



Report to Strategic Planning Committee

Application Number:	CM/0036/20
Proposal:	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (Time Limit) attached to Planning Consent CM/62/15 at Land Adjacent Hollybush Lane, Tatling End, Denham, Buckinghamshire.
Site Location:	Land Adjacent to Hollybush Lane Denham Uxbridge Buckinghamshire UB9 4HH
Applicant:	Mr N Connolly
Case Officer:	James Suter
Ward(s) affected:	Denham
Parish-Town Council:	Denham Parish Council
Date valid application received:	30th June 2020
Statutory determination date:	29th September 2020
Recommendation	It is recommended that the application for the extension <u>is approved subject to conditions.</u>

1.0 Summary & Recommendation

- 1.1 Application CM/0036/20 is for the variation of condition 2 (Time Limit) of planning permission CM/62/15 at land adjacent to Hollybush Lane, Tatling End, Denham. The consented end date for the restoration is January 13th, 2021. This application seeks to extend this date to for the restoration to 31st October 2022.
- 1.2 The application was requested to be considered by committee by Cllr Hollis. Cllr Hollis' reasons for calling the application in are set out in full in Appendix A.
- 1.3 It is recommended that the application for the extension **is approved subject to conditions.**

2.0 Description of Proposed Development

- 2.1 Application CM/0036/20 is for the variation of condition 2 (Time Limit) of planning permission CM/62/15 at land adjacent to Hollybush Lane, Tatling End, Denham. The condition requires restoration to be completed and all plant, machinery and equipment, other than that required for on-going maintenance removed from the land no later than three years and 6 months from the date of commencement. The date of commencement is stated to be 13th July 2017. Therefore, the consented end date for the restoration is January 13th, 2021. This application seeks to extend this date for the restoration a further 21 months to 31st October 2022. It is suggested the amended condition reads as follows:

“Final restoration shall be completed and all plant, machinery and equipment, other than that required for on-going maintenance, shall be removed from the land by 31st October 2022.”

- 2.2 The development site is located west of Hollybush Lane in Tatling End, Denham and comprises approximately 45 hectares. The site was historically used for mineral extraction and as a landfill site which was restored using a mixture of inert, industrial, commercial and domestic waste. The landfill was subject to a poor-quality restoration in the past and was expelling leachate and gases into the environment causing both environmental damage and risks to human health. The application to which this Section 73 application relates sought to remediate and restore the site to a higher standard. The remediation measures include creating a cap to prevent water infiltrating into the historic waste mass, gas control infrastructure and leachate control infrastructure. Broadly, a 1m clay cap will be constructed which will be overlain with a 750mm thick layer of recovered subsoils which in turn will be overlain with a 250mm thick layer of recovered topsoils.
- 2.3 Once the site is restored, the site is subject to a Landscaping Scheme controlled by condition which includes an aftercare period of three years. This includes final grading and contouring of areas for ponds and soil movements to facilitate the planting works. The landscaping works are expected to take approximately 10 months to implement and would be maintained over a period of 3 years. The site is also subject to an Ecological Mitigation and Management Plan (EcMMP) secured by condition which sets

outs targets for habitat creation are achieved 5 years following the completion of restoration and includes creation of arable land, species-rich grassland, ponds and hedgerows.

- 2.4 The site is located within the Metropolitan Green Belt and the Colne Valley Park. Bridleways DEN/46/4 and DEN/46/1 run adjacent to the site and Public footpath DEN/45/1, runs east-west across the narrowest part of the site. The site is designated Flood Zone 1 and is within the South Bucks Air Quality Management Area (AQMA) for Nitrogen Dioxide.
- 2.5 The site is also within 2km of a number of Sites of Special Scientific Interest (SSSIs) including: Old Rectory Meadows, Kingcup Meadows, Oldhouse Wood and Black Park.
- 2.6 To the east of the site are a number of Grade II listed buildings including Shawe's Cottage, Zelly Cottage, Mount Cottage, Denham Mount and Maltmas Green. The nearest is approximately 75m of the site boundary.
- 2.7 The nearest residential receptors to the site are Hollybush Farm and Touchwood which are adjacent to the east of the site. Garden Cottage and Green Tiles situated within the Denham Mount complex are between 80 and 150 metres to the east. Multiple properties are located on Skylark Road approximately 100 metres to the north of the application site with more houses on Pinstone Way which are located between 115 and 148 metres to the north and northwest of the application site. Additionally, a travellers' site is located within woodland approximately 150 metres beyond the western boundary of the application site near Gladwins Wood.
- 2.8 During the progression of this application the applicant supplied further information regarding why the extension has been sought. The applicant described the basis of the calculation on which the original time frame of three and a half years to complete the restoration works was made. The applicant states 505,000 cubic metres of imported fill divided by 64 vehicle movements per day times nine cubic metres per load times 250 working days per annum works out to 144,000 cubic metres per annum ($64 \times 9 \times 250 = 144,000$). 505,000 cubic metres divided by 144,000 cubic metres equals 3.5 years. Therefore, any failures to hit full capacity in terms of HGV movements would result in delays to the restoration. The applicant cited poor weather conditions during the winter of 2019/2020, the temporary closure of Hollybush Lane for a week for repairs, the COVID pandemic and occasionally the availability of material as the reasons for falling behind schedule. In consideration of the aforementioned factors and anticipating a repeat of last winter's experience, the applicant estimates that the remediation tipping should be completed in early/mid 2022.
- 2.9 To support this calculation the applicant carried out a survey of the site in October 2020 to ascertain the material still required to be imported to produce the approved contours for the site. The survey indicated that as of the end of October 2020, a further 177,972 m³ of material is required to produce the approved contours. The agent states that to generate this material approximately 240,000 m³ of material is required to be imported to be recycled with 75% being used in the restoration and

25% exported. Using the current vehicle limit of 64 movements (in and out) per day, estimating 9m³ of material per load and 20 operational days per month, it is estimated the importation would take 21 months to import 240,000m³ from November 2020. Using this calculation, the importation of material necessary to complete the development is possible by August 2022. However, it must be noted that to achieve 64 movements per working day without fail is not always feasible and importing the waste to the site does not constitute the completion of the development; time at the end of the extended period proposed would be required for final restoration works to be completed.

