with policies 21 and 22 of the BMWLP.

## **INFORMATIVES**

### **Compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In determining this planning application, the County Planning Authority has worked positively and proactively in accordance with the requirements of the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. In this instance, no issues arose which required resolution with the applicant.

### **Environment Agency**

**Environmental Permit - Advice to LPA/applicant** This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

The development will either require a new permit or transfer of the existing permit we suggest you contact the Environment Agency. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

## **Appendix B – Consultation responses**

- 1 **Wycombe District Council** has no objection the application.
- 2 **Bledlow-cum-Saunderton Parish Council** objects to the application as follows:

Following representations made to the Parish Council by residents, Bledlow - cum - Saunderton Parish Council (BcSPC) has determined, by way of a motion voted on at the Parish Council meeting held on 6th February, to object to the above planning application/consultation.

The Parish Council's grounds for objection are: -

**The planning application has been submitted on the basis that the scope and scale of the site operation will simply resume 'as was' prior to the site closing in April 2019.** The Parish Council does not believe that the planning application should go forward on this basis: -

- No account has been made of the significant number of new homes that have been and are being built in and around Chinnor, Thame and Longwick since the HRC was closed. Together with the planned expansion of Princes Risborough (2500 dwellings) demand for HRC facilities will increase. The Parish Council does not believe the current site and local road network (see 'Traffic and Highway Safety' below) will be able to absorb this increased demand without detrimental impact on the surrounding communities and infrastructure.
- The operating model being proposed is, we understand, changing to a 'pay per visit/ tonnage' model. The Parish Council understand that any HRC needs to be financially viable, however the move to a 'pay per visit/tonnage' model implies an opportunity for the appointed Commercial operators to use pricing to attract users from the established Local Authority funded sites.
- Under the 'Commercial' model there is no guarantee that further planning applications to increase the scale and scope of the operation (e.g. the acceptance of 'Trade Waste' will not come forward.

**Traffic and Highway Safety** At the time of closure in 2019 there were already concerns about road safety issues at the entrance to the site. These were raised by BcSPC in their 2017 and 2018 consultation responses to the Princes Risborough Town Plan and then in the subsequent WDC Local Plan that incorporated the PRTP. Specifically, the Parish Council's issues are: -

- Queuing vehicles in Wigan's Lane waiting to access the site, on busy weekends and public holidays. The site entrance is located c. 150 m from a blind summit on Wigans Lane (national speed limit) and occasions of vehicles cresting the summit at or near the national speed limit and having limited or insufficient time to stop prior to the rear of the line of standing traffic were regularly observed by residents.
- Due to highways weight and height restrictions HGVs servicing the site will need to be routed either from the A4010 via Upper Icknield Way or from the A40 through West Wycombe and Bledlow Ridge via Chorley Road, Loxborough Hill and Chinnor Road. Both routes are unclassified.
- Upper Icknield Way is narrow with several blind bends and crests. The road is regularly blocked by flooding and is generally in a poor state of repair. In addition, the

construction of the proposed Princes Risborough Relief Road may end direct access from the Upper Icknield Way onto the A4010.

- Loxborough Hill is steep with tight bends. Vehicles frequently misjudge the bends and there have been many accidents on this stretch of road.
- The route through Bledlow Ridge passes the popular Village School and the Village Playground. Congestion is already an issue during the morning and evening 'school run' periods and increased HGV traffic would create significant road safety and air quality concerns.
- Both Wigans Lane and Upper Icknield Way are on the Chiltern Cycleway and intersect the Ridgeway long distance footpath and bridleway. Both routes are heavily used by cyclists, walkers and horse riders during weekends and holidays, exactly those times identified in the application as having highest throughput.

**Ecology concerns.** Arguably an Ecological Report would not have been relevant had the HRC transitioned seamlessly from BCC to Commercial operation, however the fact that the site has been closed since April 2019 means that it should not be assumed that there will be no ecological impact.

- The area including the HRC has been highlighted as an important habitat for bats.
- Local residents in the immediate vicinity of the development have had to undertake Ecological Reports for far more minor development than the operation of an HRC.
- Although the origins of the site are historical HRC type operations are intrinsically unsuitable for a location in an AONB and the Green Belt.

**Failure to acknowledge BcSPC Neighbourhood Plan.** The Planning Application statement fails to reference the BcSNP.

- Bullet 5 of **Policy 6** of the NP, *Design Management in the Parish* necessitates development within the Parish to have regard to the “*protection of the intrinsically dark skies of the parish and AONB by minimising light pollution through adherence to the appropriate industry guidelines.*” The NP defines this further as “*Lighting of external areas meets the appropriate standards (Guidance Notes for the Reduction of Obtrusive Light GN01:2011) as published by the Institute of Lighting Professionals. the relevant Zones being E2 within Settlement Areas and E1 elsewhere.*”

- This should be drawn out in the planning statement with proposed mitigation measures.”

- 3 County Highway Authority** – It is my understanding that the planning permission sought is merely to transfer the operation rights of the Household Waste Recycling Site from the County Council to the applicant (or nominated operator). Therefore, on the expectation that there are no physical changes to the site or elements that will increase the tonnage of material exported from the site, there are no highway grounds on which an objection could be based. Furthermore I do not believe that there are any conditions of relevance that I could recommend if you were minded to permit this application.
- 4 County Lead Local Flood Authority** - Having reviewed the information submitted to accompany this application, Buckinghamshire County Council as the Lead Local Flood Authority (LLFA) has no comments on this planning application due to the type of the development and no change in impermeable area.
- 5 County Ecology Officer** – We have reviewed the information submitted with the application and concluded there are unlikely to be any adverse impacts on ecology. We therefore have no objection to the approval of the application.
- 6 Thames Water** - no comments received.
- 7 The Environment Agency** - The site lies on a historic landfill and a principal aquifer. The site also lies within Flood Zone 1 in accordance with our flood map for planning. Flood Zone 1 is defined as having a low probability of river flooding in accordance with Table 1 Flood risk of the Planning Practice Guidance.

We have no objections to the proposed development as submitted. From a groundwater quality perspective we have reviewed the design and access statement and as the proposal does not include any new intrusive works, we will not request further work. It should be noted however if any new intrusive works were to take place we would request a site investigation as the site over lies a former landfill which took a variety of wastes. Any changes to the site have the potential to mobilise pollution.

The development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. The development will either require a new permit or transfer of the existing permit, we suggest you contact the Environment Agency. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

- 8 **Wycombe District Council Environmental Health Officer** - There are no objections from the Control of Pollution Team to the proposed application. There is no material impact on the amenity of the area and therefore no objection is made at this time.
- 9 **Bucks Fire and Rescue Service** – no comments received.
- 10 **Chiltern Conservation Board** – The application before the Waste and Minerals Authority allows for a fresh 'denovo' consideration of the planning merits. Those merits must, as a starting point be based upon the high level and robust decision-making duties that apply in a nationally protected landscape. We fully accept that weight must be given to the planning history here but that any proposed continuation must be assessed against this fundamental starting point. There can be little doubt that landscape quality and scenic beauty is high and the Bucks Landscape Character Assessment denotes this character type (17) within the dipslope, with a 'Rolling and undulating topography, with steep slopes contrasting with flatter valley ridges. A smooth and sweeping landform'. Weight must be given to the importance of this nationally protected landscape in any planning determination.

The Waste and Minerals Local Plan does not identify the Bledlow Ridge site as exceptional (as it does for High Heavens). Adopted Waste and Minerals Plan policy 22 states that Policy 22: Chilterns Area of Outstanding Natural Beauty Proposals for minerals and waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest (and continues). Policy 14 also applies Development Principles for Waste Management Facilities, which adds a degree of policy sophistication that would not have applied in 1983 when the original consent was granted. We particularly focus on the AONB Management Plan 2019-2024 and particularly policy DP13 (see below). Planning weight must be given to the enhancement of the landscape and that also involves an assessment of traffic/transport and ecological matters.

The site is sensitively located. The DEFRA Magic web resource denotes a priority habitat to the immediate east (Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006). This envelopes the site (deciduous woodland priority habitat) and to the west a tract of ancient and semi - natural woodland lies beyond the farm. The NPPF at paragraph 174 (b) states that 'To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. CCB is cognisant of the planning history here and the planning status of site. In light of a fresh application being considered it is timely that attention is paid to the enhancement of the landscape. That requires ecological assessment and an opportunity to enhance ecology around the site, allied with opportunities to reduce the

concrete surfacing and site coverage. CCB would ask that the internal consultation on ecological matters be re-visited in light of the AONB duties that prevail.

The CCB wrote to the former operator in 2018 to draw attention to the profusion of litter spilling out from the site onto the egress and verges. This was noticeable and distracting. It is entirely possible that the operator as a community trust may take a more pro-active stance on such matters. If a consent were forthcoming then an operational management plan would be required and one drawn up with an awareness of the site's sensitivity within the AONB.

The new Chilterns AONB Management Plan 2019-2024 was adopted in February 2019 and may be a material consideration when assessing planning applications (as set out in Government's PPG para 040 on the Natural Environment). The planning objectives in the Management Plan are:

DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.

DO2 Ensure that where development happens, it leaves the AONB better than it was before - richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number of detailed Chilterns AONB Management Plan policies are relevant to this application:

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection.

DP2 Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and



- i. there are no negative cumulative effects, including when considered with other plans and proposals.

DP3 Refuse planning permission for major development in the AONB unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.

DP10 Make sure that all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by (a). on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or (b) b. financial contributions, secured through s1065, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan. DP13 Support opportunities for enhancing the AONB by removing derelict or detracting developments and infrastructure. There are some places in the AONB where buildings and structures like pylons, rail gantries, telecoms masts, television masts, waste sites, minerals sites, and farm infrastructure have scarred the beauty of the Chilterns. The removal of unsightly structures can help restore beauty and rural character. Infrastructure providers should remove all redundant masts and equipment. We welcome continued investment in undergrounding overhead electricity lines in the AONB and recommend that that all new supplies should be undergrounded unless there are ecological or archaeological constraints to this. The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB.

In summary here, CCB accepts that the planning history of the site must be taken into account but that a fresh denovo consideration of the planning merits affords an opportunity to reappraise the delivery of adopted Waste and Minerals Local Plan Policy 22. This requires a review of traffic/transport, ecological and landscape matters to seek site improvements. We identify the potential for ecological improvements and a management regime that will be sensitive to the nationally protected landscape within which this use is located. Further, Policy 14 of the Waste and Minerals Local Plan also indicates a much more sophisticated policy approach than would have applied when this use was first approved in 1983. In light of the important tests in section 85 of the CROW Act 2000 and the NPPF at 172, CCB has concluded that a real and meaningful opportunity exists to enact enhancements in the consideration of this application.

- 11 **County Council Minerals and Waste Policy team – no objection to the application.** While the BMWLP does not identify a need for HRC capacity in Policy 11: Waste Management Capacity Needs, this application will contribute to reinstating some of the capacity that was lost when Buckinghamshire County Council closed the site. Based on the waste throughputs provided as part of the application, the reopening of the site will help to ensure waste is recycled and moved up the waste hierarchy.
- As stated in paragraph 5.91 proposals in relation to HRCs will be considered in accordance to Policy 13: Spatial Strategy for Waste Management and Policy 14: Development Principles for Waste Management Facilities. The proposal is in general confirmatory with Policy 14, being in compliance with the spatial strategy, complementary use and allowing communities to take responsibility for their waste in line with the waste hierarchy and the proximity principle. It is for this reason we have no objection to this application.
- 12 **Oxfordshire County Council – no objection to the application.**
- 13 **Natural England – No objection.** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 14 **Affinity Water Ltd – no comments received.**
- 15 **County Council as Waste Management Authority – no comments received.**
- 16 **Thames Valley Police Crime Prevention Advisor – no comments received.**
- 17 **Strategic Access Officer (County Rights of Way) – no comments to make.**

## **Appendix C – Representations**

The reasons for support, objection and concern raised are summarised as follows:

### Support

- a) Ease of access for local residents taking larger items for responsible recycling than sites in Aylesbury and High Wycombe and elsewhere and there can be traffic congestion problems at High Wycombe at weekends;
- b) Fly-tipping in the local area and use of bonfires for disposal of waste has increased since the Household Recycling Centre closed and this would serve to assist reducing it;

- c) Reduced transport costs and carbon footprint compared to trips to recycle items elsewhere;
- d) The site would help maximise recycling of waste;
- e) The site is well-screened by existing vegetation;
- f) Benefits to the Green Belt and Chilterns AONB and wildlife habitats of reduced fly-tipping;
- g) It will create employment;
- h) Benefits to air quality of reduced distance require to drive to Household Recycling Centres elsewhere;
- i) Increased housing expansion in settlements in the area means there is a need for such a facility to be provided;

#### Objection/concern

- a) Danger to other highway users of local roads, many of which have no pavements including Wigans Lane, and in local villages, principally Bledlow Ridge, where there are shops schools and other community facilities, including pedestrians, cyclists and horse riders from traffic associated with the development including failure of drivers to observe speed limits and queuing of vehicles waiting to use the facility resulting in hazard;
- b) Lack of need for such a facility in this local area. The Household Recycling Centre at High Wycombe is perfectly satisfactory to serve local residents;
- c) Unsuitability of the local highway network which are rural, minor roads for large vehicles and large volumes of traffic;
- d) Decrease in litter and fly-tipping since the Household Recycling Centre closed;
- e) Impact on the Chilterns AONB including to dark skies from site lighting;
- f) Kerb-side collections render the need for such a facility unnecessary and unwanted;
- g) Impact on the Green Belt;
- h) Impact on fauna and flora including protected species;
- i) Catchment area includes larger settlements such as Princes Risborough, Chinnor and Thame which are centres for housing expansion and growth leading to a greater demand and more traffic on a facility at this location;
- j) Impacts of a commercial development will be different from the former Household Recycling Centre. Any commercial operator will seek to expand the operations onto the surrounding land should permission be granted to this application;
- k) The site is located on a former landfill which is contaminated land;
- l) Impact on local agriculture which is the primary local employer including on use of local roads by agricultural vehicles;

- m) Impact on the countryside and rural environment;
- n) The applicant has no previous experience of managing a waste management site unlike the County Council which ran it with care and consideration and public accountability;
- o) The site could be used for the disposal of hazardous waste;
- p) Noise pollution;
- q) If such a facility is required it would be better to find a more suitable location with safer access more suited to a higher traffic flow;
- r) Use of site by non-Buckinghamshire residents due to location close to county boundary with Oxfordshire with at least a third of users being from Oxfordshire;
- s) The business model for the site is uncertain and likely that to make it viable will need to serve a wider catchment area and will cater for more business and trade vehicles than members of the public with different associated impacts to the former Household Recycling Centre;
- t) Lack of consultation and perception that the application is being rushed-through the system without the consideration which would be given to other applications;
- u) Failure of the applicant to take into account the Bledlow-cum-Saunderton Neighbourhood Plan;
- v) The development would be contrary to national and local plan policies;
- w) The site should be cleaned up and used for residential development.

Amongst the comments received, some Parish and Town Councils have commented on the application, although not directly consulted. Their comments are summarised as follows:

**Longwick Parish Council** – the application has its full support.

**Radnage Parish Council** - support this application for continuation of use of the site as the Bledlow Household Recycling Centre, which since its closure has been greatly missed by our residents, and those in neighbouring Parishes. It is an important community asset and was used by a large number of members of the public every year from across the region who now have to travel to either High Wycombe, Aylesbury, Aston Clinton, Oxford or Watlington. Local residents have also been consistently concerned about the increase in fly-tipping since the closure of the HRC on 31st March. As a Parish Council we have been providing alternative options for our residents to assist them in the short-term but would very much welcome the re-opening of our local facility.

**Lacey Green Parish Council** - support this application on the basis that it provides parishioners extended choice for recycling within the locality.

**West Wycombe Parish Council** - support the proposed continuation of the use of the land as a Household Waste Recycling Site as it is far nearer to the parish and far easier to access. As we no longer have waste collection containers in the West Wycombe Garden Centre car park it is important to have this facility to prevent fly tipping within our parish.

**Thame Town Council** - would like to lend its support to the reopening of the Bledlow Recycling Site. We are aware of the rise of fly tipping in the surrounding area (Bucks/Oxon) as a result of not having a Recycling Centre in the area. This has a negative effect on the environment, public health and the street scene. The Town Council with Thame Green Living are progressing a plan to improve our environment in multiple ways. The opening of the Recycling Centre is a welcome addition to meet these aims.



## Committee Report

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<b>Application Number:</b>	CM/0055/19
<b>Title:</b>	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Conditions 3 and 4 attached to Planning Consent SBD/8204/07 at East Burnham Quarry
<b>Site Location:</b>	East Burnham Quarry Farnham Lane East Burnham Slough SL2 3SD
<b>Applicant:</b>	Mr Mike Lowe (Summerleaze Limited)
<b>Case Officer:</b>	James Suter
<b>Electoral divisions affected:</b>	Farnham Common & Burnham Beeches
<b>Local Member(s):</b>	Lin Hazell
<b>Valid Date:</b>	31/10/19
<b>Statutory Determination Date:</b>	30/01/2020
<b>Extension of Time</b>	30/03/2020
<b>Agreement:</b>	

**Summary Recommendation(s):** Subject to the applicant entering into a section 106 Agreement to provide for the continued routeing of vehicles along Farnham Lane to the east of the site entrance, the monitoring of dust levels to Burnham Beeches and to retain the services of a qualified Landscape Architect, the Development Control Committee is invited to **APPROVE** application no. CM/0040/19 that seeks to extend the time limit for all mineral extraction and landfilling from 31st December 2020 to 31st December 2024 (Condition 3) and the time limit for restoration from 31st December 2021 to 31st December 2025 (Condition 4) subject to the conditions set out in Appendix A. If agreement to a section 106 in the terms sought cannot be reached, authority is delegated to the Head of Planning and Environment to refuse the application for the reasons he

considers to be appropriate.



## **1.0 Introduction**

- 1.1 Application CM/0055/19 is for the variation of Conditions 3 and 4 attached to Planning Consent SBD/8204/07 at East Burnham Quarry, Farnham Lane, East Burnham. The application seeks to extend the time limit for all mineral extraction and landfilling from 31st December 2020 to 31st December 2024 (Condition 3) and the time limit for restoration from 31st December 2021 to 31st December 2025 (Condition 4).
- 1.2 Operational procedures including vehicle movements are not proposed to change as part of this planning application.
- 1.3 The application is being reported for determination by the Development Control Committee as it is a major application and objections have been received from local residents.

## **2.0 Site Description**

- 2.1 East Burnham Quarry is located north of Slough in East Burnham with access from Farnham Lane and a haul road that crosses Allerds Road. The extant planning permission for the site (SBD/38/88) Phase 3 may not be worked until planning conditions submitted as part of the Review of Old Mineral Permissions (ROMP) are agreed with the Minerals Planning Authority and thus at present remains dormant. Phase 1 of East Burnham Quarry has already been worked and landfilled. Excluding the quarry access road, wheel cleaning area and weighbridge, it is restored. The active phase of the quarry, and the part subject to the planning application, is Phase 2. This has an area of approximately 12.5 hectares.
- 2.2 The site is located approximately 230m south of Burnham Beeches which is a Site of Special Scientific Interest (SSSI). Burnham Beeches is also a European Special Area of Conservation (SAC). The site also lies within the Metropolitan Green Belt but is not regarded as inappropriate as the development is mineral extraction and is not considered to conflict with the preservation of openness or the purposes of the designation.
- 2.3 There is an existing bridleway skirting the border of the site to the south east and northern extents. The site is approximately 200m from the outskirts of Slough to its south. The nearest residential properties are Leys Farm and Fox Cottage roughly 30m to the north of the operational area of the site and south of the haul road respectively.
- 2.4 Leys Farmhouse and Barn at Leys Farm are both Grade II listed buildings approximately 30m north of the site boundary.
- 2.5 The location of the site is shown in the site location plan below (Figure 1).