2.10 The application is accompanied by:

- a) *Cover Letter dated 7th August 2020*
- b) *Supplementary Email dated 23rd July 2020*
- c) *Applicant Ecologist Statement dated 25th August 2020*
- d) *Hollybush Lane, Current Site Levels OCT 2020 South*
- e) *Hollybush Lane, Current Site Levels OCT 2020 North*
- f) *Email from Agent dated October 30th*

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
11/00952/CM	Construction of a 9 hole golf course including practicing facilities using the importation of inert waste materials and the construction of ancillary buildings for the use as a clubhouse	Withdrawn	23 March 2012
CM/08/13	Remediation and restoration of a former landfill to agriculture using imported, suitable engineering materials for recovery, leachate and landfill gas monitoring and treatment facilities, recycling plant, improvements to the site access and location of an ancillary portacabin and weighbridge	Withdrawn	9 April 2014
CM/43/14	Proposed remediation and restoration of a former landfill to agriculture using imported, suitable engineering materials for recovery, leachate and landfill gas monitoring and treatment facilities, recycling plant, improvements to the site access and location of an ancillary portacabin and weighbridge.	Permission	27 October 2014
AOC/04/15	Discharge of condition 18 (Land Quality) of proposed remediation and restoration of a former landfill to agriculture using imported, suitable engineering materials for recovery, leachate and landfill gas monitoring and treatment facilities, recycling plant,	Withdrawn	22 March 2017

Reference	Development	Decision	Decision Date
	improvements to the site access and location of an ancillary portacabin and weighbridge. Condition 6 (Access) – withdrawn		
AOC/05/15	Partial discharge of condition 7 (Road Condition Survey). Discharge of conditions 5 (construction Management plan) 10 (Site Servicing Details) and 11 (prevention of Dust and Debris) of proposed remediation and restoration of a former landfill to agriculture using imported, suitable engineering materials for recovery, leachate and landfill gas monitoring and treatment facilities, recycling plant, improvements to the site access and location of an ancillary portacabin and weighbridge.	Permission	30 March 2015
AOC/25/15	Discharge of the conditions 14(landscaping scheme) 16 (Drainage scheme) and 17 (surface water drainage) of the proposed remediation and restoration of a former landfill to agriculture using imported. suitable engineered materials for recovery, leachate and landfill gas monitoring and treatment facilities, recycling plant, improvements to the site access and location of ancillary portacabin and weighbridge	Permission	3 February 2016
CM/62/15	Variation of Conditions 4 & 8 attached to consent CM/43/14 to increase the hours of operation and number of vehicle movements for the proposed remediation and restoration of a former landfill	Permission	28 October 2016
AOC/0023/17	Submission of details to release condition 18 (Land Quality) of consent CM/62/15 at land adjacent to Hollybush Lane, Tatling End, Denham.	Permission	3 July 2017

- 3.1 The development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an environmental impact assessment will not be required in this case.
- 3.2 The substantive permission CM/43/14 was subject to a S106 agreement securing routing of vehicles and the delivery of a footway. The agreement has a successor clause and as such applied to planning permission CM/62/15 and to this application.

4.0 Planning Policy and Other Documents

- 4.1 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.

4.2 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.

4.3 Documents that need to be considered in determining this development

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)
- Chiltern and South Bucks Local Plan 2036

4.4 The Denham Neighbourhood Plan was sent out for pre-submission consultation in June but carries minimal weight at this stage.

4.5 The following policies are considered to be relevant to this development

Buckinghamshire Minerals and Waste Local Plan (2016-2036)

- *Policy 12: Disposal to Landfill*
- *Policy 13: Spatial Strategy for Waste Management*
- *Policy 14: Development Principles for Waste Management Facilities*
- *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 28: Implementation*
- *Policy 26: Safeguarding of Minerals Development and Waste Management*

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 CP8 – Built and Historic Environment*
- *Policy CP9 - Natural Environment*

4.6 The emerging Chiltern and South Bucks Local Plan 2036 is considered to hold limited weight at this time.

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

5.0 Introduction

5.1 The approved planning application ref. CM/43/14 considered the full range of environmental impacts from the restoration of the former landfill. The subsequent S73 application CM/62/15 considered the impact of an increased number of lorry movements and working hours.

5.2 This application seeks to extend the time to complete the development from January 2021 to October 2022. There is no proposed change to mitigation measures applied to the site in respect of noise, dust, water, ecology and landscaping.

5.3 Therefore, the primary considerations for this application are the principle of the extension of time for the remediation of the landfill, Green Belt, amenity, impacts relating to highways and transport, impacts on the natural and historic environments and impacts upon landscape.

Principle of Development

Policy 12: Disposal to Landfill

Policy 13: Spatial Strategy for Waste Management

Policy 14: Development Principles for Waste Management Facilities

Policy 25: Delivering High Quality Restoration and Aftercare

Policy 26: Safeguarding of Minerals Development and Waste Management Infrastructure

Policy 28: Implementation

5.4 Policy 12 of the BMWLP states deposit of inert waste should be focused at mineral extraction sites with extant planning permission to facilitate restoration. Policies 13 and 14 of the BMWLP make similar provision with policy 14 stating that deposit of inert waste to land should be focused at mineral extraction sites with extant planning permission requiring restoration, unless it can be clearly demonstrated that an alternative location would not prejudice the restoration of these sites. In consideration of the above policies, whilst it is acknowledged inert material should be focussed at mineral sites with extant permission, the site already benefits from planning

permission to import approximately 505,000m³ of material in order to ameliorate the previously poorly restored former mineral working and so the extension of the time to complete works is not considered to conflict with policy or to prejudice the restoration of mineral sites.

- 5.5 Policy 25 of the BMWLP seeks to reclaim extraction sites as soon as practicable while delivering high quality restoration and aftercare and reflects strategic objective 7 of the BMWLP.
- 5.6 The restoration works at the site are proposed to return the site back to agricultural land but also provide opportunities for areas of habitat as per “Drawing 003 Phase 2-7 Phase Plan & Final Landform” and eventually the “Detailed Landscaping Scheme” dated March 2015. It can be argued that issuing an extension to complete restoration works from 13th January 2021 to 31st October 2022 is not delivering the restoration as soon as possible and comments from the public have also contested the reasoning for the extension.
- 5.7 The applicant justifies the extension citing poor weather conditions, the temporary closure of Hollybush Lane, the COVID pandemic and occasionally the availability of material as mentioned earlier in the report. It is stated that being unable on occasion to operate at the full limit of the HGV movements resulted in the development falling behind schedule. The application seeks to extend the total amount of time to complete the development from 42 months in total to 63 months.
- 5.8 As noted in the email from the agent dated 30th October 2020, the applicant states to produce approximately 177,972m³ worth of material needed to complete the restoration, approximately 240,000m³ of waste material would need to be imported. This means only 75% of the material imported is used in the restoration. Therefore, if this yield (imported material vs used material) is applied to the calculation set out in paragraph 2.8 which set the time frame for the whole development it is evident why the development has fallen behind schedule. As the site is restricted to 64 movements per day (in and out) with a yield of less than 100% the site working at full capacity would diverge from the set timescale regardless. The movements permitted are not proposed to change as part of this application.
- 5.9 The description of the development as set out in the original CM/43/14 application is as follows:

“Proposed remediation and restoration of a former landfill to agriculture using imported, suitable engineering materials for recovery, leachate and landfill gas monitoring and treatment facilities, recycling plant, improvements to the site access and location of an ancillary portacabin and weighbridge at Land adjacent to Hollybush Lane, Tatling End, Denham, Bucks”
- 5.10 The description of the development does state the restoration would use suitable engineering materials for recovery and recycling facilities. However, the importation of larger quantities of material to the site to recycle and generate value at a delay to

delivery of the development is considered to diverge from the original spirit of the planning permission which sought the delivery of the development in 42 months (three and half years from commencement). The recycling element is explicitly linked to the restoration and remediation of the landfill and the plant on site should not be used for any other purpose which would prejudice the restoration of the landfill.

- 5.11 If the development were to import virgin material which did not require processing the importation could be completed by March 2022 (assuming 20 working days per month and 64 loads of 9m³ per day). The estimate of 9m³ per load is considered to be a fair estimate if not a slight underestimate as compaction of the loads occurs when being worked into the landform. As previously stated, the importation of waste to the site does not constitute the completion of the development and the approved contours and mitigation must be implemented. However, the substantive planning permission does permit the recycling of material and an application to vary a condition cannot take away the substantive benefit of the permission.
- 5.12 In consideration of the above, given the current unprecedented circumstances and aforementioned reasons, an appropriate extension to allow for the completion of the development is not considered to be contrary to policy 25 of the BMWLP.
- 5.13 Policy 26 of the BMWLP states that waste management sites with extant permission and associated infrastructure are safeguarded. The land adjacent to Hollybush Lane is a waste management facility conducting a waste recovery which is supported in accordance with this policy.
- 5.14 Policy 28 of the BMWLP states the implementation of minerals and waste development will be controlled and managed via the following measures where appropriate: planning conditions (including aftercare conditions), planning obligations and/or legal agreements to ensure that requirements are met, requirements by the owner and/or operator to monitor minerals extracted and waste managed including information on catchments, and to provide summaries of this information to the Minerals and Waste Planning Authority, monitoring and enforcement of permitted operations by the planning authority to ensure compliance with planning conditions, establishment of a Local Liaison Group (where appropriate), and service of prohibition orders at minerals sites (where appropriate).
- 5.15 In consideration of Policy 28, as the application seeks an extension to complete the development, it is considered appropriate to attach a condition requiring quarterly reports estimating the remaining material to be imported to produce the approved contours and a monthly record of imported material. This will help to encourage the delivery of the development in accordance with time limits.
- 5.16 Overall, it is considered the application is broadly in accordance with the above policies. However, the time granted to complete the development must be appropriate.

Green Belt

Policy 21: Green Belt

Policy GB1 Green Belt boundaries and the control over development in the Green Belt

NPPF Paragraphs 143, 144, 145

5.17 The deposition of inert materials onto land is not considered appropriate in the Green Belt and does not form one of the exemptions set out in paragraph 145 of the NPPF. It does not fall into the exceptions set out in policy 21 of the BMWLP nor GB1 of the SBDLP. In accordance with paragraph 143 and 144 of the NPPF inappropriate development should not be approved except in very special circumstances.

5.18 As part of the previous substantive application CM/43/14, very special circumstances were found to be present for the application. The site had been expelling leachate and gases as the landfilled material degraded due to poor restoration following mineral extraction approximately 65 years ago. Therefore, it was considered that the impacts arising upon the environment from the poor quality of restoration constituted very special circumstance to allow the remediation of the site through the deposition of inert wastes. It is considered these very special circumstances are still present as the remediation has not yet been completed. It is acknowledged that despite the operations being temporary there is impact upon the Green Belt, however at this time it is considered the special circumstances present to grant the original permission still exist to warrant an extension to complete the works.

Transport and Highways

Policy 17: Sustainable Transport

Policy TR5 - Accesses, Highway Works and Traffic Generation

Policy TR10 - Heavy Goods Vehicles

5.19 It is noted a number of comments were received objecting to the development regarding: HGV movements, general traffic, highways safety, potholes and the implementation of the S106 agreement.

5.20 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. As the application is not for a new waste development but rather for an extension of time with no proposed change to routing or movement numbers the submission of such documentation was not required.

5.21 Policy TR5 of the SBDLP states that in considering proposals which involve the generation of traffic the council will have regard to their effect on safety, congestion and the environment. It is added that proposals should comply with the Highways Authorities standards, should not exceed the capacity of the highway nor cause an

adverse effect on the amenities of nearby properties on the use, quality or character of the locality in general.