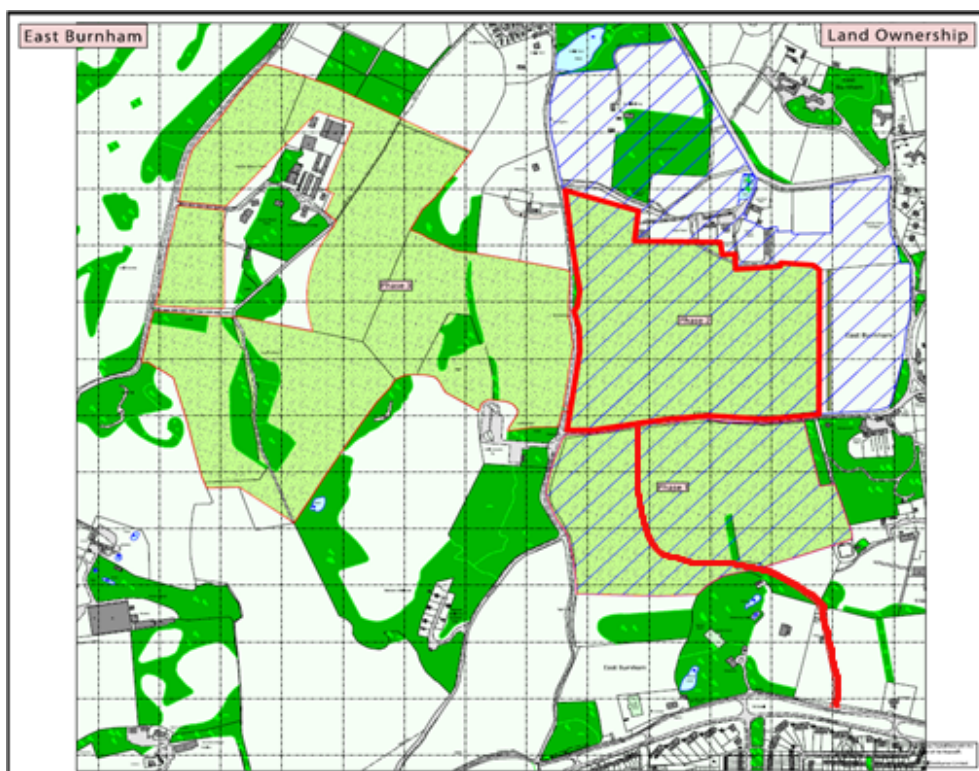


Figure 1: Site location map showing the location of Phase 2 outlined in red.

### 3.0 Site History

3.1 Planning history at the site includes the following:

Planning Application No.	Proposal	Decision	Date
CM/57/15	Variation of condition 14 of consent SBD/8207/00 so that the reference to any specific date should be omitted from Condition 14, so that the removal of the road crossing should be tied to the timescale for restoring East Burnham Quarry.	Approved	November 2015
NMA/34/15	Non Material Amendment to ROMP permission SBD/8204/07. Substitution of drawing 126(a).01 Rev C with drawing 126(a).01 Rev D to allow the addition of 3m high x 100m long earth bund between Allerds Road and the crest of the restored landfill. The soils would come from the Phase 2 working with the bund being removed as part of the final restoration. Land At East Burnham Quarry Farnham Lane East Burnham Bucks SL2 2AS	Approved	July 2015
SBD/8204/07	Application for Determination of Conditions for Existing Minerals Site (Review of Old Minerals Permission Application)   Land At East Burnham Quarry Farnham Lane East Burnham Bucks SL2 2AS	Approved	July 2008
SBD/8201/04	Variation of condition 4 of consent SBD/838/88 to allow provision of a level road crossing of Crowpiece Lane.   East Burnham Quarry Crow Piece Lane Burnham Slough Buckinghamshire SL2 2TD	Withdrawn	March 2009
SBD/8207/00	Variation of condition iv of consent SBD/838/88 to allow the provision of a signal controlled road crossing at Allerds Road, East Burnham Quarry and Landfill, Burnham.	Approved	March 2009

SBD/838/88	Proposed winning and working of sand and gravel, crossing of highway, importation of filling material and restoration to agriculture. (ROMP) (A legal agreement covering various matters including vehicle routing and dust and groundwater monitoring to the Burnham Beeches SSSI was entered into at this time.)	Approved	1992
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#### 4.0 Description of Proposed Development

4.1 Application CM/0055/19 seeks to vary Conditions 3 and 4 of Planning Consent SBD/8204/07 relating to the mineral workings at East Burnham Quarry.

4.2 Condition 3 of consent SBD/8204/07 currently states:

- *All mineral extraction and landfilling shall cease on or before 31 December 2020.*

4.3 The application seeks to vary condition 3 with the following wording:

- All mineral extraction and landfilling shall cease on or before 31 December 2024.

4.4 Condition 4 of consent SBD/8204/07 currently states:

- *All buildings, plant machinery, equipment, fencing, hardstandings and haul routes used in connection with the development shall be removed and the site fully restored by the final placement of topsoil on or before 31 December 2021.*

4.5 The application seeks to vary condition 4 with the following wording:

All buildings, plant machinery, equipment, fencing, hardstandings and haul routes used in connection with the development shall be removed and the site fully restored by the final placement of topsoil on or before 31 December 2025.

4.6 In support of the application it is stated by the applicant that there remains circa 120,000 tonnes of mineral remaining on site and circa 200,000m<sup>3</sup> of void space to be infilled and restored. Furthermore, at the current rate of working and exportation, it is estimated that this would take circa 3 to 3.5 years to extract, with a further 1-2 years for infilling depending on market demands. Hence, Summerleaze Ltd seek extension to the completion date for mineral working and infilling to 31st December 2024, with restoration being completed by the end of 2025.

4.7 There would be no change to on-site process as a result of this proposed application. The current operation is limited to 190 movements to and from the site per day and this will remain the same. The operations hours are also limited:

- 07:30 - 18:00 Monday – Friday
- 07:30 – 12:30 Saturday
- Not at all on Sundays and Public Holidays.

#### 5.0 Planning Policy and Other Documents

5.1 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.

5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP)
- South Bucks District Local Plan (SBDLP) 1999
- South Bucks District Core Strategy 2011.

5.3 Other documents that need to be considered in determining this development include:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)

5.4 The following policies are considered to be relevant to this development:

**Buckinghamshire Minerals and Waste Local Plan (2016-2036)**

- *Policy 3: Sand and Gravel Provision*
- *Policy 12: Disposal to Landfill*
- *Policy 13: Spatial Strategy for Waste Management*
- *Policy 16: Managing Impacts upon Amenity and Natural Resources*
- *Policy 17: Sustainable Transport*
- *Policy 18: Natural Environment*
- *Policy 19: Historic Environment*
- *Policy 20: Landscape Character*
- *Policy 21: Green Belt*
- *Policy 23: Design and Climate Change*
- *Policy 25: Delivering High Quality Restoration and Aftercare*
- *Policy 26: Safeguarding of Minerals Development and Waste Management*
- *SO7: Design and Amenity*
- *SO9: High Quality Restoration and Aftercare*

**South Bucks District Local Plan (SBDLP)**

- *Policy GB1 - Green Belt;*
- *Policy EP3 - The Use, Design and Layout of Development;*
- *Policy EP4 - Landscaping;*
- *Policy TR5 - Accesses, Highway Works and Traffic Generation;*
- *Policy TR10 - Heavy Goods Vehicles.*

**South Bucks Core Strategy (SBCS)**

- *Policy CP7 – Accessibility and Transport*
- *Policy CP8 – Built and Historic Environment*
- *Policy CP9 - Natural Environment.*

5.5 South Bucks District Council is in the process of producing a new Local Plan - Chiltern and South Bucks Local Plan 2036 (CSBLP) which will supersede the adopted Core Strategy and Local Plan. The Chiltern and South Bucks Local Plan 2036 was submitted for independent examination on 26 September 2019. The emerging CSBLP is considered to be at an advanced stage of preparation and therefore, is a material consideration for the determination of planning applications.

5.6 The National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) are also material considerations.

## **6.0 Consultation Responses**

6.1 Local Member Lin Hazell – No comment received

6.2 Burnham Parish Council comment as follows:

*The Committee RESOLVED to **OBJECT** to the application, as it was felt that prolonging the duration the site was permitted to operate would thereby also compound the adverse effects of it.*

*The primary objections included: there were ineffective measures to control the surface water flood risk from the haul road; the proximity of the haul road/site would adversely impact on the residential amenity and health of residents, due to dust, fumes, and noise generated from the operations; allowing continued HGV movements would add to the significant deterioration of the highway surface; the spread of dirt across the road surface (notably from the Phase 2 site) would also continue; the period requested was viewed as excessive; there were highway safety concerns due to the speed/scale of the HGVs. It was also felt that an environmental impact assessment was in fact needed to properly scrutinise the application.*

6.3 Strategic Planning and Infrastructure comment as follows:

*“In considering the variation to Conditions 3 and 4, the extension of time for this development, there needs to be consideration given to ensure no unacceptable adverse impacts on communities as well as the built, natural and historic environment.*

*This is alongside the need for extraction sites to be reclaimed at the earliest opportunity and delivering high quality restoration and aftercare. This is one of the strategic objectives for the Buckinghamshire Minerals and Waste Local Plan and reflected through the policy requirements in Policy 25: Delivering High Quality Restoration and Aftercare.*

*Provided the remaining conditions of SBD/8204/07 that seek to protect the impact on communities remain valid, and in order to ensure that all mineral is extracted and*

*restoration of this site is achieved, the Strategic Planning and Infrastructure team have **no objection** to the extended completion date of the 31st December 2024 for the mineral working and infilling to, and restoration being completed by the end of 2025.”*

6.4 Rights of Way Internal - No comments from a rights of way perspective

6.5 Highways Development Management comment as follows :

*The original conditions were not suggested by the Highway Authority at the time and I am not aware of any highway issues that have arisen from the site. The variation of conditions would not result in a significant highway impact over and above what currently exists. The applicant would still adhere to the conditions restricting HGV numbers as part of the previous consent and therefore I do not consider that I could reasonably object to the extension of the time periods given. I trust that the Planning Authority will consider the impact of an additional 4 years of HGV movements from an amenity perspective.*

*Mindful of the above, I have **no objection** to the variation of condition in this instance.*

6.6 LLFA (Lead Local Flood Authority) – **No objection** to the proposal.

6.7 Natural England – Comment as follows:

*Natural England currently has **no comment** to make on the variation of conditions 3 and 4.*

*Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.*

*Further to our recent response I can confirm that Natural England agree with the conclusions of the HRA in respect of Burnham Beeches SAC.*

6.8 SBDC District Planning Officer – **No objection** to the application ensuring that the proposal complies with all relevant policies in the development plan.

6.9 SBDC Historic Buildings Officer – No comment received.

6.10 SBDC Environmental Health Officer comments as follows:

*“After reviewing the matter I confirm that the team **would not object** to the proposed extension of time for the operation of the quarry provided that conditions 25 and 26 (Notice of determination SBD/8204/07 dated 18th July 2008) are applied to the property “Fox Cottage” alongside the other properties listed in the document.*

*It is recommended the applicant prepares a noise management plan (NMP), within two months of the date of any permission granted, and submits that plan for*

*approval by the local planning authority. Such approval not to be unreasonably withheld. As a minimum the plan should contain the following elements:*

- 1) A commitment to monitoring and maintaining the access road surface to a good standard, both east of the weighbridge and west of the weighbridge and wheel spinner up to Allerds Road, to stop HGVs noisily “bouncing” over potholes.*
- 2) A commitment to check, repair and enhance the quarry bunds and timber noise barriers, to maximise noise mitigation as far as reasonably practicable.*
- 3) A commitment to provide noise mitigation in the form of a substantial barrier along the southern side of the current ‘wheel spinner’ area, to extend beyond the front and rear of any HGV using the ‘wheel spinner’. The target attenuation for the barrier should be 10 dB(A), when measured at the nearest sensitive receptor. Reason, to reduce noise impacts from wheel cleaning activity on nearby receptors.*
- 4) An annual review of the NMP which takes into account any changes in noise sources or their location.*

*It is recommended noise surveys are undertaken before and after the plan is first put into practice and submitted to the local planning authority as evidence that noise impacts have been reduced as far as is reasonably practicable.”*

6.11 Ecology comment as follows:

*We have reviewed the documents submitted with this application and understand that the application is for an extension of time for extraction and restoration within Phase 2. There will be no changes to the quarrying process or restoration proposals approved under SBD/8204/07.*

**Habitat Regulations Assessment - screening** As you are aware, the Conservation of Habitats and Species Regulations 2017, Section 63 part (1) requires:

*“63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—*

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of that site,*

*must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.”*

*Part 2 states: “(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.”*

*Following my discussions with... (The Mineral Planning Authority) in November 2019 on receipt of the application, we are pleased to have received an HRA screening report from the applicant’s ecology consultants. We consider that this report provides the information required to allow us as to be able to determine that*

*there will be no likely significant effects on Burnham Beeches SAC as a result of the proposals; and therefore that an appropriate assessment is not required.*

**EIA screening** - *Thank you for submitting an EIA screening form. We agree with the conclusion that the proposed development is not considered likely to result in any additional significant environmental effects which were not addressed as part of the existing planning permission, and as such that an EIA is not required.*

6.12 Environment Agency - have no objections to the time extension of conditions 3 & 4 as submitted.

6.13 Burnham Beeches Offices, Corporation of the City of London comment as follows:

*Thanks for the opportunity to comment on planning application CM/0055/19 to extend the period of working at East Burnham Quarry for an additional four years.*

*We would have preferred the quarry working to have ceased within the time scale of the planning consent as granted. If this is not possible, we cannot see any particular benefit to ceasing the quarrying activities now and having a hiatus, with work potentially resuming in a few years' time.*

*We would however like to ensure that the hydrological monitoring is also extended and that the protocol devised previously continues to be followed in case of any adverse impacts found following restoration as well as while the quarry is active. It would be helpful if someone from the Council was involved in this process to ensure compliance in case of issues of concern.*

6.14 Slough Borough Council – No comment received

6.15 National Grid UK Transmission – No comment received

## **7.0 Representations**

7.1 Representations have been received from members of the public: 16 objections, none in support and 2 neither in objection nor support but raising concerns. The reasons for objection and concerns raised are summarised as follows:

- Potholes / perceived deterioration of highway from HGV use
- Longevity of the extension
- Noise
- Impact of dust and air pollution on human health and wildlife
- HGV use of the highway
- Mud upon the highway from the development
- Amenity impact upon Fox Cottage

## **8.0 Discussion**

8.1 The application is seeking to vary Conditions 3 and 4 of Planning Consent SBD/8204/07 relating to the mineral workings at East Burnham Quarry.



8.2 The main issues for consideration in relation to application CM/0055/19 are:

- Principle of the Development
- Impact on amenity
- Highway Impacts
- Historic Conservation and Landscape
- HRA and Impact upon Burnham Beeches SSSI

*Principle of the Development*

- 8.3 Policies 12 and 13 of the BMWLP when taken together provide support for the deposit of inert waste to mineral extraction sites with extant planning permission to facilitate restoration. Further to this Policy 3 of the BMWLP identifies the need for the Mineral Planning Authority to maintain the landbank for sand and gravel equivalent for at least 7 years supply. The extension of time helps meet the requirements of this policy. Thus, with regards to these policies it is considered that the application is supported.
- 8.4 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 Policy GB1 of the SBDLP and Policy 21 of the BMWLP. Policy GB1 of the SBDLP highlights development types considered to be appropriate within the Green Belt. This includes mineral working and the subsequent restoration of land. This is supported by Paragraph 145 and 146 of the National Planning Policy Framework which lists mineral extraction as not inappropriate within the Greenbelt provided it preserves its openness and does not conflict with the purpose of including land within it.
- 8.5 Similarly, Policy 21 of the BMWLP seeks to protect the openness and characteristics of the Green Belt. The mineral extraction permitted at this site has not previously been concluded to conflict with the openness of the Green Belt or the purposes of designation. Similarly, it is not considered that the extension of the development for a further four years would impinge upon the openness of the Green Belt. The progression of the development is necessary in order to now ensure the satisfactory restoration of phase 2. It is considered the proposed variation does not lead to the development being in conflict with the above policies.
- 8.6 Policy 26 of the BMWLP states mineral extraction sites with extant planning permission are safeguarded for development. Therefore, before the site can be released from the safeguarding, extraction must be completed and the site restored and the aftercare completed.
- 8.7 Policy 25 of the BMWLP seeks to reclaim extraction sites at the earliest opportunity while delivering high quality restoration and aftercare and reflects strategic objective 7 of the BMWLP. Therefore, whilst an extension of time might be viewed as not returning the site to a restored state as soon as practicable; it is a relatively short extension with regards to the total life of the quarry and will still work towards an

agreed restoration plan. The applicant has also, as mentioned above, given a rationale as to why the extension is required.

*Impact upon Amenity*

- 8.8 Policy 16 of the BMWLP seeks to manage impacts upon amenity and natural resources. The policy requires minerals and waste development to demonstrate the development is environmentally feasible, secures a good standard of amenity and would not give rise to unacceptable adverse impacts on the following: quality and quantity of water resources, Source Protection Zones and flood risk, soil resources, air emissions (including dust), human health and wellbeing and amenity to communities, noise, vibration, light, visual impacts and/or intrusion, migration of contamination from the site, potential land use conflict, and cumulative impacts. Policy EP3 of the SBDLP makes similar provision to protect the amenities of neighbouring properties and the locality in general.
- 8.9 With regards to the adverse impacts and amenity of traffic, Policy TR10 of the SBDLP makes similar provision and seeks *to secure that HGV movements generated from a development would not adversely affect the character or amenities of nearby properties or the locality in general, for example through noise, vibration, disturbance or visual intrusion covering similar amenity concerns raised as part of Policy EP3 of the SBDLP.*
- 8.10 The application has generated public interest with regard to noise, air emissions, human health and mud on the highway from the development.
- 8.11 In regards to mud on the highway originating from the quarry, the deposition of mud and other debris onto the highway is prohibited by the Highways Act and is controlled by existing conditions. Hence, in this regard there is no change from the existing situation and there are already measures in place to so that this can be managed.
- 8.12 With regard to air emissions, those such as dust are controlled by Condition 27 attached to planning permission SBD/8204/07 requiring: the water spraying of the haul road during dry conditions, on site speed limit of 10mph and a ban on soil removal or replacement in high winds. This will continue to be monitored by the Mineral Planning Authority to ensure compliance. Further to this, the Environment Agency controls air pollution within their permit from a pollution perspective. Therefore, it is considered the impacts of air emissions including dust are sufficiently controlled.
- 8.13 The focus of many objections from the public has been the noise impact of the development upon Fox Cottage and the associated impact upon wellbeing. Fox Cottage is located within the grounds of Deepwood House and is roughly 20m from the development haul road. At the time the planning permission (SBD/8204/07) was granted in 2007 the full noise impacts from the wheel spinner and haul road upon Fox Cottage do not seem to have been explicitly considered.
- 8.14 In support of the application the applicant has undertaken a noise measurement report to provide better understanding of the issues raised. This concludes that the calculated noise levels from the access road and wheel spinner at Deepwood and

Fox Cottage would be 47 and 49 dB LAeq, 1 hour free field (this is the averaged noise level over one hour) respectively. These fall below the figure of 55 dB LAeq, 1 hour free field set out in the national Planning Practice Guidance for noise from mineral workings. Condition 26 of the existing planning permission sets this as the noise level not to be exceeded for other locations around the quarry. It is therefore suggested that should planning permission be granted, a similar condition should be included to also include Deepwood House and Fox Cottage. Noise levels from temporary operations, such as soil removal and installation of haul roads are similarly controlled by Condition 25 limiting operations to a maximum of 70dB LAeq 1hr in line with national Planning Practice Guidance. It is also suggested that Deepwood and Fox Cottage are included in a similar condition should planning permission be granted. The wording of these conditions should also be amended to make provision for measurements of noise levels to be from locations accessible to the applicant as the applicant cannot oblige third parties to provide access to their properties.