- 5.22 Policy TR10 of the SBDLP states that development likely to generate HGV movements will only be permitted where it 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 in line with Policy EP3 of the SBDLP. It adds that in the case of a proposal likely to generate a significant number of heavy goods vehicle trips permission will only be granted where the access would not be onto a residential road, rural lane or other road which is not suitable in principle for such traffic, and that vehicles would be able to conveniently access the strategic highway network without using such roads.
- 5.23 The use of Hollybush Lane by the HGVs accessing the site for the proposed extension of approximately 21 months would have an adverse impact on the locality in general be it through noise or general disturbance. The development is however temporary albeit for an extended period. Thus, any impacts caused through HGV use are temporary by nature. In addition, it is secured by condition that a 'before and after' survey of the route to the site is conducted. Any recommended works necessary to reinstate the condition of the agreed route are to be completed following the cessation of the development. In addition, total HGV movements from the site are limited to 64 in and 64 out per day and a maximum of 6 in and 6 out per hour. These conditions should be carried forward to any permission granted.
- 5.24 The Highways Officer who upholds the standards required by the highway authority had no objection to the proposals in this instance
- 5.25 Highways England were consulted on the application and offered no objection.
- 5.26 There is currently a S106 agreement securing the routing of the HGV and the delivery of a footpath towards the northern end of Hollybush Lane. The agreement is still considered to be valid and does not need to be updated in light of this application as it has a successor permission clause. Some comments on the proposal have remarked on the delivery of the footpath. A S106 is a civil agreement between two parties and the Council can seek that the covenants within it are met through taking legal action if necessary. It is understood communications between the owner and the council as highway authority regarding the delivery of the footpath are still ongoing.
- 5.27 Regarding concerns with air quality it is noted the site is within an AQMA for nitrogen dioxide, however, there would be no annual increase in HGV movements from that already permitted so no additional impact to the AQMA beyond that any emissions would continue over a longer temporary period.
- 5.28 There are concerns raised by the public over mud and other debris being tracked onto Hollybush Lane from the site. Vehicles accessing the site which are involved in the transportation and handling of waste are required by condition to use the wheel spinner and to employ a road sweeper to ensure access roads remain clear of debris.

The applicant has assured that a full-time road sweeper is employed, and this has been viewed on monitoring visits. If it were ever necessary, the council can consider expediency of formal enforcement measures to ensure the condition is adhered to. It is worth noting that the banks on the sides of Hollybush Lane consist of earth and during wet periods a large amount of mud is deposited onto the road from the banks themselves which are eroded by vehicles moving onto them while passing. However, in winter months the wheel cleaning facilities on site evidently struggle as the ground around them is wet and means even after being cleaned the wheels on vehicles can gather mud/dirty water before exiting the site. It is therefore recommended a condition is attached to any permission requiring the concreting of the internal haul road to the wheel cleaning facilities to help address this (Condition 10). It is also noted there are concerns from the public regarding dust from HGVs, this will be considered in the amenity section of this report.

- 5.29 There are also concerns from the public over the safety of allowing the HGV movements for the extended period. On this point it is worth noting that when the original permission was granted the road was deemed to be able to accept the extra traffic from the works. Regarding this application no objection has been raised from the technical highway's perspective which includes consideration of highway safety.
- 5.30 A number of comments have been received objecting to the development over the number of HGVs using Hollybush Lane to access the site. The total of 128 HGV movements per day has been considered from a highway's perspective and from an amenity perspective in the past. With regard to an extension to the time to complete the works there would be a continuing amenity impact upon residents along Hollybush Lane from the movements which likely will be from noise and general disturbance from HGV movements. Whilst the hours of operation and movements are restricted this impact does still exist. The general context is relevant and especially for the houses to the northern end of Hollybush Lane road noise from the A40 means the area is subject to road noise and background noise. Reducing the number of movements permitted may result in a minor improvement to amenity in the short term but would result in a potential further extension of time to complete the development would be required which would mean the impacts would be present for a longer period.
- 5.31 It is also noted that there is concern that HGVs for the site would park up in inappropriate places waiting for the site to open and on breaks. Inappropriate parking by drivers off site is not a matter that can be controlled through a planning condition; where appropriate it would be a matter for the relevant regulatory authority to enforce.
- 5.32 Potholes have also been the subject of a number of objections to the application. As mentioned above, the site is subject to a 'before and after' survey to secure recommended works are undergone which are necessary to reinstate the condition of the agreed route following completion of the development. The highways authority is

responsible for the maintenance of the highway in the interim and has raised no objection to this application.

- 5.33 In summary, it is considered that there is an impact upon amenity from the HGVs accessing the site however measures to reduce the impact are already in place through conditions to reduce it to a reasonable level when weighted against the need for the site to be completed and satisfactorily restored. It is therefore reasonable to state that the proposal is broadly in accordance with these policies regarding the impact upon amenity from traffic associated with the proposed extension of time.

Design

SO7: Design and Amenity

Policy 23: Design and Climate Change

- 5.34 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. Strategic Objective 7 makes similar provision seeking high quality of design and a good standard of amenity.
- 5.35 The development is already working towards an approved scheme of restoration including associated planting with native species which in due course would serve to mitigate CO2 emissions, no permanent built development is approved as part of the existing planning permission and this application seeks only an extension of time to complete the works. It is considered that the proposal is in compliance with the above policies with regard to design and climate change.

Amenity

Policy 16: Managing Impacts on Amenity and Natural Resources

Policy EP3: The Use, Design and Layout of Development

- 5.36 A number of comments have been received from the public objecting to the proposal on the ground of amenity impact. These comments concerned HGV movements and their associated impacts which are discussed above, dust, noise, air quality/impact on health and hours of operation.
- 5.37 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.

- 5.38 Regarding dust emissions the development is controlled by condition requiring the development to be carried out in accordance with the dust control, mitigation, management and monitoring measures set out in Chapter 7 of the submitted EIA for the original application. The measures include: damping down, sheeting of vehicles, storage of material away from the development boundary, minimising drop heights, use of water as a dust suppressant, inspection of roads to check for dust deposits with them being removed and seeding of restored areas as soon as possible.
- 5.39 As set out in Chapter 7 of the EIA for application CM/43/14, without mitigation it was anticipated the earthworks phase could present a risk of slight adverse impacts. However, with successful use of the above measures it is stated the impacts associated with the generation of dust will be reduced to negligible from the site. Further to this, the Environment Agency controls air pollution within the Environmental Permit from a pollution perspective. Therefore, it is considered the impacts of air emissions including dust would be sufficiently controlled with the maintenance of the existing condition.
- 5.40 As a result of representations made during the summer regarding dust, an advisory note was submitted to the applicant reminding them of their commitments. It was stated by the applicant that they have since employed a bowser to dampen down the haul road when necessary to address this. It is considered the existing condition pertaining to dust control should be amended to require the daily use of a water bowser in dry conditions in addition to the requirements previously secured. The amended condition set out in condition 22 is considered to be sufficient to control the dust impact from the site and therefore it is not considered that the application is against the provisions of Policy 16 of the BMWLP and policy EP3 of the SBDLP with regards to dust emissions.
- 5.41 Regarding noise from the development itself, it is controlled via conditions on the existing permission which should be carried over to any new permission granted. The full requirements are set out in condition 12 in section 8 of this report. In summary it is required that operations on the site do not exceed ambient background noise levels. It also states noise should not exceed 55dB (A) LAeq (1 Hour) freefield when measured at any time at the site boundary. No complaints have been received regarding noise from the site itself and the site is working in a manner to complete works in the vicinity of the nearest receptors first. Therefore, it is considered that with regard to noise, the

application is in accordance with the provisions of Policy 16 of the BMWLP and policy EP3 of the SBDLP.

- 5.42 Regarding the working hours for the site, these are not proposed to change and would remain 7:00am to 6:00pm Monday to Friday. The hours are consistent with other nearby mineral sites and are not considered to extend into the recognised unsociable working hours. Reducing the hours of operation would cause the development to take longer to complete as it is restricted to 12 movements (6 in, 6 out) per hour to protect amenity and on highways safety grounds. It is therefore considered the hours of operation are in accordance with relevant policy.
- 5.43 It is not considered the extension of time for the restoration and remediation of the landfill will result in an unacceptable adverse impact upon quality and quantity of water resources, Source Protection Zones and flood risk, soil resources, human health and wellbeing and amenity to communities, light, visual impacts and/or intrusion, migration of contamination from the site, potential land use conflict, and cumulative impacts.
- 5.44 If permission were not granted for an extension of time for the completion of the development the site would be in breach as of 14th January 2021. Restoration of the site would not be completed and to achieve this further importation of material would still be required. The remedy of this breach would therefore be subject to planning enforcement which would likely require the completion of the landfill and restoration of the site in a reasonable time period regardless. The granting of an extension of time via this application could aid the planning authority in limiting amenity impacts whilst ensuring the environmental harm from the previously poorly restored landfill is addressed.
- 5.45 Therefore, in consideration of the aforementioned policies, it is considered the application is broadly in accordance.

Environmental Issues

Policy 18: Natural Environment

Core Policy 9: Natural Environment

- 5.46 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.
- 5.47 Core Policy 9 of the SBCS states that the landscape characteristics and biodiversity resources within the area will be conserved by: not permitting development that would harm landscape character or nature conservation interests, seeking conservation and net gain in biodiversity resources, maintaining existing ecological

corridors, conserving and enhancing landscapes and improving the rural-urban fringe by supporting initiatives in the Colne Valley Park Action Plan.

- 5.48 The application as a whole will offer considerable environmental benefit as it will address issues from previous poor restoration and will offer a wide suite of measures to promote wildlife and biodiversity which are all matters taken into consideration when the substantive planning permission was granted.
- 5.49 The council ecologist has no objection to the proposal and Natural England has made no comment. It is considered that the proposal is broadly in accordance with the above policies.

Historic Environment

Policy 19: Historic Environment

Core Policy 8: Built and Historic Environment

- 5.50 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. The nearest historical assets are Mount Cottage, Denham Mount and Milestone are Grade II listed and nearest is located approximately 75m away.
- 5.51 Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.52 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The same paragraph states that this great weight should be applied irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.53 Paragraph 196 of the NPPF goes on to state that "where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 5.54 The conservation officer for the area was consulted and offered no comment.
- 5.55 As was stated at the time of the original application, the HGV movements could have a detrimental impact upon the setting of such historic environments. However, the development is temporary in nature and the application seeks only to extend the time to complete the restoration to October 31st 2022 amending no operational elements. The vehicle movements are also limited further minimising the impact upon heritage

assets. Given the distance to the heritage assets from the site itself it is considered unlikely there would be substantial harm to them or their settings by granting an extension. It is also considered the restoration of the site should lead to some overall improvement in the setting of these heritage assets.

- 5.56 In consideration of the relevant guidance from the NPPF, Policy 19 of the BMWLP and Core Policy 8 of the SBDLP the application is considered to be in accordance.

Landscape

Policy 20: Landscape Character

Policy EP4: Landscaping

- 5.57 Policy 20 of the BMWLP states proposals should protect and enhance valued landscape. Policy EP4 of the SBDLP makes similar provision and states that development should take into account and retain existing planting and landscape features.

- 5.58 The site is already subject to an approved landscaping scheme and contours and is not proposed to change. The extension proposed would only extend the period before the landscaping scheme is delivered. It is therefore considered that the application is in accordance with policy with regards to landscape matters.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 As set out above it is considered that the proposed development would accord with the development plan. Whilst there would be a continued impact upon amenity from the extension of time to complete the restoration of the site this has to be balanced against the overall benefit of achieving the improved restoration of a previously poorly restored mineral working. It is an inherent part of the planning decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.
- 6.3 Compliance with Article 8 of the Human Rights Act (1998) has been raised by a local resident. The article protects the right to respect for your private life, your family life,

your home and your correspondence. Article 8 rights are a material planning consideration and have been taken into consideration in making this decision as demonstrated in this report.