- 8.15 The noise report has also calculated that the maximum noise level at any one time when the wheel spinner was in operation would be 58 dB LAFmax and 60 dB LAFmax at Deepwood and Fox Cottage respectively. On the recommendation of the noise survey, the applicant has indicated there will be the erection of a temporary acoustic barrier alongside the wheel spinner to provide noise attenuation for Fox Cottage in order to mitigate noise from the wheel spinner. This is calculated to attenuate the noise by around 10 dB (A). This would be maintained and then removed as part of the restoration of the site.
- 8.16 An acoustic barrier would be considered as permitted development as per Part 17 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) as its purpose is in connection with the operation of an approved sand and gravel quarry provided a number of set criteria are met. Prior approval from the Minerals Planning Authority would be required along with the submission of details from the applicant. Condition 29 of permission no. SBD/8204/07 currently requires that notwithstanding permitted development rights, no plant, building, machinery or structure shall be erected at the site without the prior written approval of the Mineral Planning Authority. The reason for this condition is in the interests of visual and landscape impact. If this condition were to be carried forward to any new planning permission granted to this application then formal permission would be required for such a structure. Nonetheless, as it has been identified that such a structure would mitigate noise impact from the wheel spinner, it is also the case that a specific condition could be attached to any permission granted requiring the provision of details of the noise attenuation barrier for written approval and its maintenance until such time as it needs to be removed as part of the restoration of the site. This would allow for the impacts of the structure to be considered prior to any formal approval, although such a structure has already been erected immediately to the south of the wheel spinner and photographs of this will be included in the presentation to the committee meeting. In principle however, it is considered that the provision of such a structure would be beneficial in terms of limiting the impacts of noise.

- 8.17 The Environmental Health Officer has also suggested a condition requiring a noise management plan be submitted for approval and for annual review as set out in paragraph 6.10 above. Whilst this is acknowledged, it is considered that the revisions to the conditions discussed above along with the provision of the acoustic barrier to the wheel spinner would mitigate any impacts to acceptable levels and that the requirement for such a scheme could not be justified as reasonable to make the development acceptable. It is however considered reasonable to attach a condition requiring that the surface of the haul road into the site from Farnham Lane and through to Allerds Road be maintained free from potholes.
- 8.18 The impacts upon water resources are controlled by condition regarding groundwater monitoring and this should be carried forward to any permission granted to this application. The development as already permitted provides for the site's soil resources to be retained and used as part of the site's restoration . It is noted that Burnham Parish Council state that they consider measures to control surface water flood risk from the haul road to be ineffective. However, the Lead Local Flood Authority has raised no concerns. Moreover, the recent weather conditions have been *the wettest on record* and pooling of surface water is to be expected in light of this.
- 8.19 Considering Policy EP3 and Policy 16 of BMWLP it is considered as this is a proposal for an extension of time for current ongoing development no existing impacts are going to be worsened. Provided the Environmental Health Officer is satisfied that the impacts are acceptable; the return of a minerals extraction site to a restored site is supported by policy.
- 8.20 Overall, as there is no proposed change to onsite process, hours of operation or any intensification of the development, it is considered that the amenity impacts of this are not unacceptable subject to the revised and additional conditions with regard to noise impacts set out above and subject to the comments of the Environmental Health Officer.

#### *Highway Impacts*

- 8.21 Policy 17 of the BMWLP requires minerals and waste development to provide a Transport Assessment addressing various highways matters including: opportunities for alternative to road transport, access to the site, traffic flows, market base identification, capacity of the local network, identification of any improvements to the network, identification of any adverse impacts and emission control. In this case it is considered opportunities for alternatives to road transport were not feasible at the time of the original granting of the permission and that remains the case. Moreover, as the application is for an extension of time and no changes to process are suggested it is considered the provision of a Transport Assessment is not applicable. Regarding sustainable transport, Core Policy 7 of the SBCS seeks to improve accessibility and sustainability of the transport network. It is considered in this case the policy has little relevance as the proposal is not for new development but for an extension of time for an existing development.

- 8.22 Policy TR5 of the SBDLP requires that the proposal complies with the standards of the Highways Authority, seeks to prevent capacity of highways network being breached and to protect local amenities.
- 8.23 The Highways Authority has considered the variation of conditions would not result in a significant highway impact over and above what currently exists. The movements of HGVs are restricted by condition and therefore the Highways Authority does not consider they could reasonably object to the extension of time on Highways Authority grounds. There has been comment from the public regarding HGVs turning right at the end of the access roads. At present there is a large sign stating no right turn. The presence and maintenance of this sign can be secured by condition as set out in appendix A.
- 8.24 Routing of HGVs beyond the sole use of the access road is not controlled within planning permissions although a legal agreement entered into when planning permission was granted for the current quarry area on appeal in 1992 makes provision for routeing of vehicles to Farnham Lane to the east of the site entrance to and from the point where it meets Farnham Road (the A355). There is no successor clause in this legal agreement and therefore it is considered that a variation to it to apply also to this current application should be required prior to any grant of planning permission. As stated above the number of HGV movements is also restricted by condition and there is no proposed change beside the extension of time for a further four years to complete extraction and restoration. It is therefore considered that there would be no exacerbation of the highways impacts already permitted for the development and the proposal is broadly in accordance with policy.
- 8.25 Overall, considering the impact of the development upon highways networks it is considered at this time that the proposal is in compliance with listed policies.

#### *Historic Conservation and Landscapes*

- 8.26 Policy 19 of the BMWLP requires minerals and waste development to conserve heritage assets in a manner appropriate to their significance and enhance the historic environment. Core Policy 8 of the SBCS makes similar provision. As stated, approximately 30m to the north of Phase 2 of the development there are two Grade II listed buildings. These were taken into account at the time of the application with bunding implemented to reduce the impact. The application is for an extension of time and proposes no change to on site process. Therefore, the only change this development would provoke is the extension of impacts already permitted. The SBDC Historic Buildings Officer has also offered no comment regarding this application. From a historic conservation perspective it is considered that the development is in accordance with the above policy.
- 8.27 Policy 20 of the BMWLP seeks that minerals and waste development protect and enhance valued landscape. The development is already subject to a permitted restoration and planting scheme. Policy EP4 makes similar provision and as the permitted schemes are not proposed to change as part of this development the

application is considered to be in compliance with policy. Therefore, with respect to landscape policy it is considered that in view of the restoration condition this development is in accordance.

#### *Natural Environment, HRA and Impact upon Burnham Beeches SSSI*

- 8.28 Policy 18 of the BMWLP seeks to conserve and enhance natural assets and resources, including protected and notable species. A hierarchy of designated sites and level of protection afforded to them is contained within Policy 18. SSSIs and SACs are afforded the highest level of protection and are to be protected with no likely adverse effects on the sites.
- 8.29 Burnham Beeches is designated as both a SAC and SSSI and therefore was subject to a Habitats Regulation Assessment (HRA) screening to determine whether there would be significant effects upon the site. Information was provided by the applicant to Natural England and the Council's Ecologists to assess this. As stated in the comments listed earlier in the report, both groups found they were able to determine that there will be no likely significant effects on Burnham Beeches SAC as a result of the proposal and therefore a full HRA was not required.
- 8.30 The policy also seeks net gains in biodiversity from developments. The development is already subject to an agreed and secured restoration and planting plan, a condition for ongoing groundwater monitoring and dust monitoring pursuant to the Legal Agreement. Core Policy 9 of the SBCS makes similar provision and sees to protect the landscape and natural environment. It is considered the development is in accordance with these policies.

#### *Other Matters*

- 8.31 Policy 23 of the BMWLP seeks to secure high quality design which minimises adverse effects on and from climate change. The policy seeks that proposed development: incorporates attractive functional design, reflects local character, incorporates safety and security measures, complies with the principles of sustainable design and construction, applies the Sustainable Drainage System Hierarchy, minimises greenhouse gas emissions and utilises native species in planting schemes. It is recognised within the policy that minerals development may have a reduced capacity to address some of the above criteria, however they should be addressed to the fullest extent possible. As previously mentioned, the development has an agreed planting and restoration scheme and therefore is considered to be in compliance with this policy.

## **9.0 Equality and Diversity issues**

- 9.1 In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

## **10.0 Conclusion**

- 10.1 The proposed development to vary Conditions 3 and 4 of Planning Consent SBD/8204/07 relating to the mineral workings at East Burnham Quarry to grant a further 4 years to complete mineral extraction and restoration has been assessed against development plan policy. It is considered that the proposal is broadly in compliance with listed policies.
- 10.2 The application did receive objections from both the public and consultees. The majority of these comments were in relation to HGV movements, noise, mud and dust from the development but also the longevity of the extension requested. It is considered that the longevity has been justified by the applicant and whilst it might seem generous, the market is prone to fluctuation in demand. Impacts upon amenity have been considered from a planning perspective and therefore, subject to the comments of the Environmental Health Officer and to the varied and additional noise conditions proposed, it is considered that the application would not result in an unacceptable impact.
- 10.3 Therefore, it is recommended that planning permission be granted for the development previously permitted to continue subject to the requested variation of conditions 3 and 4 for an addition 4 years operation. At this time it is appropriate to update the conditions such that they reflect the progression of the development and any schemes which have already been approved, reference to the current development plan in the reasons for the conditions and that the development is in accordance with the plans approved as part of the Non-Material Amendment NMA/34/15. A further section 106 Legal Agreement will also be required to carry forward the vehicle routeing and any other clauses of the original agreement which remain pertinent to the development. If agreement cannot be reached then this application would have to be refused.

### **Appendix A: Scheme of Conditions**

1. The development shall commence no later than three years from the date of this consent. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The details hereby approved are for the phase 1 and phase 2 land only, as identified on Site Location Plan drawing no.: M06126.01, and except where modified by this schedule of conditions the development shall not be carried out other than in accordance with the approved plans and documents:

- Drawing number M06126(a).01 Rev D, Scheme of Working
- Drawing number M06126(a).02 Rev C, Restoration Scheme

- Drawing number M06126(a).09 Rev C, Detailed Restoration of Phase 2
- Drawing number M06126(a).10 Rev C, Phase 2 Block Phasing
- Drawing number M06126(a).11 Rev C, Phase 2/1a and 1b
- Drawing number M06126(a).12 Rev C, Phase 2/2a and 2/2b
- Drawing number M06126(a).13 Rev C, Phase 2/3a and 2/3b
- Drawing number M06126(a).14 Rev C, Restoration of Part of Phase 2/2b and Phases 2/3a & 2/3b
- Drawing number M06126(a).15 Rev B, Details of Site Office Area
- Drawing number M06126(a).22 Rev B, Typical Section through Site Peripheral Bunds including New Post and Wire Fencing
- Drawing number M06126(a).23 Rev C, Restoration Planting Detail • Drawing number M06126(a).24 Rev B, Fence Detail
- Drawing number M06126(a).25 Rev C, Hedgerow Management
- Planning Statement September 2007
- Hedgerow Condition Survey dated 21 April 2008
- Letter dated 17 February 2008

Reason: For the avoidance of doubt and to ensure proper control of the development in the interests of local amenity (BMWLP Policies 16 and 25).

3. There shall be no working (including site preparation works) of the land identified as phase 3, unless a supplemental application for review of the conditions of the mineral permission, to include an environmental statement and detailed schemes for working, landfilling, landscaping and restoration of the site, has been submitted to and new conditions have been determined by the Mineral Planning Authority.

Reason: The land identified as phase 3 has not been subject to an adequate environmental impact assessment process (BMWLP Policy 18).

4. All mineral extraction and landfilling shall cease on or before 31 December 2024.

Reason: To comply with paragraph 1 of Schedule 5 to the Town and Country Planning Act 1990.

5. All buildings, plant machinery, equipment, fencing, hardstandings and haul routes used in connection with the development shall be removed and the site fully restored by the final placement of topsoil on or before 31 December 2025.

Reason: To ensure that the land is restored to a condition capable of beneficial after use and in the interests of visual amenity and landscape impact (BMWLP Policy 25).



6. Each sub-phase shall be restored during the first appropriate season (April to October) following completion of landfill operations by the replacement of top and sub soils, and any planting proposed for that sub-phase shall be carried out in accordance with drawing number M06126(a).23 Rev B, Restoration Planting Detail, in the first available planting season (November to February) following completion of restoration of the sub-phase.

Reason: To ensure that the land is reclaimed in the interests of local amenity and landscape impact (BMWLP policies 16 and 20).

7. The management of existing perimeter trees and hedgerow as detailed in the Hedgerow Condition Survey and drawing number M06126(a).25 Rev B, Hedgerow Management shall be carried out in the first available planting season (November to February) following commencement of working in phase 2.

Reason: To ensure that the landscape structure of the site is retained and in the interests of visual amenity (BMWLP policy 20).

8. Any trees or shrubs planted or required to be retained that fail or are removed, for the duration of the development and for a period of five years following restoration of the land, shall be replaced during the next planting season (November to February) with others of similar size and species unless the Mineral Planning Authority agree to any variation in writing.

Reason: To ensure as far as possible maintenance of the site landscaping in the interests of landscape impact and visual amenity (BMWLP Policy 20).

9. No soil stripping shall take place in any sub-phase until further habitat surveys relating to great crested newts and breeding birds have been carried out, the results of the surveys have been submitted to the Mineral Planning Authority in writing, and any necessary mitigation measures for all protected species have been carried out in accordance with schemes that have first been submitted to and approved by the Mineral Planning Authority in writing.

Reason: To protect ecological interest (BMWLP Policy 18).

10. In the event that reptiles are present, no soil stripping shall take place in any sub-phase unless a log of reptile translocations for that sub-phase has been submitted to the Mineral Planning Authority in writing.

Reason: To protect ecological interest (BMWLP Policy 18)

11. Any clearance works to existing trees or hedgerows shall not be carried out other than between 1 September and 28 February.

Reason: To avoid disturbance of breeding birds (BMWLP Policy 18).

12. Mature trees shall not be felled or existing dead wood moved other than in accordance with a scheme for retention of the wood on site as deadwood habitat that has first been submitted to and approved by the Mineral Planning Authority in writing.

Reason: In the interests of biodiversity by creating new invertebrate and reptile species habitats (BMWLP policy 18).

13. No working (including site preparation works) shall take place until the implementation of a programme of archaeological assessment and evaluation in accordance with a project design approved by the Mineral Planning Authority has been secured. Following the completion of each assessment and evaluation if important archaeological remains are found the development shall be amended to minimise damage to important archaeological deposits. Working (including site preparation works) shall not take place other than in accordance a method statement for archaeological mitigation and investigation measures that has been submitted to and approved by the Mineral Planning Authority in writing.

Reason: To safeguard any archaeological interest (BMWLP Policy 19).

14. No operations shall be carried out: a. other than between the hours of 07.30-18.00 Monday to Friday and 07.30-12.30 on a Saturday; and b. not at all on Sundays or recognised Public Holidays save for the off-street parking of heavy goods vehicles between the hours of 07.00 and 07.30 Monday to Saturday, provided engines and headlights are switched off.

Reason: To protect the amenities of local residents (BMWLP Policy 16).

15. Heavy goods vehicle movements to and from the site generated by the development shall not exceed 190 per day.

Reason: In the interests of highway safety and to protect the amenities of local residents (BMWLP Policy 17).

16. Copies of weighbridge tickets, and in the event that vehicles are not weighed, transfer notes shall on request be submitted to the Mineral Planning Authority.

Reason: To enable monitoring of lorry movements in the interests of highway safety and local amenity (BMWLP Policy 17).

17. Sole access to the site for mineral extraction and landfilling shall be via the existing site access onto Farnham Lane as shown on drawing number M06126(a).01 Rev B, Scheme of Working.

Reason: In the interests of highway safety and local amenity (BMWLP Policies 16 and 17).

18. The development shall not be carried out unless wheel cleaning equipment is installed as shown on drawing number M06126(a).15 \Rev B, Details of Site Office Area, and all heavy goods vehicles use the wheel cleaning equipment when leaving the site. No vehicle shall leave the site or cross Allerds Road unless its wheels are sufficiently clean to prevent mud, debris or any other substances being deposited on the public highway.

Reason: In the interests of highway safety (BMWLP policy 17).

19. No more than 100,000 tonnes of sand and gravel shall be extracted from the site in any calendar year.

Reason: In the interests of local amenity and highway safety (BMWLP Policies 16 and 17).

20. No storage of excavated materials for sale shall take place within the site without the prior agreement in writing of the Mineral Planning Authority of the position and height of any such storage heaps. The height of any such stockpiles shall not exceed 4 metres

Reason: In the interests of visual and landscape impact (BMWLP Policies 16 and 20).

21. No materials other than construction, demolition and excavation waste shall be deposited at the site.

Reason: In the interests of safeguarding the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policy 18).

22. Unless otherwise agreed in writing by the Mineral Planning Authority no mineral extraction shall take place in sub-phase 2/3a until sub-phase 2/1b has been restored and no mineral extraction shall take place in sub-phase 2/3b until sub-phase 2/2a has been restored.

Reason: To ensure an orderly and progressive working of the site in the interests of visual and landscape impact (BMWLP Policies 16 & 25).

23. No mineral extraction shall take place in any sub-phase unless perimeter screen mounding and fencing has been erected, in accordance with drawing numbers: M06126(a).01 Rev B, Scheme of Working, and M06126(a).22 Rev B, Typical Sections through Site Peripheral Bunds including New Post and Wire Fencing, and the bunds and fencing shall be maintained for the duration of the mineral extraction and landfilling in each sub-phase.

Reason: To ensure that trees and hedgerows are not harmed (BMWLP Policy 18).

24. All boundary screening shall be seeded with grass, cut, and kept free from a proliferation of weeds.

Reason: In the interests of visual amenity (BMWLP Policy 16).

25. No mineral extraction shall take place except within the area demarcated by a double dashed pink line as the extraction limit on drawing number M06126(a).01 Rev B, Scheme of Working.

Reason: To ensure a satisfactory form of development in the interests of local amenity (BMWLP Policy 16).

26. Noise levels from temporary operations, such as soil and overburden removal, installation of haul roads, formation of bunds and re-spreading of soil materials in restoration shall not exceed 70 dB LAeq 1 hr when measured freefield at any of the properties: Deepwood, Fox Cottage, Woodview, Crowpiece Lane, Bishops Mew, Bishops Court or Hunts Wood Farm or when measured at, or recalculated as at, a height of 1.2 metres and at least 3.5 metres from the facade of the listed noise sensitive locations. Such temporary operations shall not exceed eight weeks in duration in any calendar year.