- 6.4 It is considered that on a balance of all material considerations, including the remedy of environmental harm from the previous poor restoration, the principle of the extension sought and the harm to amenity from any extension of time, in this case planning permission should be granted for the extension of time applied for. It is recommended that the extension of time to October 2022 is granted.
- 6.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent

7.0 Working with the applicant / agent

- 7.1 In the course of preparing this application for committee officers have engaged with the applicant / agent to gain:
- A deeper understanding of the operational restrictions on the site
 - An up-to-date survey of the site
- 7.2 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.3 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.4 In this instance:
- The applicant was provided with pre-application advice,
 - The applicant/agent was informed of the council's concerns and how they could be overcome.
 - the applicant/agent responded to queries supplying further information detailing the reasoning for the application and the current progress of the site.
 - The application was determined without undue delay.

8.0 Recommendation

- 8.1 It is recommended that the Strategic Sites Committee **APPROVES** application no. CM/0036/20 and **DELEGATES AUTHORITY** to the Service Director for Planning and Environment to grant planning permission subject to detailed conditions to be finalised including the following conditions:

1. Final restoration shall be completed and all plant, machinery and equipment, other than that required for on-going maintenance, shall be removed from the land no later than 31st October 2022.

Reason: To ensure the timely restoration of the site in accordance with the Buckinghamshire Minerals and Waste Local Plan Policies 16 and 25.

2. The development hereby permitted shall not be carried out other than in complete accordance with the planning application dated 7th May 2014, supporting documentation and Environmental Statement (ref. 402.04409.00001 dated April 2014) including the following drawings and such other documents submitted and approved pursuant to conditions of this permission:

- Site Location Plan Drawing No. 001 Rev.1 (dated July 2014)
- Cross Sections, Drawing No. 001 (dated February 2014)
- Existing Survey & Proposed Phase 1 Landform, Drawing No. 002 (dated April 2014)
- Phase 2-7 Phase Plan & Final Landform, Drawing No. 003 (dated April 2014)
- Cross Sections, Drawing No. 004 (dated April 2014)
- Northern Tranche Engineering Details Drawing No. 005 Rev. P1 (dated April 2014)
- Southern Tranche Engineering Details Drawing No. 006 Rev. 1 (dated July 2014)
- Proposed Pond Locations Drawing No. 007 (dated April 2014)
- Transport Technical Note prepared by SLR (dated July 2015)
- Current Levels South Site Plan Drawing No. HBL27X20S (dated October 2020)
- Current Levels North Site Plan Drawing No. HBL28X20N (dated October 2020)
- Email from Applicants' Ecologist (dated 18th August)
- Cover Letter (dated 7th August 2020)
- Email from Applicant (dated 23rd July 2020)
- Application Form (dated 5th June 2020)
- Hollybush Lane Construction Management Plan Drawing No. 001 (dated January 2015)
- Proposed HGV Routes Drawing No. 002 (dated January 2015)
- Hollybush Lane O Malley Haulage Limited Construction Plan (dated January 2015)
- Detailed Landscape Scheme Version Final (dated March 2015)

- Details Pursuant to Planning Conditions 16 & 17 Rev 2 (Drainage) (dated February 2015)
- Letter from Applicant to BCC dated 9th June 2015
- Letter from Applicant to BCC dated 3rd September 2015
- Topographic Survey Drawing No. 003 (dated August 2015)
- Composite Topography Drawing No. 004 (dated August 2015)
- Sub-catchments Drawing No. 005 (dated August 2015)
- Proposed Surface Water Management Plan Drawing No. 006 (dated August 2015)
- Summary of Results for 100 years Return Period (dated August 2015)
- SLR Report - Revised Detailed Quantitative Assessment and Verification Plan Part 1 of 4 (submitted 22nd March 2017)
- SLR Report - Revised Detailed Quantitative Assessment and Verification Plan Part 2 of 4 (submitted 22nd March 2017)
- SLR Report - Revised Detailed Quantitative Assessment and Verification Plan Part 3 of 4 (submitted 22nd March 2017)
- SLR Report - Revised Detailed Quantitative Assessment and Verification Plan Part 4 of 4 (submitted 22nd March 2017)
- Revised Detailed Quantitative Assessment and Verification Plan Part 1 of 4 (submitted 24th May 2017)
- Revised Detailed Quantitative Assessment and Verification Plan Part 2 of 4 (submitted 24th May 2017)
- Revised Detailed Quantitative Assessment and Verification Plan Part 3 of 4 (submitted 24th May 2017)
- Revised Detailed Quantitative Assessment and Verification Plan Part 4 of 4 (submitted 24th May 2017)
- E-mail from 24th May 2017 addressing EA's initial response
- Environmental Statement – Chapter 7 Air Quality (dated April 2014)

Reason: To define the development permitted and to control the operations in accordance with Buckinghamshire Minerals and Waste Local Plan Policies 16.

3. No operations authorised by this planning permission shall be carried out other than between 07:00am to 18:00pm Mondays to Fridays. No operations shall be carried out on Saturdays, Sundays nor Public Holidays.

Reason: To protect the amenity of local residents in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

4. The Construction Management Plan approved on 30th March 2015 shall be implemented as approved for the duration of the development.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 17.

5. The applicant shall conduct an 'after' condition survey of the agreed route to be utilised by all construction traffic. The 'after' survey shall be completed three months ahead of the completion of the development and thereafter submitted to and approved in writing by the Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey submitted and approved on 30th March 2015 under AOC/05/15, survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 17.

6. The maximum number of heavy goods vehicle (over 3.5 tonnes unladen weight) movements in and out of the site shall not exceed 12 per hour (6 in, 6 out) or 128 per day (64 in, 64 out) throughout the duration of the development.

Reason: In the interests of highway safety and the amenity of the local area and to comply with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 17 and Policy TR5 of the South Bucks District Local Plan.

7. Notwithstanding the provisions of Class A to Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Act or Order re-enacting, revoking or amending that said order); any new gates shall be set back a minimum distance of 15 metres from the edge of the carriageway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 17.