Reason: To protect the amenities of local residents (BMWLP Policy 16).

27. Except for temporary operations as outlined in condition 26 noise levels from all other site operations shall not exceed 55 dB LAeq 1 hr when measured freefield at any of the properties: Deepwood, Fox Cottage, Woodview, Crowpiece Lane, Bishops Mew, Bishops Court or Hunts Wood Farm or when measured at, or recalculated as at, a height of 1.2 metres and at least 3.5 metres from the facade of the listed noise sensitive locations.

Reason: To protect the amenities of local residents (BMWLP Policy 16).

28. The development shall not be carried out other than in accordance with the following dust suppression measures:

- Water spraying of all internal haul roads during dry conditions
- On site vehicles to travel at speeds no higher than 10 miles per hour
- No soil removal or replacement during periods of high winds

Reason: To protect the amenities of local residents and in the interests of safeguarding the local environment, watercourses and the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policies 16 and 18).

29. All plant, machinery and vehicles used on the site for extraction, infilling and restoration operations shall be fitted with acoustic silencers.

Reason: To protect the amenities of local resident (BMWLP Policy 16).

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking, re-enacting or superseding that Order, no plant, building, machinery or structure shall be erected on the site without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of visual and landscape impact (BMWLP Policies 16 and 20).

31. Prior to the commencement of mineral extraction within any sub-phase all topsoil, subsoil and any other overburden shall be stripped and either respread immediately or stored for subsequent restoration of the site.

Reason: To ensure the conservation of the soil resource and that the site is reclaimed to a condition capable of beneficial after use (BMWLP Policy 25).

32. All suitable site-arising topsoil, subsoil and other overburden shall be retained on the site for use in reclamation and restoration of the site.

Reason: To ensure the conservation of the soil resource and that the site is reclaimed to a condition capable of beneficial after use (BMWLP Policy 25).

33. The Mineral Planning Authority shall be notified in writing at least ten days in advance of the date when soil moving operations are expected to commence in any sub-phase. Soil movement shall be defined as including soil stripping operations, relocation of soil storage stacks and respraying of surface layers.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

34. No soil movement shall take place other than between 1 April and 31 October in any year, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

35. Soil movement shall take place with the minimum of compaction and only in dry soil conditions which ensure that it remains friable and no damage is caused to the soil structure. Details of the assessment tests for ascertaining that ground and soil conditions are suitable for soil handling shall be submitted to and approved in writing by the Mineral Planning Authority prior to any site preparation works and the approved details adhered to for the duration of the development.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

36. Details of the machinery to be used for soil handling and what soil handling methodologies will be adopted shall be submitted to and approved in writing by the Mineral Planning Authority prior to any site preparation works and the approved details adhered to for the duration of the development.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

37. No topsoil and subsoil shall be stored on site except in accordance with drawing number M06126(a).01 Rev B, Scheme of Working and drawing number M06126(a).22 Rev B, Typical Sections Through Site Peripheral Bunds including New Post and Wire Fencing.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

38. Prior to the commencement of the spreading of the final surface layers over the filled area the area shall be compacted and evenly graded and a survey point to Ordnance Datum levels installed to assist in verifying final levels. The contouring of the surface of the filled area shall follow the final contours.

Reason: To ensure that the site restoration complies with the approved levels in the interests of visual and landscape impact (BMWLP Policies 16, 20 and 25).

39. Soil shall be respread evenly in the correct order so as to ensure that there is, above the filled area, a depth of at least 1,200mm of topsoil, subsoil and other suitable free draining material. The topmost layer shall be topsoil spread to a minimum depth of 300mm or to the average depth of topsoil prior to stripping. If there is insufficient subsoil on the site to create the required depth of subsoil and other free draining material, this shall be made good either by the use of suitable material obtained from within or under the worked deposit or the importation of such suitable material.

Reason: To ensure proper restoration of the land to a condition capable of beneficial after use (BMWLP Policy 25).

40. The top 1000mm of replaced soils/free draining materials shall be free of large solid objects, paper or other waste materials and, as part of the procedures for restoration of the final surface layers on the site, each layer shall be thoroughly ripped or deeply cultivated in dry conditions to break up completely any compacted layer using equipment and to depths and centres to be agreed in writing by the Mineral Planning Authority prior to ripping. No ripping shall take place except between 1 April and 31 October in any year.

Reason: To ensure proper restoration of the land to a condition capable of beneficial after use (BMWLP Policy 25).

41. No watercourse shall be incorporated into the workings nor shall there be any direct connection between the workings and any watercourse.

Reason: To prevent pollution of the local water environment ( BMWLP Policies 16 & 18).

42. During all operations and processes, precautions shall be taken as necessary to prevent the discharge of any solid matter, sand, gravel, oil, grease or any other offensive or injurious substance into any watercourse.

Reason: To prevent pollution of the local water environment (BMWLP Policies 16 & 18).

43. No dewatering of the working shall take place except as first agreed in writing with the Mineral Planning Authority.

Reason: To prevent pollution of the local water environment (BMWLP Policies 16 & 18).

44. The discharge/recharge ditch provided across the northern and eastern edges of the phase 2 extraction area shall be maintained for the duration of the development until required to be removed as part of the restoration of the site.

Reason: To ensure groundwater levels are maintained in the interests of safeguarding the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policy 18).

45. Any oil storage tanks shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and drawpipes.

Reason: To prevent pollution of the local water environment (BMWLP Policies 16 & 18).

46. The monitoring of groundwater levels, maintenance of the borehole network and implementation of any necessary remedial measures shall continue for the duration of the development and for a period of five years following the replacement of soils on all of the land in accordance with the scheme approved by the Mineral Planning Authority on 15 August 2006. In the event that any of the monitoring results are outside defined envelopes, details of remedial measures to be undertaken shall be submitted for the approval of the Mineral Planning Authority within a week of the monitoring date. A report analysing all the monitoring results shall be submitted to the Mineral Planning Authority on a six-monthly basis.

Reason: To ensure groundwater levels are maintained in the interests of safeguarding the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policy 18).

47. Aftercare of the land for agricultural use shall take place for a period of five years following restoration of each sub-phase in accordance with a scheme that has been submitted to and approved by the Mineral Planning Authority before mineral extraction

commences in phase 2. The scheme shall specify the steps proposed to be carried out during the aftercare period and make provision for an annual site meeting to discuss and agree steps necessary on the restored land.

Reason: To ensure that proper restoration of the land is sustained (BMWLP Policy 25).

48. The aftercare scheme required by condition 46 and the annual aftercare programmes for each sub-phase, written details of which shall be submitted for the approval of the Mineral Planning Authority within 4 weeks of the annual aftercare meetings, shall as appropriate include the following measures: a. Prior to the commencement of cultivation and soil sampling, the land shall be examined and defects (such as low spots, areas of compaction, obstacles to cultivation and areas lacking an adequate depth of topsoil) shall be remedied. b. Prior to the cultivation in year 1, samples of the soil shall be analysed to assess the lime and other fertilizer requirements to promote normal plant growth and the results of such analyses supplied to the Mineral Planning Authority. c. In year 1 the land shall be limed as necessary prior to seedbed cultivation and/or in the seedbed. d. In year 1, during the preparation of the seedbed, the land shall be fertilised in accordance with the requirements indicated by the soil analyses. e. In year 1, August to mid-September, the following steps shall be taken:- i. Prepare the seedbed – cultivation to suit soil conditions. ii. Apply seedbed fertilisers as determined by analysis. iii. Sow long-term grass ley of an agreed seed rate and mixture. f. The grass shall be cut for hay or silage and removed from the site. g. In the event of failure of seeds, cultivations shall be repeated, fertiliser added and the land reseeded in the year following initial seeding. h. In each year of the aftercare period subsequent to seeding, the following steps shall be taken:- i. Add nitrogen fertiliser between April and August, with rates of 120kg/acre application or as appropriate to usage. ii. Add phosphate and potassium fertiliser in mid-season as rates as appropriate to usage. iii. The grass shall be cut and removed as hay or silage in accordance with normal farming practice. iv. Weed growth shall be suppressed by the application of herbicide as appropriate. i Any compaction in the soil shall be remedied by subsoiling as necessary. j. Defects in soil drainage shall be remedied as necessary by installation of field drainage and/or perimeter ditching. k. No grazing shall take place unless otherwise agreed in writing by the Mineral Planning Authority. l. No crop other than a grass ley shall be grown unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To ensure that proper restoration of the land is sustained (BMWLP Policy 25).

49. Within two months of receiving a request, which shall be at no more frequent intervals than once a year, the site shall be surveyed and a plan of not less than 1:2,500 scale submitted to the Mineral Planning Authority to show the progress of soil stripping, soil storage, excavation, tipping and restoration.

Reason: To enable monitoring of the progressive working of the site in the interests of visual and landscape impact (BMWLP Policies 16, 20 and 25).



50. No later than two months from the date of this planning permission a proposal detailing the siting, design, and external appearance of an acoustic barrier to the southern side of the wheel spinner shall be submitted to the Mineral Planning Authority. The approved acoustic barrier shall be implemented and maintained for the duration of the development until required to be removed as part of the restoration of the site.

Reason: To limit the impact of noise on the amenities of Deepwood and Fox Cottage (BMWLP policy 16).

51. The surface of the site haul road between the weighbridge and wheel spinner and Farnham Lane and between the weighbridge and wheel spinner and Allerds Road shall be maintained free of potholes for the duration of the development hereby permitted..

Reason: To limit the impact of noise on the amenities of neighbouring properties (BMWLP policy 16).

52. Signage advising drivers to turn left on leaving the site shall be erected. The sign shall be maintained in a legible condition thereafter for the duration of the development hereby permitted.

Reason: To limit the impact of noise on the amenities of neighbouring properties (BMWLP policy 16).



**Committee Report: 23 March 2020**

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<b>Application Number:</b>	CC/0059/19
<b>Title:</b>	Demolition of a single storey building; Erection of new two storey Teaching Block, Sports Hall and Changing Facilities; Single storey extension to create Music Practice Rooms; together with internal and external refurbishments and minor works to existing buildings, landscaping and associated new parking spaces (including access from Watchet Lane)
<b>Site Location:</b>	Holmer Green Senior School Parish Piece Holmer Green High Wycombe Buckinghamshire HP15 6SP
<b>Applicant:</b>	Buckinghamshire County Council
<b>Case Officer:</b>	Catherine Kelham
<b>Electoral divisions affected:</b>	Penn Wood, Old Amersham
<b>Local Member(s):</b>	Isobel Darby
<b>Valid Date:</b>	20 <sup>th</sup> December 2019
<b>Statutory Determination Date:</b>	20 <sup>th</sup> March 2020
<b>Extension of Time Agreement:</b>	31 <sup>st</sup> March 2020
<b>Summary Recommendation(s):</b>	

The Committee Chairman, Vice-Chairman and the Development Control Committee is invited to:

- A. **INDICATE SUPPORT** for application no. CC/0059/19
- B. In the event that a viable approach to drainage (assessed in accordance with the drainage hierarchy) being demonstrated by the applicant and agreed by the Head of Planning and Environment on behalf of the County Planning Authority, **AUTHORISE** the Head of Planning and Environment to **APPROVE** application no. CC/0059/19 subject to conditions as proposed in Appendix A and finalised by the Head of Planning and Environment.

## 1.0 Introduction

- 1.1 Application CC/0059/19 is for alterations and extensions to Holmer Green Senior School to facilitate a two form entry (2FE) expansion. This would include changes to the teaching areas and sports provision plus ancillary work and an additional car parking area for staff, accessed via a new access from Watchet Lane.
- 1.2 The application is submitted by Buckinghamshire County Council to fulfil their statutory duty to provide school places.
- 1.3 The application was advertised as a major development as it would result in an increase in floor space of over 1,000 square metres.
- 1.4 It is presented to the Development Control Committee as objections to the proposed development from local residents and the Parish Council have been received.

## 2.0 Site Description

- 2.1 Holmer Green Senior School is located in the west of Chiltern District, close to the boundary with Wycombe District in the predominantly residential area of Holmer Green. It is not within the Chilterns Area of Outstanding Natural Beauty (AONB), Metropolitan Green Belt or a conservation area.
- 2.2 The location of the application site and context, with nearby Green Belt (green) and Chilterns AONB (pink stripes), is shown in figure 1 below.

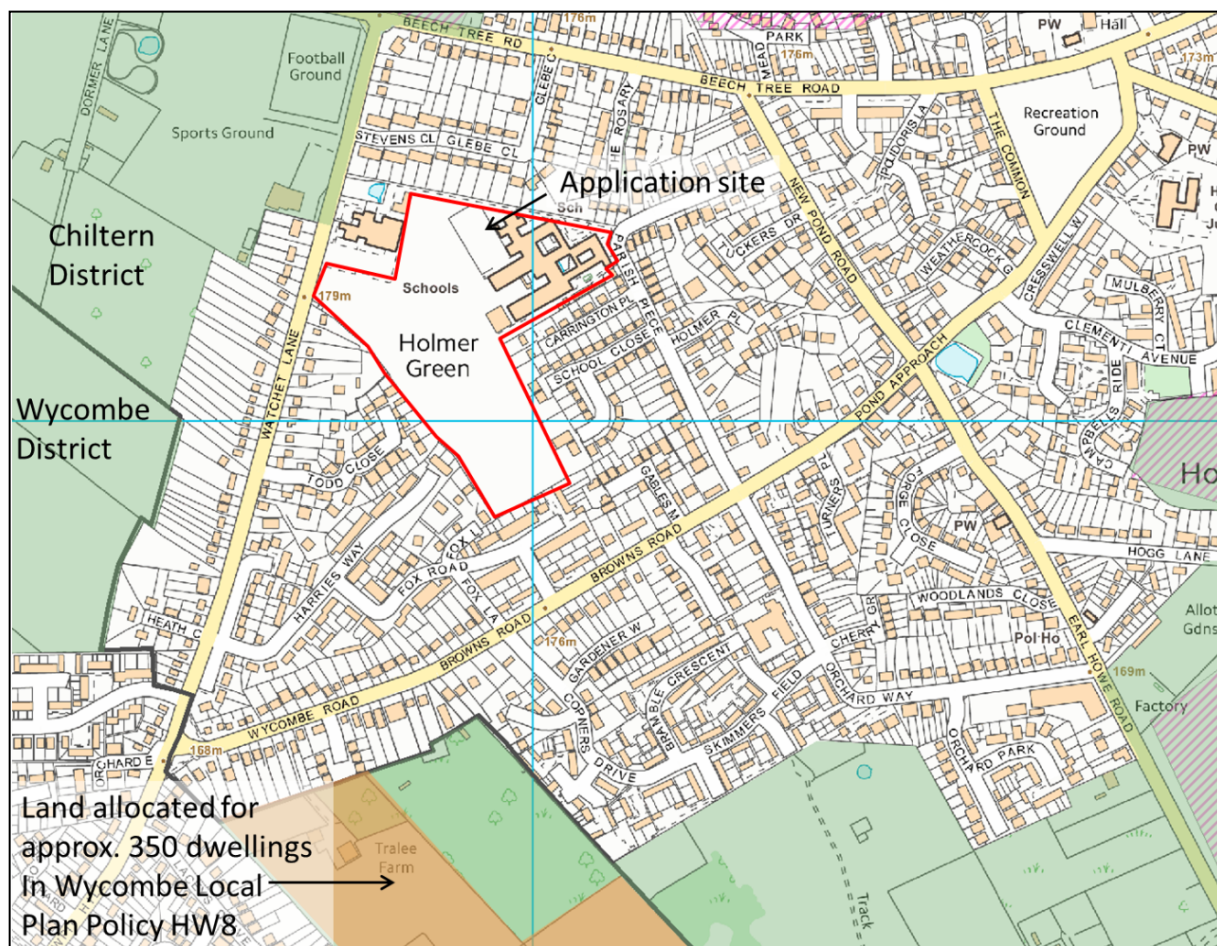


Figure 1: Location of the application site

- 2.3 The school site has a total area of approximately 5.4 hectares. To the north, east and south of the school are residential dwellings. To the west is Holmer Green Infant School and Watchet Lane.
- 2.4 The school is currently accessed only via Parish Piece, a narrow road linking New Pond Road and Pond Approach/Browns Road. In addition to the school, Parish Piece also serves residential dwellings, a scout hut and a youth centre.
- 2.5 The school site is relatively flat. The existing buildings on the site vary in age, roof style and appearance. The heights vary from single storey to a four storey classroom block. The majority of the buildings date from the 1960s and 1970s though there have been more recent refurbishments and extensions. The material used in the existing buildings includes red and yellow facing bricks, white render, and timber cladding.
- 2.6 Approximately 750 metres to the southwest of the entrance to the school on Parish Piece, 12.87 hectares of land have been allocated for around 350 dwellings in the Wycombe District Local Plan (Policy HW8, Land off Amersham Road including Tralee Farm, Hazlemere).

### **3.0 Site History**

3.1 There is no relevant planning history for Holmer Green School at the County Council.

3.2 The following records from Chiltern District Council are considered relevant:

*PL/19/2262/FA – Hard surfaced fenced 4-court tennis area – approved*

*PL/18/3002/FA - Replacement of existing entrance gates, walls and fencing to the entrance area and the north side of the site with new 2.1m high metal palisade fencing and access control gates – approved 7<sup>th</sup> November 2018*

*CH/2016/2293/OA - Erection of a sports facility building within the grounds of Holmer Green Senior School (Outline Application) – approved 13<sup>th</sup> April 2017 (not implemented)*

*CH/2013/2140/FA - Part two storey, part first floor, part single storey extension and recladding/refurbishment of existing buildings – approved 18<sup>th</sup> February 2014*

*CH/2013/0656/FA - Part two storey, part first floor extension and recladding/refurbishment of existing buildings – approved 29<sup>th</sup> June 2013 (not implemented)*

*CH/2005/1183/RB Two storey extension to provide teaching block – 28<sup>th</sup> July 2005*

### **4.0 Description of Proposed Development**

4.1 The proposed development seeks to expand teaching provision at Holmer Green Senior School to facilitate an increase from the existing five form entry (840 students in years 7 to 11 plus 120 in sixth form) to seven form entry (1050 students in years 7 to 11 plus 175 in sixth form), a total increase of 265 students (210 in years 7 to 11 plus 55 in Sixth Form).

4.2 The school as existing is supported by 94 full time equivalent (FTE) staff. The proposed development would increase the number of staff to 109 FTE.

4.3 The proposed development involves the following aspects:

- Demolition of a single storey music block onto the southeast side of the main school buildings;
- Creation of a new build, two storey Teaching Block (approximately 17.8 metres by 41.2 metres in area and 8.6 metres in height) on land to the northwest of the current school building on an area currently occupied by the playground to provide classrooms, stores, offices and toilets;

- Creation of a Sport England compliant Sports Hall (approximately 44.8 metres by 32.4 metres in area and 10.4 metres in height) with canopy on land to the northwest of the current school building on an area currently occupied by the playground to provide four Badminton Courts with associated stores, toilets, changing rooms etc.;
- Creation of an internal Courtyard between the new Sports hall and teaching block to connect the new building with the rest of the school;
- Two small single storey extensions (approximately 11.3 metres by 3.5 metres and 7.1 metres by 3.5 metres) in the northeast part of the school to create five music practise rooms and relocation of main entrance into school building;
- Creation of an additional 35 car parking spaces for staff (increase from 82 to 117) and an additional 48 bicycle spaces (increase from 40 to 88);
- Creation of new staff only gated vehicular access into school site from Watchet Lane, gated pedestrian access from Watchet Lane, and new staff car park (containing 30 car parking spaces);
- Internal link access between the proposed staff car park off Watchet Lane and the school buildings for pedestrians only;
- Landscaping, drainage, ancillary works, internal reconfiguration and refurbishment; and external re-cladding of dining room.

4.4 The layout of the proposed development is shown in figure 2 below:

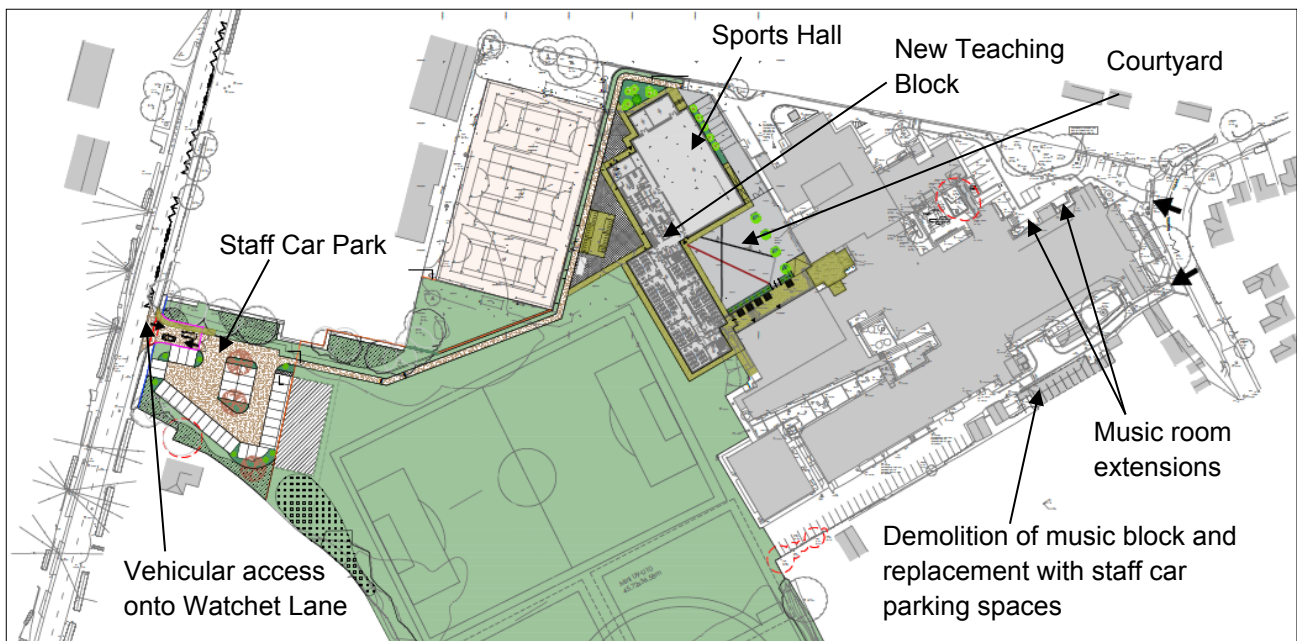


Figure 2: Layout of the proposed development

- 4.5 The teaching block would be finished in red-multi brick with grey/buff coloured recess brick panel below the ground floor windows and grey/buff coloured recessed brick panels with protruding brick patterning between the ground and first floor windows. The roof would be flat in appearance.
- 4.6 The sports hall would be finished in red-multi brick with vertical profile metal cladding in pastel green for the upper elements. The roof would be flat in appearance with 140 square metres of photovoltaic arrays.

- 4.7 The external cladding for the dining room would also be vertical profile metal cladding in pastel green.
- 4.8 The canopy, rainwater goods (gutters, downpipes etc) and window and doors frames would be PPC aluminium Anthracite Grey.
- 4.9 The music room extensions would be finished with a white render finish with brick plinth to the new music practice room extension. This is similar to the adjacent Library and WC block.
- 4.10 A 12.5 metre section of the boundary hedge along Watchet Lane would require removal to facilitate construction. Seven individual trees and one tree group would also require minor pruning works in order to facilitate access for construction. Installation of new hardstanding as part of development proposals will encroach inside the RPAs of one individual tree to be retained. Pedestrian, vehicular and plant movements as part of the construction operations have the potential to indirectly impact the stem, canopy or root protection areas of 19 individual trees and two tree groups scheduled for retention.
- 4.11 The provision of external lighting in the new car park, footpath and building perimeter are included as part of the proposed development. Lighting on the building would be via wall mounted luminaires at 3.1 metres to achieve a lighting level of 14 lux. Lighting along the car park and footway would be on four metre high, root mounted columns, to achieve a lighting level of 9 lux along the footway and 21 lux in the car parking area.

## **5.0 Planning policy and Other Documents**

- 5.1 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.
- 5.2 The Development Plan for this area comprises of:
- Chiltern District Core Strategy (CDCS) 2011
  - Chiltern District Local Plan (CDLP) 1997 (consolidated November 2011)
- 5.3 Other documents that need to be considered in determining this development include:
- National Planning Policy Framework (NPPF)
  - CLG letter to Chief Planning Officers dated 15th August 2011
  - Draft Chiltern and South Bucks Local Plan 2036
  - Buckinghamshire Countywide Parking Guidance (September 2015)
  - Wycombe District Local Plan
- 5.4 The CDCS policies most relevant to this development are:
- CS1 (The Spatial Strategy)
  - CS3 (Amount and distribution of non-residential development)
  - CS4 (Ensuring that development is sustainable)
  - CS20 (Design and Environmental Quality)
  - CS24 (Biodiversity)
  - CS25 (Transport)
  - CS26 (Requirements for New Development)
- 5.5 The Saved policies of the CDLP most relevant to this development are:
- GC1 (Design of New Development)
  - GC3 (Protection of Amenities)
  - GC4 (Landscaping)
  - GC14 (Disabled accessibility)
  - TR2 (Highway Aspects)

- TR11 (Provision of Off-Street Car Parking)
- TR15 (Design of parking areas)
- TR16 (Parking & Manoeuvring Standards)
- R2 (Loss Of Existing Sports Facilities)
- R3 (Indoor sport facilities)
- CSF1 (Provision of Community Services and Facilities outside the Green Belt)

5.6 The draft **Chiltern and South Bucks Local Plan 2036** was submitted for examination on 26<sup>th</sup> September 2019 and hearing sessions are due to commence on 17<sup>th</sup> March 2020. In this instance as the plan has not yet been found sound or adopted, it is currently considered to carry limited weight. Relevant policies from this document are considered to include:

- SP SP1 (Sustainable development)
- DM DP1 (Design)
- DM CP3 (Car parking standards)
- DM NP4 (Biodiversity)
- DM NP5 (Trees)
- DM NP8 (Flood protection and SUDS)
- DM NP9 (Amenity)
- DM HP4 (Sports, Recreation and Leisure Facilities)
- DM DP3 (Design – Archaeological Heritage)
- DM DP5 (Climate change)
- DM DP6 (Low carbon development)

## 6.0 Consultation Responses

6.1 The Local Member, **Councillor Isobel Darby**, has not commented on the proposed development.

6.2 **Chiltern District Council** has considered the application and raises no objection subject to BCC ensuing that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance in the NPPF. They note that CDC granted outlined planning permission for a sports facility in the grounds of Holmer Green School (CH/2016/2293/OA) and recommend BCC has regard to this permission and its conditions in the determination of this application. They recommend the scale, siting, appearance and materials are considered and that the impact of the proposed development on neighbouring properties, especially those on Glebe Close are assessed. They note that comments have been raised by Little Missenden Parish Council, and the Holmer Green Sports Association, with regard to the highway and parking impacts of the development. Finally, they direct the Council to the comments of the District Environmental Health Officer.

6.3 **Little Missenden Parish Council** considers the combination of HS2, the local plan, the expansion of schools and the increased number of older students driving to school will impact upon Holmer Green and the surrounding areas resulting in increased traffic and need for parking. In particular, they consider there is insufficient parking for the required extra staff and teachers; Watchet Lane is already very congested and access onto this road is unacceptable; the village roads cannot cope with the existing traffic and are already over congested; and the bus service through Holmer Green is inadequate with no bus service from east to west. The Parish Council suggest that that the three schools in the area, BCC, the Parish Council and Village Society work together on a transport plan that can accommodate the increase in traffic and limit congestion.



- 6.4 The officer from BCC **Highways Development Management** has reviewed the information provided and commented on the suitability of the Watchet Lane access, sustainable travel measures, junction capacity, internal layout and parking.

With regard to parking, the officer comments that additional staff parking spaces are proposed within the site. He notes that thirteen spaces are proposed on the site of the former music block to be demolished and would be accessed via the existing car park access off Parish Piece. The officer is satisfied that this arrangement would be acceptable. The officer also notes that thirty spaces would be provided at the western side of the site in a new car parking area that would be accessed from a new access off Watchet Lane. This access is to be gated and only accessed by an intercom/fob system to ensure only staff members are able to enter this area. The proposed gates would be set back twelve metres from the edge of the carriageway to ensure two vehicles are able to pull clear of the highway whilst the gates are opened. He also notes that the submitted information confirms the proposals for the servicing of the site are to stay as they are, and this car park off Watchet Lane will not be required to cater for service vehicles. Overall the officer is satisfied that this access onto Watchet Lane would benefit from an adequate level of visibility and access width to accommodate the proposed vehicle movements. Having assessed the 'Car Park and Environs' plan he is also satisfied that the proposed parking spaces are of adequate dimensions and benefit from an adequate level of manoeuvring space.

With the gates to the car park off Watchet Lane set back from the carriageway by twelve metres and the proximity of the existing public pedestrian access to the school close by, the officer expresses some concern over use of this area as an informal pick up and drop off point. The officer does not however consider this would likely materially impact on the existing situation and believes it is more likely to be an amenity issue.

The BCC Highways Development Management officer acknowledges the submitted Transport Assessment states the school intends to promote sustainable travel to mitigate the impact of the development by promoting sustainable measures to reduce the reliance on the use of the private car, the further enforcement of no drop off/pick up on Parish Piece, an informal 'Park and Stride' initiative and encouraging cycling to school by providing further bicycle spaces as well as showers and lockers. The officer expresses some doubt about the suitability of 'park and stride' from the Park Parade Centre as it is some distance (approximately 1.7km) and down a slight hill from the school. He considers it more likely that other closer 'Park and Stride' locations may be used more heavily. He notes the need for a new crossing point across Watchet Lane to facilitate use of 'Park and Stride' with the exact type and location of crossing to be agreed with the Highway Authority identified with the Transport Assessment and recommends this is secured via condition.

As part of the Transport Assessment a number of junctions in the vicinity of the school have been assessed. The BCC Highways Development Management officer is aware the assessment of these junctions is based on the assumption that all of the sustainable measures proposed within the submitted Travel Plan have the desired effect on the travel habits. The officer considers the 'Park and Stride' figures are rather optimistic. Regardless of this he does not raise an objection related to any capacity issues and states that he is satisfied that even if the 'Park and Stride' figures are decreased slightly, the vehicle movements associated with the proposal would not have a material impact on the capacity of these junctions. In particular, although the Wycombe Road/Watchet Lane junction is already suffering from limited capacity, the vehicle movements associated with the proposal would not materially impact on this.

Overall, the officer has no objection to the proposed development from a highways perspective subject to conditions requiring a new formal pedestrian crossing point, implementation of the access to Watchet Lane and layout of the parking and manoeuvring area in accordance with the submitted plans, the placement of gates across this car park entrance set back from the carriageway, the development and implementation of a Travel Plan and the provision and implementation of a Construction Transport Management Plan.

- 6.5 The officer from BCC as **Lead Local Flood Authority** objects to the proposed development due to insufficient information regarding the surface water drainage strategy.
- 6.6 The **BCC Ecology Officer** has reviewed the submitted information and raises no objection but recommended that conditions are imposed to ensure protected species are safeguarded from harm during the works, and that opportunities for biodiversity enhancement are secured and maintained in the long-term. This includes the provision of a Landscape and Ecological Management Plan. In regard to lighting no objection has been raised but drawings showing the light spillage behind the lighting columns have been requested to assess whether or not the use of hoods may provide additional protection.
- 6.7 **Sport England** raises no objection to the proposed development as they consider it broadly meets a combination of their E3 and E5 exception policies. This absence of an objection is however subject to the provision of a community use agreement prepared in consultation with Sport England and its implementation prior to use of the development.
- 6.8 The **Chilterns AONB** Planning Advisor has not commented in detail as the application site lies with the settlement of Holmer Green. The advisor comments that while the Chiltern AONB designation does 'wash over' Holmer Green the siting, location and design would not impact upon the special qualities of the Chilterns landscape, which surrounds it. He does however recommend that external lighting is kept to a minimum and that this is secured via condition.
- 6.9 The **Safer Routes to School** officer recommends that should the proposed development be permitted it develops and maintains a travel plan to promote sustainable travel.
- 6.10 The **BCC Archaeology Officer** considers the nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. The officer therefore has no objection to the proposed development and does not consider it necessary to apply a condition to safeguard archaeological interest.
- 6.11 The **Arboricultural Advisor** for BCC raises no objections to the proposed development. He advises that all recommendations made within the Arboricultural Impact Assessment should be implemented within future submissions with the production of an Arboricultural Method Statement requested via planning condition. He also advises that when producing the Arboricultural Method Statement (AMS) and accompanying Tree Protection Plan the applicant should clearly demonstrate the extent of hedge removal associated with the proposed development and in addition apply a 90cm Root Protection Area to retained hedging.
- 6.12 The **Landscape Advisor** for BCC has reviewed the information submitted and made a number of requests for clarifications on the submitted documents in relation to re-grading the area around the sports pitches, changes to boundary hedges and fences and to ensure conformity with the Arboricultural Impact Assessment. Subject to the satisfactory resolution of these matters he considers there would be no basis for objection on the grounds of long term significant adverse landscape and/or visual effects. In the event that planning permission is granted, he recommends details, including planting proposals and specification; design and

long-term management objectives for existing and new landscape areas (including maintenance programme for a minimum five years of aftercare for all new planting and replacement of failed new planting) to be secured via condition. He also recommends the night time illumination effects of the proposal are considered.

- 6.13 The **Chiltern and South Bucks District Environmental Health Officer** has reviewed the Ground Investigation Report (ref: STR4765-G01) and comments that the intrusive investigation has not identified any plausible or complete contaminant linkages that require further investigation or remediation. He notes one standpipe has been installed for ground gas monitoring purposes and recommends further gas monitoring is undertaken as described in the submitted Ground Investigation Report, prior to commencement of the development to provide sufficient data to allow the ground gas risk assessment to be completed and the submission of these results with a verification plan and verification report as necessary. He also recommends that should any unexpected contamination be encountered this is reported and remediation works take place.
- 6.14 The **BCC Rights of Way Officer** has no comment to make from a rights of way perspective.
- 6.15 **Thames Water** has not commented on the proposed development.
- 6.16 **Affinity Water** has not commented on the proposed development.
- 6.17 The **Crime Prevention** advisor has not commented on the proposed development

## **7.0 Representations**

- 7.1 Representations from ten members of the public have been received. Of these seven object to the proposed development, two support it though one expresses concern about Parish Piece and one is neutral, though raises concern about traffic on Watchet Lane.
- 7.2 The main matters raised are:
- Need for the Development (both for and against)
  - Harm to residential amenity
  - High levels of traffic and congestion, especially at school opening and closing times
  - Impact of construction traffic on local area
  - Pollution from vehicle exhausts and queuing traffic
  - Accuracy of Transport Assessment
  - Use of surrounding roads for pick-up and drop-off

## **8.0 Discussion**

- 8.1 The main issues for consideration in relation to application CC/0059/19 are considered to be:
- Principle of the Development
  - Access, Sustainable Travel and Parking
  - Playing Fields
  - Amenity
  - Layout and Built Form
  - Biodiversity and Landscaping
  - Drainage
  - Sustainability and Climate Change

### *Principle of the Development*

- 8.2 The proposed development is for the expansion of a school in Holmer Green. Policy CSF1 of the CDLP supports the development for community services and facilities (including educational establishments) provided it would not involve the loss of residential land, would

not be detrimental to the character and amenity of the area in which it is located by reason of its appearance, layout, noise, traffic generation, vehicle parking, loss of landscaping or general disturbance and provided that other policies are complied with. The compliance with these criteria will be considered in detail in the following sections of the report.

- 8.3 The spatial strategy for Chiltern District to 2026 as set out in policy CS1 of the CDCS is to protect the Chilterns Area of Outstanding Natural Beauty and Green Belt by focusing new development on land within existing settlements not covered by those designations. This includes limited development in villages, including Holmer Green.
- 8.4 Information submitted by the applicant in support of the development shows that in the High Wycombe Area, the most recent population figures indicate the need to expand secondary school provision by at least an additional two to three forms of entry (FE) with another form of entry required long term. This is after taking into consideration the additional forms of entry already provided at Sir William Ramsay School in Hazlemere; St Michael's School in High Wycombe; and Great Marlow School and Highcrest School.
- 8.5 Part of the reason for the additional need in pupil places is associated with the increase in housing provision in Wycombe District as shown in the adopted Wycombe District Local Plan. In particular, approximately 750 metres to the southwest of the entrance to the school on Parish Piece, 12.87 hectares of land have been allocated for around 350 dwellings in the Wycombe District Local Plan (Policy HW8, Land off Amersham Road including Tralee Farm, Hazlemere). In addition, the CSBLP is also undergoing consultation and further allocated housing growth around this area is possible, depending on the outcome of the plan.
- 8.6 Paragraph 94 of the NPPF requires local planning authorities to take a proactive, positive and collaborative approach to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In addition, as set out in the letter to Chief Planning Officers dated 15th August 2011, the Government wants to allow new schools to open, good schools to expand and all schools to adapt and improve their facilities. This is to allow for more provision and greater diversity in the state funded sector to meet both demographic needs and the drive for increased choice and higher standards. State funded includes schools funded by Local Authorities and those funded directly by central Government (i.e. academies and free schools).
- 8.7 Overall, mindful of the presumption in favour of development at schools, the proposed development (i.e. school expansion) is considered to be supported in principle.

#### *Access, Sustainable Travel and Parking*

- 8.8 Policy TR2 of the CDCS requires the development to provide satisfactory access on the highway network. It also requires that the highway network in the vicinity of the development site has capacity to accept the traffic associated with the development and, as a minimum, ensure that the standards of road safety for all users are maintained. Similarly, policy CS25 of the CDCS requires the assessment of impact of development proposals on the transport network, including public transport, traffic flows, air quality, accessibility levels and road safety while policy CS26 of the CSCS expects development proposals to provide safe, convenient and attractive access on foot and by bicycle, be appropriately located to the road network, provide satisfactory vehicular access, to ensure that all vehicular traffic generated by future development does not materially increase traffic problems and to secure the preparation and implementation of measures which minimise and manage parking and travel demand. In addition, amongst other elements to ensure long term sustainability of development, Policy CS4 of the CDCS requires development to provide safe access for all types of transport and pedestrians, promoting locations which are easily accessible by public

transport, walking and cycling, incorporate bicycle and vehicle parking into the site and the provision of travel plans for all school development.