8. The development shall be implemented in accordance with the Hollybush Lane Construction Management Plan and Proposed HGV Routes, as approved on 30th March 2015 under AOC/05/15 to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 17.

9. Adequate precautions shall be taken throughout the period of the development hereby permitted to prevent the deposit of mud and similar debris on the adjacent public highway in accordance with the details approved on 30th March 2015 under AOC/05/15. All vehicles involved in the transportation and handling of waste shall utilise the approved means of preventing mud and similar debris being tracked onto the public highway for the duration of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 17.

10. The section of haul road between the wheel wash, wheel spinner and existing concreted surface road shall be concreted no later than three months following the date of this permission, such date is to be confirmed in writing to the Mineral Planning Authority.

Reason: To prevent mud and debris from being carried onto the public highway to comply with Buckinghamshire Minerals and Waste Local Plan Policy 17 and Policy TR5 of the South Bucks District Local Plan.

11. No laden heavy goods vehicles shall access or egress the site without being securely sheeted.

Reason: To prevent mud and debris from being carried onto the public highway to comply with Buckinghamshire Minerals and Waste Local Plan Policy 17 and Policy TR5 of the South Bucks District Local Plan.

12. Noise associated with operations on the site shall not exceed ambient background noise level insofar as it relates to those levels and locations given in Chapter 8 of the Environmental Statement dated April 2014. At any other point, where ambient noise level at any point is recorded as 55dB(A) LAeq (1 hour) freefield or less, (with attenuation and mitigation options in place), noise should not exceed 55dB(A) LAeq (1 hour) freefield when measured at any time during site operations at the boundary of the site with any residential properties in excess of 100 metres from the boundary of the application site.

Reason: To protect the occupants of nearby residential properties from loss of amenity from noise disturbance and to comply with Buckinghamshire Minerals and Waste Local Plan Policy 16.

13. The detailed landscaping scheme approved on 6th July 2015 under AOC/25/15 shall be implemented in the first planting season following the completion of the development and maintained in accordance with the requirements of this scheme and the approved details.

Reason: In the interests of the amenity of the area, to allow the land to be satisfactorily restored and to comply with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 25.

14. Any vegetation removal shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas of suitable habitat due to be removed immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds or active nests are present then works shall cease in that area, an exclusion zone set up and the vegetation shall not be removed until the fledglings have left the nest or the when the nest has become inactive.

Reason: In order to ensure that the development does not disturb protected species and to comply with Buckinghamshire Minerals and Waste Local Plan Policy 18.

15. The drainage scheme approved on 1st February 2016 under AOC/25/15 shall be implemented prior to the initial use of development and thereafter maintained in accordance with the approved details. Details submitted pursuant to this condition should aim to achieve flood prevention up to and including the 1 in 100 year rainfall event plus 30% allowance for climate change.

Reason: To ensure the development does not give rise to increased risk of flooding in accordance with Buckinghamshire Minerals and Waste Local Plan Policies 16 and 23

16. The surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) in Environmental Statement - Chapter 9 Land Quality and Water, dated April 2014, approved on 1st February 2016 under AOC/25/15, shall be implemented in accordance with the approved details.

Reason: To ensure the development does not give rise to increased risk of flooding in accordance with Policy 33 of the Buckinghamshire Minerals and Waste Local Plan.

17. The development must be implemented in accordance with the Quantitative Assessment and Verification Plan and Report approved on 3rd July 2017 under AOC/0023/17.

Any changes to the scheme require the express written consent of the local planning authority.

Reason: To ensure that groundwater and surface water bodies are not polluted in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

18. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that groundwater and surface water bodies are not polluted in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that groundwater and surface water bodies are not polluted in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

20. The Ecological Mitigation and Management Plan (EcMMP) shall be implemented in accordance with the recommendations and measures and thereafter in order to achieve the nominated targets contained therein within five years following the completion of the development. Once the five year period of the restoration scheme has elapsed, a monitoring report, undertaken by a suitably qualified ecologist, shall be submitted to the Planning Authority in order to ensure that the targets for habitat creation identified within the EcMMP have been met. If the target habitat conditions have not to have been met, the EcMMP shall be reviewed and re-submitted for approval to the Planning Authority for a further five year period.

Reason: To ensure the adequate protection of species important for nature conservation and their habitats in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 18.

21. The finished contours upon final restoration shall be in accordance with those shown on plan 003. If the finished post restoration levels are expected to vary by more than +/- 0.3 metres of the levels shown on the approved plan(s), an alternative scheme must have first been submitted to and approved in writing by the Planning Authority to which the restoration shall thereafter adhere.

Reason: In the interests of the amenity of the area in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

22. The development shall not be carried out other than in complete accordance with the dust control, mitigation, management and monitoring measures set out in Chapter 7 of the submitted Environmental Impact Assessment (dated April 2014). In dry conditions a water bowser shall be employed when necessary to mitigate dust from the haul road.

Reason: In the interests of the amenity of the area in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16 and Policy EP3 of the South Bucks District Local Plan.

23. Within one month of the date of this permission, a timetable for the remaining restoration and landscaping measures at the site shall be submitted for approval to the Mineral Planning Authority. The scheme shall include details of the areas restoration

operations have already taken place at the site and where operations are anticipated to have reached at the end of each quarterly period until the site restoration is complete. At the end of each quarter, the following information shall be submitted to and approved in writing by the Local Planning Authority to show progress against the timetable:

- a) The remaining tonnage of waste material to be imported to create the approved contours
- b) Monthly tonnages of exported recycled aggregate material and imported inert waste.
- c) A written assessment of the likelihood of achieving the approved timetable based on the actual rate of restoration in the preceding quarter.

Reason: To ensure the satisfactory restoration of the site and to comply with Policy 31 of the Buckinghamshire Minerals and Waste Local Plan.

Informative(s)

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. 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.