- 8.9 Concern has been raised by Little Missenden Parish Council and a number of local residents about the highways impact of the proposed development with particular reference to congestion on roads surrounding the school and parent parking. Concern has also been raised by members of the public about school traffic displaced from Parish Piece worsening traffic on Watchet Lane and the surrounding roads.
- 8.10 It must be acknowledged that Holmer Green Senior School is an existing school. Like all schools it generates a high number of term time week-day trips which coincide with the school start and finish times. The proposed development would facilitate an increase of 265 pupils (210 in years 7 to 11 plus 55 in the sixth form) attending the school that contribute to these trips.
- 8.11 The applicant has submitted a transport assessment to accompany the planning application. This states that the school intends to mitigate the impact of the development by promoting sustainable measures to reduce the reliance on the use of the private car and the further enforcement of no drop off/pick up on Parish Piece. A number of informal 'park and stride' locations have been identified by the school and it is recommended that the necessary infrastructure to support their use (which includes an uncontrolled crossing point) are secured via planning condition. In addition cycling to school is to also be promoted, and as part of the proposed development increased bicycle parking provision of 50 spaces as well as shower and locker facilities for students
- 8.12 This approach to move away from car-dependent travel and provide for convenient and attractive access by foot and bike is supported through the CDCS and specifically policies CS26 and CS4. Attention should also be given to paragraph 15.3 of the CDCS. This states that developments which are car-dependent or promote unsustainable travel will not be supported and that the Council will work with partners to promote walking and cycling as an integral and highly sustainable means of transport focused on centres, schools, work-places, and public transport interchanges.
- 8.13 Following consideration of the school surroundings, the school is considered to be in a location that supports active sustainable transport modes. It is within a built up and relatively flat area making walking or cycling to school a feasible venture for those living locally. There are also public bus stops on Pond Approach/Brown Road within 400 metres (5 minutes' walk) of the school entrance on Parish Piece. From here there are regular weekday services to Chesham, Amersham, Hazlemere and High Wycombe as well as a dedicated school service to the further part of the school catchment area including the more rural villages of Great Kingshill and Widmer End.
- 8.14 It is acknowledged that providing the physical mechanism to aid active travel modes, such as bicycle parking and pedestrian crossing points, is far easier than encouraging a shift in travel modes towards more sustainable forms. This would require long term commitment by the applicant in conjunction with the school. The need for a travel plan has been identified by the Highways Development Management Officer and the Safer Routes to School Officer as well as the applicant. As part of the submitted documents, the school has identified a number of measures to be included as part of a travel plan to promote the sustainable forms of transport. This includes stopping parents from dropping pupils off at Parish Piece, using additional promotion and communication with parents, and further signage and coning. It is recommended the requirement for a travel plan which puts these measures in place is secured via condition.

- 8.15 The need for Holmer Green Senior School to work with other junior and infant schools to promote sustainable travel in a meaningful way and create a consistent message for parents has been identified by Little Missenden Parish Council. The Safer Routes to School Officer has commented that the three schools in the area are going to work together to implement all three travel plans. Ensuring sustainable travel is utilised will be an ongoing matter and a long term commitment to updating and reviewing a travel plan is therefore recommended as a condition of development.
- 8.16 The concern of local residents that measures identified to reduce vehicle numbers on Parish Piece may shift the problem elsewhere is real. In particular, the space between the staff car park and gates on Watchet Lane may provide opportunity for parents to stop, especially if they are dropping off both infant school and secondary school children. This should be prevented, for example by advisory notices on the private access into the car park on Watchet Lane combined with enforcement by the school as part of the travel plan. It is advised that the use of 'School Keep Clear' road markings on Watchet Lane outside the new vehicular entrance to further aid the free flow of traffic outside the school are investigated by the applicant. The implementation of these road markings are subject to a Traffic Regulation Order which requires separate consultation, the outcome of which is beyond the control of the applicant. As such 'School Keep Clear' road markings cannot be required via planning condition but an informative providing advice may be included should planning permission be granted.
- 8.17 Questions have been raised by members of the public about use of the vehicular Watchet Lane entrance and the provision of a pedestrian access into the site from Watchet Lane. The applicant has clarified that the link between the Watchet Lane car park and main school buildings will be for pedestrians only. Vehicular access into the school site via Watchet Lane is proposed to be gated and for use by school staff only. Supporting information within the application also states that the pedestrian gate and access from Watchet Lane into the School would be used by the public to access the new sports facilities. This would be controlled via a CCTV and monitoring system from the main school entrance and sports hall reception. It is understood this public use of facilities would take place outside of school hours. It is not proposed to open this access for pupils to enter and exit the school. In the interests of local amenity it is recommended management of the Watchet Lane entrance, and prevention of it use by school pupils, is secured by condition. All delivery and service vehicles will continue to use the existing arrangements and access the school via Parish Piece.
- 8.18 The Transport Assessment also includes an assessment of junctions in the vicinity of the site (the Northern school access on Parish Piece; Southern school access on Parish Piece; Watchet Lane school access; Parish Piece/Browns Road/Pond Approach; Parish Piece/New Pond Road; Beech Tree Road/Watchet Lane; and Wycombe Road/Watchet Lane) and undertaken parking surveys. The Transport Assessment has been reviewed by the Highways Development Management officer and no objection to the proposed development has been raised. In making these comments, the Highways Development Officer has acknowledged that the assessment is based on the assumption that sustainable measures will be implemented. From a technical perspective no concerns have been raised in relation to the accuracy of information within the Transport Assessment.
- 8.19 In relation to car parking, taken together policies TR11, TR15 and TR16 of the CDLP and policy CS26 of the CSCS support the provision of adequate parking provision, including parking spaces for disabled drivers' vehicles and bicycles, which are conveniently located with satisfactory circulation, correctly sized parking spaces and allowance for pedestrian

movement. In the draft CSBLP parking standards are contained within Appendix CP3 and policy DM CP3 requires their use and similarly requires parking provision to be well-designed and landscaped. Both the Buckinghamshire Countywide Parking Guidance and standard within the draft CSBLP have a requirement for secondary schools of one car parking space and seven bicycle spaces per FTE staff member. This differs from the standards in the CDLP adopted in 1997 which are based on floor space.

- 8.20 The proposed development includes an additional 35 car parking space and 48 bicycle parking spaces bringing the total car parking provision to 117 spaces and total bicycle parking provision to 88 spaces. This is considered to be satisfactory for the increase in staff of 15 FTE (total 109 FTE) and takes into account that non full time staff may overlap in their time at the school. The BCC Highways Development Officer has confirmed the proposed parking spaces are of adequate dimensions and benefit from an adequate level of manoeuvring space. The officer has also confirmed the access onto Watchet Lane would benefit from an adequate level of visibility and access width to accommodate the proposed vehicle movements. In accordance with the advice of the Highways Development Management officer it is recommended the layout of the car parking and manoeuvring area is secured via condition.
- 8.21 To minimise the impact of the construction period on local amenity and highway safety it is recommended that, should planning permission be granted, no development takes place until a Construction Traffic Management Plan has been submitted to and approved by the County Planning Authority.
- 8.22 It has been requested by members of the public that a residents parking scheme along the surrounding roads is put in place. It is not possible to include this as a requirement of planning, as a separate consultation is required, the outcome of which is beyond the applicant's control. Therefore, it would not be a reasonable requirement or one relevant to planning.
- 8.23 Overall and recognising the support for sustainable transport modes and moves away from car dependent development within the CDCS, the approach to manage the highways impact of the proposed school expansion is considered to be acceptable. A number of conditions to secure the delivery of this approach have been recommended. With these in place, the proposed development is considered to be in accordance with policies TR2, TR11, TR15 and TR16 of the CDLP, policies CS25 and CS26 and the travel related elements of CS4.

#### *Playing fields*

- 8.24 Policy R2 of the CDLP does not support the loss of playing fields unless it can be demonstrated there is no continuing community need for the facility, or alternative provision of at least equivalent size, suitability and convenience is made. In regard to indoor sporting facilities, policy R3 of the CDLP supports their provision in built up areas outside the Green Belt and states that development of such facilities on land currently in use as playing field will be permitted, provided that the existing level of playing provision on that land can be retained. In addition, draft policy DM HP4 of the CSBLP supports the redevelopment of land or buildings in use or last used for sport, provided they are no longer required, or, if the development involves a new facility, this would be at least equal in quality and quantity to the existing or former use.
- 8.25 The proposed development would result in the loss of areas of playing field from provision of the footpath, new car parking area off Watchet Lane and new teaching block.

- 8.26 In relation to the car parking area, Sport England notes that this area of playing field has not been used or marked out with playing pitches previously and considers that given the constraints of this particular area of playing field, questions whether a playing pitch could be accommodated within this area. Further, they consider that this area of playing field is not part of the principal playing field area which is marked out and used for a range of pitch sports and athletics. On that basis, they consider the proposals benefits from broadly meeting the E3 exception policy.
- 8.27 In relation to the proposed new teaching block, Sport England comment that will primarily be built on the footprint of the existing tennis courts (which are due to be replaced via a separate planning application under PL/19/2262/FA). They note there is a degree of encroachment onto the playing field but again consider the principal playing field area is unaffected by this aspect of the proposal
- 8.28 Overall, Sport England have raised no objection subject to the school entering into a community use agreement for the replacement sports facilities to ensure wider benefit from development.
- 8.29 In light of these comments, subject to a community use agreement being secured via condition, the proposed development is considered to accord with policy R2 and R3 of the CDLP and draft policy DM HP4 of the CSBLP.

*Amenity*

- 8.30 Objections and concerns have been raised to the application with regard to the impact on the amenity of local residents. CDLP policy GC3 seeks to protect the amenities of existing neighbours. In addition, draft policy DM NP9 of the CSBLP seeks to protect residential amenity from noise and light pollution.
- 8.31 External lighting is included as part of the proposed development around the new sports hall and teaching block, staff car park off Watchet land and footway between the school buildings and staff car park. Following discussions with the applicant the height of the lighting columns around the staff car park and footpath have been reduced from six metres to four metres. Light spill in the area around the car park is predicted to be in the region of 1-2 lux, lower than the levels produced by typical street side lighting. In the interests of sustainability and protecting residential amenity, it is recommended the non-security lighting along the footpath and in the Watchet Lane car park area is switched off between the hours of 10:15pm and 7:00am Monday to Saturday and on Sundays is only operational between the hours of 7:45am and 6:30pm. This can be controlled via planning condition.
- 8.32 The proposed development has the potential to generate noise, especially in relation to sport. The outdoor sporting provision is not changing as a result of the proposed development and therefore it is not considered there would be a change to any existing impact from this. As above however, to meet the Sport England exception policies it is necessary for the school to enter into a community use agreement. This would result in use of the sports facilities outside of school hours. To prevent harm to residential amenity by way of noise and vehicles leaving the site, it is recommended that community uses ceases at 10pm.
- 8.33 At the closest point, the new teaching block and sports hall will be approximately 40 metres from the nearest residential property (off Glebe Close) and 12 metres from its rear boundary. High level windows for ventilation in the north-west elevation of the Sports hall are proposed to be provided. These would face towards the residential properties on Glebe Close. While the building will be clearly visible from the residential properties, it is considered the



distances and presence of vegetation are sufficient to prevent the proposed building appearing overbearing or causing any loss of privacy or light.

- 8.34 Subject to conditions as outlined above, the proposed development is considered to accord with CDLP policy GC3 and draft policy DM NP9 of the CSBLP.

#### *Layout and Built Form*

- 8.35 Policies GC1 of the CDLP and CS20 of the CSCD seek to secure a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. This is similarly reflected in CSBLP draft policy DM DP1. In addition, policy GC14 of the CDLP seeks provision to be made for disabled access.
- 8.36 Currently the school faces and is accessed solely from Parish Piece. The proposed development would add a secondary entrance for use by staff only, off Watchet Lane. This restriction may be secured via planning condition. The existing site accesses from Parish Piece and pupil entrance from the public footway running east-west along the boundary of the site would remain. Overall, the focus of the school towards Parish Piece would remain unchanged.
- 8.37 In terms of boundary treatment, it is proposed to retain the existing hedge and palisade fence along the western boundary. The car parking area would be separated from the playing field by a 1.8 metre high weld mesh fence in green. Along the new two metre wide footway connecting the car parking area and main school buildings, it is also proposed to provide a 1.8 metre high weld mesh fence. The boundary treatments along the northern, eastern and southern edges of the site are not proposed to change.
- 8.38 The existing school is an amalgamation of building forms and materials. The new build teaching hall would be two storeys in height. Together with the sports hall it would enclose a new courtyard area adjacent to the dining room. New openings within the refurbished dining hall would open into this area. The materials proposed for the new built elements are reflective of those already found elsewhere on the site and so are considered suitable in this location.
- 8.39 With regard to inclusive access, provision has been made for a platform lift within the new build and accessible toilet facilities would be provided on all floors. A step lift would also be provided within the main reception area to provide level access into the school.
- 8.40 Overall, the layout and built form of the proposed development are considered to be in accordance with policies GC1 and GC14 of the CDLP and policy CS20 of the CSCD.

#### *Biodiversity and Landscaping*

- 8.41 Policy CS24 of the CDCS seeks to conserve and enhance biodiversity within the district. It states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Draft policy DM NP4 of the CSBLP requires applicants to demonstrate that appropriate investigation has been undertaken where development affects designated or non-designated sites that include important habitats, provide biodiversity net gain, supporting ecological surveys and demonstration of how existing site specific factors have been considered and incorporated to increase the quality of natural habitats. In addition, policy GC4 of the CDLP seek to protect the landscape including existing trees and hedgerows. This protection is similarly given through draft policy DM NP5 of the CSBLP.

- 8.42 The application site is not subject to any specific biodiversity designations and surveys carried out in support of the application have identified limited potential to support protected species. No objection has been raised by the BCC Ecologist subject to conditions to ensure protected species are safeguarded from harm during the works, and that opportunities for biodiversity enhancement are secured and maintained in the long-term. This includes the provision of a Landscape and Ecological Management Plan (LEMP) for 'ecological landscaping' and enhancing the site for wildlife. The applicant has questioned the need for such a scheme to be prepared prior to commencement of the development and it is agreed the details are not necessary for the development to commence. It is therefore recommended the scheme is provided during the development phase.
- 8.43 One pre-commencement condition recommended by the BCC Ecologist is for a badger survey. The necessity of this has been questioned by the applicant as the part of the site where the potential badger sett is located is beyond the area of building works. As it currently stands the information submitted as part of the proposed development has not determined that there is a badger sett, but stated that the potential badger sett should be treated as one. The BCC Ecologist has clarified that badger tunnels may, if present, extend in to working areas and works therefore may have the potential to impact on the sett. Additionally, depending on the nature of the works badgers could be disturbed in their sett during works. On this basis, the pre-commencement condition is considered necessary.
- 8.44 There are no trees within the footprint of the proposed development, though a 12.5 metre section of the mixed species boundary hedge adjacent to Watchet Lane would be removed to create the new access. Works to a number of other trees are also proposed. To prevent damage to retained trees, it is recommended an Arboricultural Method Statement (AMS) and accompanying Tree Protection Plan are prepared and adhered to. These may be secured by planning condition.
- 8.45 It is proposed to provide three trees in the staff car parking area off Watchet lane, plus four trees within the courtyard area. The exact species of these trees have not been provided. It is recommended within the submitted Arboricultural Impact Assessment that selected species should ideally be native and/or of proven ecological value. It is also recommended that specifications on aftercare and maintenance, including irrigation, as well as protection and formative pruning during establishment, are included as part of the finalised tree planting strategy. These recommendations are agreed by the BCC Arboricultural Advisor and to ensure long term success of the planting for amenity and wildlife benefit it is recommended these are secured via planning condition.
- 8.46 As the application has progressed, a number of minor amendments to the landscape masterplan have been made to reflect the comments of the BCC Landscape Advisor. The amended landscape drawings do contain information on the proposed seed mix and examples of species which may be used. Detailed information on the exact species, sowing rates, size of plants at time of planting etc. have not been provided. In accordance with the comments from the Landscape Advisor, it is therefore recommended that detailed proposals along with a programme of management and maintenance for the first five years (including a commitment to replace any failed planting in the next available planting season) are secured via condition. This may be included as part of the LEMP.
- 8.47 Subject to the conditions recommended above, the proposed development is considered to be in accordance with policy CS24 of the CDCS and GC4 of the CDLP as well as draft policies DM NP4 and DM NP5 of the CSBLP.

### *Drainage*

- 8.48 Amongst other elements to ensure long term sustainability of development, Policy CS4 of the CDCS requires an assessment of surface water drainage impacts and the inclusion of sustainable drainage systems (SuDs) which consider all SUDS options and ground conditions, under advice set out in national policy. This advice includes Paragraph 163 of the NPPF which requires local planning authorities to ensure flood risk is not increased elsewhere as a result of development. Draft policy DM NP8 of the CSBLP similarly requires development be designed no to increase flood risk elsewhere and the use of sustainable drainage systems.
- 8.49 In regard to flood risk, there is considered to be a negligible ground water flood risk and the Flood Map for Surface Water provided by the Environment Agency shows that the proposed location of the development is a very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). It should however be noted that the existing courtyard areas of the school are at high risk of surface water flooding (there is a 3.3% likelihood of flooding occurring in a given year). The proposed development would not change this risk and the nature of the use (the courtyard) in this higher area of flood risk does not raise great concern.
- 8.50 At the time of writing there is an outstanding objection to the proposed development from BCC as Lead Local Flood Authority due to insufficient information on the surface water drainage strategy. Further information, including ground investigations and infiltration testing, to demonstrate infiltration at depth is viable, has been requested from the applicant.
- 8.51 As a viable approach to drainage has not yet been demonstrated it cannot be said that the project would not increase flooding elsewhere. It is therefore recommended that approval of the application is delegated to the Head of Planning and Environment subject to a viable approach to drainage (assessed in accordance with the drainage hierarchy) being demonstrated by the applicant.
- 8.52 The Committee should be aware that it may be necessary to secure elements of a drainage scheme via condition. This may, for example, include the details of a surface water drainage scheme and its maintenance.
- 8.53 With regard to disposal of waste water, Thames Water and Affinity Water have been consulted and have raised no objection to the application.

### *Sustainability and Climate Change*

- 8.54 To ensure development is sustainable, policy CS4 of the CDCS expects new developments to have regard to sustainable development principles. This includes the remediation of contaminated land and the use of renewable energy technology sources wherever required under policy CS5. Policy CS5 of the CDCS requires all non-residential development with 1000m<sup>2</sup> of non-residential floor space to secure at least 10% of their energy requirements from decentralised and renewable or low carbon sources. This requirement for sourcing emerging from on-site renewable or low carbon technologies is also seen in draft policy SM DP6 of the CSBLP.
- 8.55 A number of elements relating to sustainability, such as transport, have been considered in other sections. In terms of building design and reducing energy consumption, the applicant has stated that the building design has sought to reduce the need for energy consumption by passive measures and ensuring that equipment is as efficient as possible. This includes LED lighting throughout with absence detection and daylight dimming in teaching areas and naturally ventilated offices.

- 8.56 The roof of the new sports hall is proposed to host 140 square metres of photovoltaic arrays. This would likely result in around 16900kWh of electricity generated per annum, equivalent to approximately 6% of the predicted energy requirements of the proposed development
- 8.57 Although this is less than that required by policy CS5 of the CDCS and that supported in daft policy SM DP6 of the emerging SCDLP, it would improve the quantity of electricity sourced from on-site renewable and low carbon sources by the school. To encourage an increase in the levels of on-site energy provision, it is recommended that the provision of no less than 140 square metres of photovoltaic panels is secured via planning condition.

#### *Other matters*

- 8.58 In regard to contaminated land, no objections have been raised, though the Environmental Health Officer has recommended that the ground gas monitoring, as detailed in the submitted documents, is undertaken. The Environmental Health Officer acknowledges that the submitted report indicates that there are no credible sources that would render the site at significant risk from ground gases. A monitoring standpipe was however installed and the consultants were asked to implement a monitoring regime. The outstanding monitoring is therefore considered to render the overall assessment incomplete. On this basis the Environmental Health Officer recommends that prior to commencement of the development, the ground gas monitoring is undertaken and any remediation works are carried out as identified from the monitoring results. He also recommends that if any unexpected contamination is found, it is reported, investigated and any necessary remediation works are carried out.
- 8.59 On the basis of the information available, it appears there is no reason to believe contamination will be an issue as there are no identified sources of contamination at or within the vicinity of the application site. If any contamination is encountered it would be unexpected. It is therefore not considered necessary or reasonable to require the applicant to undertake the ground gas monitoring prior to commencement of the development in order to make the development acceptable. It is however recommended that if any unexpected contamination is encountered (including that associated with ground gas), this is reported, assessed and remediated. This can be secured via condition.
- 8.60 Overall, it is considered the proposed development is sustainable and has had regard to mitigating and adapting to climate change proportional to what is proposed. As such, it is considered to be in general accordance with the aims of policy CS4 and CS5.

## **9.0 Equality and Diversity**

- 9.1 In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

## **10.0 Conclusion**

- 10.1 Application CC/0059/19 is for alterations and extensions to the teaching areas and sports provision plus ancillary work at Holmer Green Senior School to facilitate a two form entry (2FE) expansion. It includes an additional car parking area for staff access via Watchet Lane.
- 10.2 A need to provide extra secondary school places in this part of Buckinghamshire has been demonstrated. In addition, as set out in paragraph 94 of the NPPF and the letter to Chief Planning Officers dated 15th August 2011, there is a presumption in favour of development at schools.

- 10.3 A major concern of local residents and the planning authority relates to the number of additional pupils and their mode of travel to the school. The methods put forward by the applicant to promote sustainable travel are supported in planning policy. Furthermore, the necessary infrastructure to facilitate this has been included as part of this planning application. The provision, implementation and review of a travel plan are vital for the success of the proposed scheme. This may be secured by condition to make the development acceptable.
- 10.4 Overall, and subject to the resolution of outstanding matters relating to drainage and lighting, the proposed development is considered to be acceptable and in accordance with the Development Plan as a whole.
- 10.5 It is therefore recommended that the planning committee indicate support for application CC/0059/19 and, in the event that a viable approach to drainage is demonstrated by the applicant and agreed with the planning authority, authorise the Head of Planning and Environment to approve the proposed development subject to conditions as set out in Appendix A and finalised by the Head of Planning and Environment

## **Appendix A**

### **Conditions**

#### **Time limit for commencement**

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

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

#### **Approved Drawings**

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:
  - Site Location Plan, Drawing number: HGSS-ECE-ZZ-00-DR-A-00001, Revision P01, December 2019
  - Landscape Master Plan, Drawing Number: Drawing Number: HGSS-KDA-ZZ-ZZ-DR-L-00002, Revision P03, November 2019
  - New Courtyard Proposal, Drawing Number: HGSS-KDA-ZZ-ZZ-DR-L-00003, Revision P03, November 2019
  - Sports Pitch Provision, Drawing Number: HGSS-KDA-ZZ-ZZ-DR-L-00004, Revision P03, November 2019
  - Car Park and Environs, Drawing Number: HGSS-KDA-ZZ-ZZ-DR-L-00005, Revision P02, November 2019
  - Proposed Block Plan, Drawing Number: HGSS-ECE-ZZ-00-DR-A-00004, Revision P01, 18/12/19
  - Proposed Elevations (Sheet 1 of 2), Drawing Number: HGSS-ECE-V1-XX-DR-A-04001, Revision P02, 11/12/2019
  - Proposed Elevations (Sheet 2 of 2), Drawing Number: HGSS-ECE-V1-XX-DR-A-04002, Revision P02, 11/12/2019
  - Proposed Detailed Elevations, Drawing Number: HGSS-ECE-V1-XX-DR-A-04003, Revision P02, 11/12/2019
  - Proposed Context Elevations and Sections, Drawing Number: HGSS-ECE-ZZ-XX-DR-A-04004, Revision P02, 11/12/19
  - Proposed Plan – Ground Floor, Drawing Number: HGSS-ECE-V1-00-DR-A-01001, Revision P03, 25/11/19
  - Proposed Plan – First Floor, Drawing Number: HGSS-ECE-V1-00-DR-A-01002, Revision P03, 25/11/19
  - Proposed Plan – Roof, Drawing Number: HGSS-ECE-V1-00-DR-A-01003, Revision P03, 28/11/19
  - Proposed Extension Elevations, Drawing Number: HGSS-ECE-V2-XX-DR-A-04103, Revision P03, December 2019
  - Typical Refuse and Cycle Store Plans and Elevations, Drawing Number: HGSS-ECE-XX-XX-DR-A-90001, Revision P02, December 2019
  - Proposed Refurbishment Roof Plan, Drawing Number: HGSS-ECE-V2-RF-DR-A-01106, Revision P02, December 2019
  - Tree Retention and Removal Plan (Sections 1/3, 2/3 and 3/3) Willmott Dixon, Job number ARB9214, dated 09/12/2019

Reason: To define the development which has been permitted so to control the operations and to comply with policy CS20 of the CSCD.

### **Pre-commencement Conditions**

3. A badger survey shall be undertaken prior to the commencement of development and the results reported to the planning authority for approval by the ecologist along with any recommendations for licensing or mitigation as considered appropriate. Thereafter the development shall be carried out in accordance with the ecologist's approval and recommendations.

Reason: To establish the use of the mammal burrow by badger, or otherwise, in order that recommendations can be made for the avoidance of contravention of the Protection of Badgers Act 1992 and to conserve biodiversity in accordance with policy CS24 of the CDCS.

4. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following information:
  - parking for vehicles of site personnel, operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials
  - programme of works (including measures for traffic management)
  - HGV deliveries and hours of operation
  - vehicle routing
  - measures to prevent the deposit of materials on the highway
  - before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - On-site turning for construction vehicles

Thereafter the development shall be carried out in accordance with the approved CTMP.

Reason: In order to prevent danger, obstruction and inconvenience to users of the highway and of the development during the construction of the development in accordance with policies TR2 of the CDLP and CS25 and CS26 of the CSCD.

5. Prior to the commencement of the development, a site specific Arboricultural Method Statement (AMS) to cover all aspects of tree protection/retention and proposed tree works and including details of all tree protection measures, tree works specifications and a detailed tree protection plan shall be submitted to and approved in writing by the County Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To ensure adequate protection of trees throughout the construction period in accordance with GC4 of the CDLP.

### **Development Phase Conditions**

6. In the event that contamination is found when carrying out the approved development or during any ground gas monitoring, it shall be reported in writing immediately to the County Planning Authority. A site investigation results and detailed risk assessment shall be carried out in accordance with a timescale to be agreed by the County Planning Authority and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken shall be prepared, submitted to and agreed in writing by the County Planning Authority. The remediation shall thereafter be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS4 of the CDCS.

7. Works shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment (February 2020), including appendices 3, 4 and 5, and the Ground Level Tree Assessment (February 2020). The condition will be considered discharged when a letter is submitted to the County Planning authority from the Applicant's ecological consultants confirming that works have been carried out in accordance with the approved reports.

Reason: To minimise potential impacts on protected species and their habitats that are protected by law under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017.

8. Prior to any development above slab level, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority. The LEMP shall be a stand-alone document that clearly identifies the landscape and ecological mitigation and enhancement measures to be undertaken. It shall be in a form that can be easily utilised by construction contractors and landscape managers thereafter. It shall contain:

- Description and evaluation of features to be managed within the site;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for existing and new landscape areas to achieve aims and objectives;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Detailed planting proposals and specification stating species size at time of planting; spacing/densities; total plant numbers; planting protection/fencing;
- Detailed proposals for all grassed areas including seed mixes and sowing rates;
- An establishment management and maintenance programme for a minimum five years of aftercare for all new planting.
- A commitment to replace all failed new planting (irrespective of cause) in the planting season immediately following failure.
- Details of the body or organization responsible for implementation of the plan; and,
- Ongoing monitoring and remedial measures.

The development shall thereafter be carried out in accordance with the approved LEMP with the planting carried out no later than the first planting season following occupation of the development,

Reason: To ensure that ecological resources including protected species and notable species and habitats are safeguarded at all phases of development; to ensure a net gain for biodiversity in accordance with policy CS24 of the CS24 and in the local landscape in accordance with policies GC4 and GB30 of the CDLP.

#### **Post Development Phase Conditions**

9. Prior to occupation of the development no less than 140 square metres of photovoltaic panels shall be erected on the roof of the sports hall and teaching block and connected so to enable the school to utilise energy generated.



Reason: To support renewable and low carbon energy sources in accordance with policy CS5 of the CDCS.

10. Prior to occupation of the development a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority.

The agreement shall apply to the sports hall and ancillary accommodation (including car parking and access arrangements) and include details of pricing policy, hours of use (with none past 10pm), access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in compliance with the approved agreement.

Reason: To make acceptable the loss of playing field through the alternative provision of sporting facilities with at least equivalent suitability and convenience by ensuring wider community benefit in accordance with policy R2 of the CDLP.

11. Prior to occupation of the development a new uncontrolled pedestrian crossing point shall be laid out and constructed in accordance with details to be first approved in writing with the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and facilitate active travel to school in accordance with policy CS4 and CS26 of the CDCS.

12. Prior to the occupation of the development the new access to Watchet Lane shall be sited and laid out in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Access within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policy TR2 of the CDLP and CS25 of the CDCS.

13. Prior to the occupation of the development the proposed entrance gates shall be set back a minimum distance of 12 metres from the edge of the carriageway.

Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users in accordance with policy TR2 of the CDLP and CS25 of the CDCS.

14. Prior to the occupation of the development a Full Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority to be in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'. It shall thereafter be implemented as approved.

The plan shall include a full analysis of the existing modal split for staff and pupils at the school and detailed proposals for future sustainable transport promotion and provision, with the aim of securing no increase in the number of car movements generated on the school journey. In the event of an increase in the number of car movements, the school shall undertake measures, which will have previously been identified in the travel plan, as are necessary to promote a reduction in the number of car borne trips

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policy CS25 of the CSCS and to influence modal choice and to reduce single occupancy private car journeys in accordance with policy CS4 of the CDCS.

15. Prior to occupation of the development, space shall be laid out within the site for parking and manoeuvring in accordance with the approved plans. This area shall be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policy CS26 of the CSCS.

16. Prior to occupation of the development, space shall be laid out within the site for bicycle parking in accordance with the approved plans. The bicycle parking shall be maintained permanently for this purpose.

Reason: To encourage cycling to school and to reduce single occupancy private car journeys in accordance with policy CS4 of the CDCS.

### **On-going Conditions**

17. For the duration of occupation of the development, the school Travel Plan shall be subject to annual review at the end of each academic year and updated. In the event of an increase in the number of car movements as identified in the school travel plan, the school shall undertake measures, as identified in the travel plan, as necessary to promote a reduction in the number of car borne trips.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policy CS25 of the CSCS and to influence modal choice and to reduce single occupancy private car journeys in accordance with policy CS4 of the CDCS.

18. There shall be no pupil or visitor access into the Holmer Green Senior School site from Watchet Lane.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development by deterring pupil drop off /pick up from the public highway outside the school site in accordance with policy CS25 of the CSCS

19. No external lighting shall be erected other than as detailed in the External Lighting Assessment (ref: 190750, Rev. 02 , Dated March 2020) with the locations as shown on drawing numbers HGSS-CPW-ZZ-XX-DR-N-00403 (Rev S3-P05, Dated November 2019) and HGSS-CPW-ZZ-XX-DR-N-00404 (Rev S3-P05, Dated November 2019).

Reason: To safeguard the amenities of nearby residents in accordance with policies GC3 of the CDLP.

20. The lighting in the car park and along the footpath between the Watchet Lane Car Park and buildings shall not be switched on other than between the hours of 7.00 am to 10.15 pm Monday to Saturday and 7.45 am to 6.30 pm on Sunday.

Reason: To safeguard the amenities of nearby residents in accordance with policies GC3 of the CDLP.

### **Informatives**

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

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. For this application, additional information was sought relating drainage, trees,

landscape and renewable energy amongst other factors. This approach has been taken positively and pro-actively 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.

### ***School Keep Clear Markings***

The applicant is advised to investigate putting 'School Keep Clear' road markings along Watchet Lane at the new entrance to Holmer Green Senior School. This will require a Traffic Regulation Order and public consultation.

### ***Highways***

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

No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

It is contrary to S163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information

<https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/apply-for-a-dropped-kerb/>

Transport for Buckinghamshire (Streetworks)  
10th Floor, New County Offices  
Walton Street, Aylesbury,  
Buckinghamshire  
HP20 1UY  
01296 382416

### ***Wild Birds***

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, no vegetation should be removed during the bird nesting season. This is weather dependant but generally extends from 1<sup>st</sup> March to 31<sup>st</sup> August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed until the fledglings have left the nest.

### ***Badgers***

Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. During the construction

phase, measures should be installed in order to protect badgers from being trapped overnight in open excavations and/or pipe and culverts. Appropriate measures may comprise either timber planks or earth ramps in order to allow badgers to egress from excavations greater than 0.5m depth. Alternatively, all excavations should be backfilled before nightfall.

### ***Bats***

All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0345 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

### ***Great Crested Newts***

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

### ***Ground Gas Monitoring***

The applicant is advised to undertake ground gas monitoring as described in the Ground Investigation Report prepared by Soiltechnics (Report ref. STR4765-G01), to provide sufficient data to allow the ground gas risk assessment to be completed. Should any ground gas be encountered, an investigation, risk assessment, options appraisal and remediation strategy as set out in condition 6 must be undertaken.

### ***Site Notice***

Please remove any site notice that was displayed on the site pursuant to the application

**Committee Report: 23 March 2020**

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<b>Application Number:</b>	<b>CX/02/19</b>
<b>Title:</b>	Hazardous Substance Consent Application to store and use an inventory of hazardous substances at the Olleco Anaerobic Digestion Facility.
<b>Site Location:</b>	Olleco Anaerobic Digestion Facility, Samian Way, Aston Clinton, Aylesbury, HP22 5WJ
<b>Applicant:</b>	Olleco
<b>Case Officer:</b>	Mitchel Pugh
<b>Electoral divisions affected:</b>	Aston Clinton/Bierton
<b>Local Members:</b>	Bill Chapple OBE

**Recommendation:**

The Development Management Committee is invited to APPROVE application number CX/02/19 for a Hazardous Substance Consent Application to store and use an inventory of hazardous substances at the Olleco Anaerobic Digestion Facility, Samian Way, Aston Clinton, Aylesbury, HP22 5WJ, subject to the following conditions:

1. The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage and use of the substances on the Hazardous Substances Location plans – Drawing Numbers 14/092/88v and 14/092/21, which formed part of the application.
2. This hazardous substances consent relates to the following named substance and the quantity of such substance held individually or in combination at the site shall be limited to the following amount:

<b>Hazardous Substance</b>	<b>Maximum Quantity Held tonnes</b>
Biogas (P2 FLAMMABLE GASES Flammable Gases, Category 1 or 2).	12

**Resources Appraisal:** Not relevant

## SUPPORTING INFORMATION

### 1. Site Description

- 1.1 The Olleco Anaerobic Digestion Facility, hereinafter referred to as 'The Site', is situated within the village of Buckland in the Aylesbury Vale District of Buckinghamshire. The Site comprises 2.3 Hectares of land located to the north east end of Samian Way, opposite Arla Dairy to the east of College Road North, adjacent to the A41 Aston Clinton Bypass and junction of College Road North with the A41. Samian Way runs to the north east off College Road North. The Site is a triangular parcel of land between the Arla Dairy and the Aylesbury Arm of the Grand Union Canal. The canal's towpath runs west to east of the site's northern boundary which is separated from the site by a 3m bund with 2m acoustic fencing on the top and the bund is 0.2m higher as it turns the corner on the eastern side of the site. The eastern boundary is defined by a lane, Buckland Road.

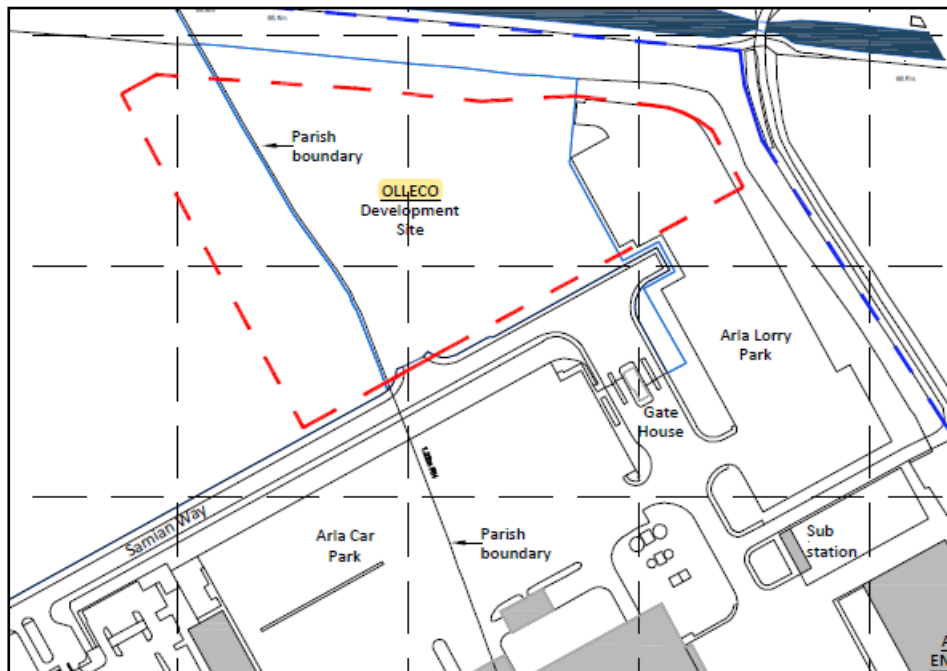


Figure 1. A Plan showing the Olleco Anaerobic Digestion facility (The Site) , outlined in red.

- 1.2 Aylesbury is located approximately 4km to the west, Aston Clinton 1.5km to the south and Buckland approximately 1.5km to the south east, separated by the A41. The Site is accessed from the north eastern end of Samian Way opposite the main gated entrance to the Arla Dairy plant. College Road North serves a number of industrial / commercial uses including, but not limited to: a HWRC site, Mercedes-Benz Retail Park, Jaguar Buckinghamshire and Aylesbury Trade Centre.
- 1.3 Residential properties in the wider locality are College Farm along College Road North (approx. 750m away), and Merrymeade Farm located over the canal bridge to the west of College Road North (approx. 850m away), north west of the Site approximately. To the north east is Monks Court and Monks Farm both of which are in excess of 200m distant from the site. Canal Farm is located approximately 191 metres away from the north eastern corner of the Site; Canal Farm has been subject of several planning applications to convert a former agricultural barn into a residential dwelling house, the most recent of these applications was lodged on the 24<sup>th</sup> February 2020 and is awaiting a decision at the time of writing this report. Rectory Farm, Puttenham, is located further to the north east at 750m away. Cherry Farm is a residential property sited south of the over bridge on Buckland Road and there are properties south of the A41 on College Road South approx. 800m away. Canal Farm is also approximately 200 metres from the site.

- 1.4 The character of the landscape is of undeveloped open fields with hedgerow boundaries. The Chilterns AONB and Metropolitan Green Belt are located approximately 2.5km beyond the site and beyond Aston Clinton to the south and south east. An existing hedgerow runs north-south across the Site. This has previously been identified as an Important Hedgerow by virtue of the fact it reflects a previous parish boundary.
- 1.5 RAF Halton lies approximately 3 – 4 km to the south of the Site.
- 1.6 Drayton Mead Brook runs in a north south direction on the western side of the Site and enters the site as a culvert at the north western corner which then discharges into the canal.
- 1.8 The boundary with Dacorum Borough Council is located some 800m to the east of the Site.
- 1.9 Within Dacorum Borough to the east is Tring Woodlands SSSI (approximately 5.25km away to the south east) and Tring Reservoir SSSI (approximately 2.5km to the east).
- 1.10 The site is regulated and inspected by the Health & Safety Executive (HSE) as a Lower Tier Control of Major Accidents & Hazards (COMAH) site.

## **2. Planning History**

- 2.1 On the 14<sup>th</sup> July 2015 the Site was granted planning permission (Ref: CM/78/14) for the following development:

Anaerobic Digestion Plant/Materials Recycling Facility (MRF) together with associated plan and landscaping.

This decision was taken at the Buckinghamshire County Council Development Control Committee on the 9<sup>th</sup> June 2015.

- 2.2 The grant of conditional consent was subject to a Planning Obligation by Unilateral Undertaking (UU), which was signed by all parties on the 13<sup>th</sup> July 2015. The UU related principally to the approved routing arrangements for the Site but did also encompass additional matters such as an approved complaints policy and monitoring provisions.

## **3. Proposal**

- 3.1 This is a Retrospective Hazardous Substances Consent application. Planning Permission, Ref CM/78/14, was granted on the 9<sup>th</sup> June 2015 (Decision Notice issued on the 14<sup>th</sup> July 2015) for the erection and operation of an Anaerobic Digestion Plant/MRF together with associated plan and landscaping. As part of the development approved by virtue of application CM/78/14, the following relevant substances were outlined to be stored and utilised within the proposed development;

Raw Biogas  
Liquid Petroleum Gas (LPG)  
Upgraded Biogas (Raw Biogas with added LPG)  
Diesel/Gas Oil

- 3.2 The Planning (Hazardous Substances) Act 1990 (“the 1990 Act”), The Planning (Hazardous Substances) Regulations 2015 and The Planning (Hazardous Substances) (Amendment) Regulations 2017 require consent to be obtained for the presence of a hazardous substance on, over or under land unless the aggregate quantity of the

substance(s) present is less than the controlled quantity for that substance. The controls give hazardous substances authorities the opportunity to consider whether the proposed storage or use of the proposed quantity of a hazardous substance is appropriate in a particular location, having regard to the risks arising to persons in the surrounding area and to the environment.

- 3.3 Liquid Petroleum Gas (LPG) is a Named Substance in Schedule 1 Part 2 of The Planning (Hazardous Substances) Regulations 2015 with a controlled quantity of 25 tonnes. The relevant proposal encompasses the storage and/or utilisation of 24 tonnes of LPG (Maximum Quantity).
- 3.4 Upgraded Biogas in the application of the Schedule 1, Part 4, Note 20 of the 2015 Regulations, is considered to be a Named Substance in the implementation of the relevant regulations; Upgraded Biogas falls within Entry 18 of Schedule 1, Part 2 of the 2015 Regulations, with a controlled quantity of 25 tonnes. The relevant proposal encompasses the storage and/or utilisation of 0.3 tonne of Upgraded Biogas (Maximum Quantity).
- 3.5 Diesel/Gas Oil is a Named Substance in Schedule 1 Part 2 of The Planning (Hazardous Substances) Regulations 2015 with a controlled quantity of 25000 tonnes; category P5C-Flammable Liquids, Categories 2 or 3 not covered by P5A & P5B. The relevant proposal encompasses the storage and/or utilisation of 1 tonne of Diesel/Gas Oil.
- 3.6 Raw Biogas, is not a Named Substance in Schedule 1 Part 2 of the 2015 Regulations but is considered to fall within the P2 Flammable Gases, Category 1 or 2, within Schedule 1 Part 1 of the 2015 Regulations. The controlled quantity for P2 Flammable Gases is 10 Tonnes. The relevant proposal encompasses the storage and/or utilisation of 11.4 tonnes of Raw Biogas (Maximum Quantity). The quantity of Raw Biogas stored and/or utilised at the site exceeds the controlled quantity set out within Schedule 1 of the 2015 Regulations; therefore Hazardous Substances Consent (HSC) is required.
- 3.7 In the application of the addition rules in respect of the remaining relevant substances, Buckinghamshire County Council Planning Authority, as Hazardous Substances Authority (HSA) , consider that HSC is not required for the following substances used and stored at the Site:
- Upgraded Biogas
  - LPG
  - Diesel/Gas Oil
- 3.8 Therefore, the application seeks a HSC for the storage of Raw Biogas alongside its use/involvement with an industrial process. The volume of natural gas sought to be stored and used at the site would be 11.4 tonnes, as a maximum tonnage.

#### **4. Consultations and Publicity**

- 4.1 Regulation 10 of the 2015 Regulations sets out who shall be consulted on the HSC application. In the interpretation of this regulation, the HSA must consult the following bodies or persons prior to the determination of the application for HSC:

The COMAH competent authority; **Health and Safety Executive (HSE) & Environment Agency (EA)** (acting jointly)

The district or London borough council or county council concerned, where that council is not also the hazardous substances authority; **Aylesbury Vale District Council**



The parish council concerned; **Buckland Parish Council & Aston Clinton Parish Council**

The fire and civil defence authority concerned, where that authority is not also the hazardous substances authority; **Buckinghamshire Fire And Rescue Service**

A person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters)(1); **N/A**

A person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc)(2); **N/A**

- 4.2 Consultations were initially issued on the 14<sup>th</sup> June 2019. An additional consultation request was issued upon the relevant consultees on the 8<sup>th</sup> July 2019.

*District Council*

- 4.3 Aylesbury Vale District Council : No Objection

*Consultees (Statutory and Non-Statutory)*

- 4.4 The Environment Agency ; No objection to the HSC application

- 4.5 Buckinghamshire Fire and Rescue Service;

No comment on the proposal other than notifying the HSA that the Buckinghamshire Fire and Rescue service already have a site specific risk assessment for the Site.

- 4.6 Aston Clinton Parish Council; No comments received.

- 4.7 Buckland Parish Council:

Buckland Parish Council objected to the proposal due to Olleco's failure to operate the plant in accordance with the current planning consents, including but not limited to obnoxious and dangerous odours being released into the environment.

- 4.8 A person(s) to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters) & A person(s) to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc);

No relevant persons were identified within Buckinghamshire. As such no consultations notices were issued.

- 4.9 Health and Safety Executive:

In considering this application for Consent, HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. Accordingly HSE advises that you should direct the applicant's attention to section 29 of the Planning (Hazardous Substances) Act 1990. On this basis, HSE has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.

It is HSE's understanding that in accordance with Statutory Instrument 2017 No 365, "The

Planning (Hazardous Substances) (Amendment) Regulations 2017” and application of aggregation rules, only the Biogas requires a hazardous substances consent and has been assessed.

Following Government advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include the following conditions:

"The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage and use of the substances on the Hazardous substances Location plans – Drawing Numbers 14/092/88v and 14/092/21, which formed part of the application.

## **5. Summary of publicity undertaken**

- 5.1 Regulation 6 of the 2015 Regulations states that the applicant shall during 21 days immediately preceding the application, publish in a local newspaper a notice and post that notice on the land for not less than seven days during that 21 days period. The notice is to invite representations on the application. Evidence of the notice and newspaper advertisement are required to be provided with the HSC submission. The applicant has provided as part of the HSC submission both of these documents which demonstrate both of these requirements have been complied with.
- 5.2 Regulation 7(1) of the 2015 Regulations states that an Application for HSC must not be entertained unless it is accompanied by whichever of certificates A to D set out in Form 2 is appropriate. The required certificates were provided alongside the submission of the HSC application.
- 5.3 Regulation 10 of the 2015 Regulations states that a HSC cannot be determined until a period of 28 days has passed from serving notice on consultees. Consultees were informed of the Hazardous Substances application on the 14th June 2019 and again on the 8th July 2019; at the date of writing this report that date has passed.

## **6. HAZARDOUS SUBSTANCES CONSENT (HSC)**

### ***Purpose of HSC in Planning***

- 6.1 Paragraph 3 of the Planning Practice Guidance (PPG) regarding Hazardous Substances frames the rationale behind the HSC process within the planning system;

*The hazardous substances consent process ensures that necessary measures are taken to prevent major accidents and limit their consequences to people and the environment. This is a key part of the controls for storage and use of hazardous substances which could, in quantities at or above specified limits, present a major off-site risk [...]*

- 6.2 The expectations of Hazardous Substance Control within the Planning System are principally derived from The SEVESO III Directive.

## **Development Plan and Relevant Material Planning Considerations**

- 6.3 In the context of the HSC application, the relevant Development Plan consists of the following;

Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP)

- 6.4 The draft Vale of Aylesbury Local Plan (2013-2033) (VALP) has been submitted to the Secretary of State for MHCLG for independent examination. Examination hearings were held in July 2018 and, following the provision of the Inspector's interim findings, Aylesbury Vale District Council are currently preparing Main Modifications for consultation.
- 6.5 Whilst the VALP is yet to be adopted and is not a constituent of the Development Plan, the VALP is considered to be at an advanced stage of preparation and is a material consideration for the determination of planning applications. The subsequent materiality of the VALP in the determination of HSC applications would therefore rely on the relevance of its provisions.
- 6.6 In the assessment of the relevance of the provisions of the Development Plan, it is considered that the BMWLP & AVDLP remain silent on matters relating explicitly to development associated with the storage and use of Hazardous Substances.
- 6.7 In the assessment of the relevance of the provisions of the draft VALP, it is considered that the VALP remains silent on matters relating explicitly to development associated with the storage and use of Hazardous Substances.
- 6.8 In the determination of planning applications decision makers should also give regard to national planning policy. Such regard is also considered to be appropriate in the determination of HSC applications. In the context of the principle of this HSC application, the following pieces of national planning policy are considered to be relevant; National Planning Policy Framework (NPPF) & National Planning Policy for Waste (NPPW).
- 6.9 In the assessment of the relevance of the provisions of the aforementioned National Planning Policy, it is considered that the NPPF & NPPW remain silent on matters relating explicitly to development associated with the storage and use of Hazardous Substances.

## **7. HSC Consideration**

- 7.1 Section 9(2) of the 1990 Act states that when considering an application for a HSC, regard shall be given to any material considerations including the following;
- a) Current or contemplated use of the land to which the application relates
  - b) The way in which the land in the vicinity is being used or likely to be used
  - c) Any planning permission granted for development of land in the vicinity
  - d) Provisions of the Development Plan
  - e) Advice which the HSE have given
- 7.2 It is integral to the HSC determination process to understand that HSC applications submitted pursuant to the provisions of the 1990 Act lie beyond the scope of the Town and Country Planning Act 1990 and of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.3 Whilst the HSC determination process is distinct from the mechanisms of application consideration set out within Town and Country Planning Act 1990, by virtue of Section 9(2) of the 1990 Act, there are material similarities between the two processes; namely in the materiality of the Development Plan.
- 7.4 For the purposes of this HSC application Buckinghamshire County Council, as HSA, must consider the following factors;

a) Current or contemplated use of the land to which the application relates

- 7.5 The Site is an existing Anaerobic Digestion Facility. Due to the retrospective nature of the HSC application, it is important to acknowledge that the storage and use of Raw Biogas has been a principle component of the development permitted by planning permission CM/78/14. The current HSC application is solely a means of regularising the Site's current operation in respect of Hazardous Substances Control (HZC); in the storage and use of a relevant substance, above the controlled quantity set out within Schedule 1 Part 1 of the 2015 Regulations, the Site has operated in contravention of HZC.
- 7.6 Based on the information provided alongside the HSC application and the approved documentation of planning permission CM/78/14, the storage and use of Raw Biogas does not require any additional plant/machinery or miscellaneous operational development other than that permitted by planning permission CM/78/14; as such the consideration and subsequent grant of HSC would not result in a breach of planning control.
- 7.7 In summary, the HSC being sought by the applicant is directly related to the current and contemplated use of the Site and requires no deviation from the activities (and operational development) consented by planning permission CM/78/14. Officers do not consider the storage and use of Raw Biogas and consequentially the need for HSC, would conflict with the current or contemplated use of the Site.

b) The way in which the land in the vicinity is being used or likely to be used

- 7.8 The land to the south (primarily south-westerly) of the Site, 500-800 metres, is primarily occupied by commercial/industrial uses; Mercedes-Benz Retail Park, Jaguar Buckinghamshire and Aylesbury Trade Centre. The Arla Dairy is the Site's closest neighbour to the south, approximately 165 metres away. These commercial/industrial uses exist within material proximity to the activities relevant to the determination of this HSC application.
- 7.9 The Site is bounded to the north by the Aylesbury branch of the Grand Union Canal, approximately 25 metres from the Site's northern boundary. A public footpath, ACL 40/2, runs along the adjacent Grand Union Canal and as a result falls within material proximity of the Site and its storage/use of Raw Biogas.
- 7.10 Monks Court and Monks Farm, both residential units, are situated approximately 235 metres north east of the Site's northern boundary. Both properties lie across the Grand Union Canal and are the closest residential units to the Site; College Farm (750 metres North), Merrymead Farm (850 meters North West) and Rectory Farm (750 metres East).
- 7.11 In the context of the HSC determination , the following receptors are considered to fall within material proximity (less than 300 metres) to the relevant activities;
- Grand Union Canal and Footpath ACL 40/2
  - Monks Court & Monks Farm
  - Arla Dairy
- 7.12 The Site is not covered by, or in close proximity to, any national or higher level nature conservation designations. Furthermore the Environment Agency, as part of the COMAH competent authority, has not objected to the grant of HSC nor have they presented any cause for environmental concern or risk.

7.13 In summary, the land in the vicinity of the Site contains a mix of commercial/industrial and residential uses. Of these uses, the residential units are considered to more sensitive in respect of the matters requiring HSC. The Grand Union Canal and adjoining footpath ACL 40/2 also present potentially sensitive receptors. Whilst potential areas of sensitivity are accepted, the response of COMAH competent authority does not outline a notable risk upon the environment or human health.

c) Any planning permission granted for development of land in the vicinity

7.14 Based on the information available on public access websites of the 2 relevant Planning Authorities, Buckinghamshire County Council & Aylesbury Vale District Council, no novel development has been granted permission in material proximity to the activities requiring HSC within this proposal.

d) Provisions of the Development Plan

7.15 The Development Plan in this case comprises the BMWLP & AVDLP. Almost all of the policies relate to 'development' which of its own volition is distinct from matters relevant to HZC, however in order to satisfy the determination requirements of Section 9(2) of the 1990 Act, regard must be given to the provisions of the Development Plan.

7.16 Following assessment of the Development Plan, the Officers consider that the BMWLP & AVDLP remain silent on matters relating explicitly to HZC. As such, the provisions of the Development Plan afford no relevant guidance in the determination of this HSC application.

7.17 It is also notable, that the matters which require HSC (storage/use of Raw Biogas) occur with the benefit of planning permission. Whilst the grant of planning permission cannot circumvent the need for HSC, it is considered to be useful when assessing a HSC in respect of the provisions of the Development Plan; such assistance is only afforded when the Development Plan itself remains silent on matters pertaining to HZC.

e) Advice which the HSE have given

7.18 The 1990 Act specifically requires Hazardous Substances Authorities to take account of the advice of the Health and Safety Executive, as part of the COMAH competent authority, the safety regulator, in the determination of HSC applications. The Health and Safety Executive is the key statutory consultee in respect of risk to the public in this case and has carried out risk assessments for the storage and use of Raw Biogas at the Site.

7.19 The Health and Safety Executive has raised no objection to the application subject to the condition set out below being imposed on the issued Consent; specifically the Health and Safety Executive concluded that the risks to the surrounding population arising from the activities requiring HSC are so small that there are no significant reasons, on safety grounds, for refusing HSC. The Health and Safety Executive has also drafted an interim two zone map which, should the HSC be granted, would then be placed on the Health and Safety Executive land use planning advice system.

7.20 The Health and Safety Executive advised that in the grant of HSC it would be beneficial to include following conditions;

The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage and use of the substances on the Hazardous substances Location plans –

Drawing Numbers 14/092/88v and 14/092/21, which formed part of the application.

## 8. Equality and Diversity Issues

- 8.1 In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

## 9. Conclusion

- 9.1 The proposal seeks HSC for the storage and use of Raw Biogas at the Olleco Anaerobic Digestion Facility in Aylesbury. The storage and use of Raw Biogas, which is the subject of this proposal, must be assessed in terms of the risks posed to the site, its neighbours and the local environment over and above that which already exist at the Site. There are existing statutory regimes in place to control use and locations of storage, and, most importantly, the management regime and these are the matters which determine the safety of the site. In relation to public health and safety neither the Health and Safety Executive nor the Environment Agency has objected to the proposal and it is clear from their comments that the risk from the proposal is considered to be small and manageable in the event of an incident. Accordingly Officers consider that the HSC can be granted subject to conditions.

## 10. RECOMMENDATION

- 10.1 That the Hazardous Substances Consent be granted in respect of storage and use of Raw Biogas subject to conditions:

### Appendix A Conditions

1. The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage and use of the substances on the Hazardous Substances Location plans – Drawing Numbers 14/092/88v and 14/092/21, which formed part of the application.
2. This hazardous substances consent relates to the following named substance and the quantity of such substance held individually or in combination at the site shall be limited to the following amount:

<b>Hazardous Substance</b>	<b>Maximum Quantity Held tonnes</b>
Biogas (P2 FLAMMABLE GASES Flammable Gases, Category 1 or 2).	12

### Reasons

To ensure that the hazardous substances are handled and stored in the approved locations and in the interests of safety and risk management. To enable any proposed minor alterations to be assessed for risk and the relevant emergency planning bodies to be notified to ensure emergency action plans are kept up to date. To enable the hazardous substances authority to advise on the need or otherwise for express hazardous substances consent to be obtained for any such changes

To define the substances and quantities held as required by Section 9(4)a,b &c of the

## **Informatives**

- 1.** You are reminded that this permission must be carried out strictly in accordance with the above specified plans and the conditions referred to upon this certificate of decision. If any amendments are proposed, you should NOT proceed without first obtaining the written approval of the Hazardous Substances Authority.
- 2.** The maximum quantity of Biogas (hazardous substance) is limited to 12 tonnes. In the event that new hazardous substances are intended to be stored, or the quantity of existing hazardous substance is intended to be increased which will exceed the maximum site capacity, new hazardous substances consent must first be obtained.
- 3.** Section 29 of the Planning (Hazardous Substances) Act 1990 makes it clear that nothing in this consent or conditions shall relieve the developer from obtaining such consents and approvals as may be required by any public, local or statutory undertaker, complying with any bye-law, statute or enactment for the time being in-force, nor from observing common law rights. Furthermore, nothing in this permission shall relieve the developer from any legal instrument, agreement, covenant or contract that may be in force at the site.
- 4.** The applicant is reminded of the provisions of the Health and Safety at Work etc Act 1974 and associated work place legislation.





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

Document is Restricted



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

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