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

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Santokh Chhokar – CALLED IN APPLICATION - *as it raises various issues of public concern I would like this Application to be considered by the Committee.*

Cllr Guy Hollis – CALLED IN -

I am confused as to why the application form requests extra hours of operation and yet the agent doesn't mention this in his letter but instead requests an extension of the permission period to October 2022.

I am informed that his hours of operation have already been increased by starting lorry movements en masse at 7 am instead of the original 9am on the pretext that this was the only way to be able to wrap up operations by the promised deadline of March 2021.

He still has adequate time to remediate the land as promised as locals report that his operations have not been set back by the Coronavirus pandemic and a finish of March 2021 is achievable and desirable for the residents.

Finally , if this is a consultation, will local residents be consulted because it is they who have complained about the continuous noise and dust and fumes from this green belt site from as far afield as Baker's Wood and Redhill which are not even adjacent to this site?

I should certainly like to have the committee consider this application for themselves if officers are minded to approve this application as this is causing a good deal of distress to my constituents.

ON REFLECTION THEREFORE I AM MINDED TO REQUEST A CALL IN FOR COMMITTEE CONSIDERATION SHOULD THE APPOINTED OFFICER BE MINDED TO APPROVE THE APPLICATION

1/ I see no evidence here that this site has been independently monitored for dust, noise and road pollution. Where is the assurance that this will be carried out if the extension is granted? How is it acceptable to grant an application in the knowledge that it will not be monitored or enforced ?

2/ I see no evidence here that load numbers and volumes have been independently monitored to verify a shortfall ,as stated by the developer ,is a true and honest account of the status quo.

3/ Shortly after being granted permission, I am informed that the owner was granted an increase of 25% in operating hours to deliver on the project over its 3.5 years. I do not believe that bad weather has caused a delay. It would have been factored in to the original delivery plan. I do not believe that a 5 day closure of the access road justifies a 2 year extension of the delivery plan. I do not believe that the pandemic has caused a drop off in deliveries sufficient to necessitate a 2 year / 65% extension of the plan period. Where is the hard evidence?

4/ I do believe that there is sufficient soil and spoil on site for sifting ,sorting ,extracting and

recontouring to begin immediately and complete on time. The recontouring plan 003 mentioned in condition 22 of the original Decision Notice is allowed to be re written to assist in delivery of the agreed objectives.

5/ Over 100 letters of objection is not a material planning consideration but does indicate strength of feeling with regard to this application from local residents who believe that this is nothing short of a scam to game more money out of the exploitation of the green belt and that pollution levels as per above are unacceptable in this r any environment.

6/ If the owner cannot deliver upon the agreed plan, then he should be subject to the rigours of enforcement so that the planning committee sends a clear message to him and others in his situation that the council and residents take the protection of the Green Belt vey seriously indeed and will not be played and rolled over.

7/ In conclusion, I should like to respectfully request that this application be called in to the committee for in depth consideration and to assert that the 'Very special circumstances' for the continued exploitation of this green belt site are not justified.

No interest to declare

Following on from my first letter of objection and call in to committee , I should also like to make some additional observations:

1/ Local people have alleged that the owner has been operating on a Saturday in violation of the permitted hours of operation which, if true, further negates his assertion that he has not had enough time to complete works.

2/ The tiny road sweeper currently employed is not fit for purpose as it only sweeps a road width of about 4 ft as I can demonstrate with a photo if requested.

3/ Where is the monitoring of the above?

4/ Any contamination on site should have been reported and would be of the owner's own making and his responsibility to firstly mitigate against and secondly to remove as part of the agreed works . This is not extra work that was not accounted for and not an excuse for needing a 2 year extension to this 3.5 year project

Cllr Roger Reed: No comment received.

Cllr Barry Harding: No comment received.

Cllr Barbara Gibbs: No comment received.

Cllr Duncan Smith : No comment received.

Parish/Town Council Comments

Denham Parish Council:

I am writing on behalf of Denham Parish Council. The Parish Council is totally opposed to any extension of this controversial project. The matter concerns a Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (Time Limit) attached to Planning Consent CM/62/15 at Land Adjacent Hollybush Lane, Tatling End, Denham, Buckinghamshire.

The Parish Council was not convinced from the onset three years ago that the application needed such vast amounts of waste material before bringing the site back to agriculture. Particularly so give that the site had been carefully monitored by Buckinghamshire Council and the Environment Agency and then given a clean bill of health when SITA stopped working there.

The alteration has permission for 128 lorries per day (Not per week) to pass by residents homes. People cannot continue to live like this for any more time than is necessary.

The situation is most unfair to residents in this area of the Parish. The lorries are significantly affecting not only residents in Hollybush Lane, Skylark Road and the rest of Tatling End but residents on the other side of the A40 in Broken Gate Lane and Bakers Wood.

The noise and pollution on a daily basis is intolerable. Several children have been diagnosed with respiratory disorders since the operation began which may or may not be related. With in excess of 120 lorries passing the houses everyday properties are virtually unsaleable with one resident needing to reduce the price dramatically to attract a vendor.

The operator was given permission to bring lorries down Hollybush Lane starting at 9am after local children had arrived at School. Three months later he returned to Buckinghamshire Council and said that he could guarantee to complete the work if he was allowed an extra two hours a day starting at the unacceptable hour of 7am. This was allowed giving him plenty of time. Denham Parish Council submit there is no need for an extension. The developer has another six months, then he should be stopped and the site returned to agriculture. It must not become a permanent dumping ground for financial gain. We sincerely hope that Buckinghamshire Council members will support their long suffering residents and the endangered Green Belt and firmly reject an extension to this iniquitous project.

We look to you for your support in this matter.

Consultation Responses

Council Ecologist: Following the submission of the statement from the applicant's ecologist there are no further comments on this application.

Environmental Health Officer: No objection but would like to report that the EHO received a complaint alleging constant dust plumes being blown over properties from the ongoing reclamation works. The EHO supports the inclusion of a condition imposing controls on dust.

Highways Authority: No objection.

Highways England: No objection.

Environment Agency: No objection.

Lead Local Flood Authority: No objection.

Strategic Access Officer: No objection as the officer does not believe the application to extend would impact negatively on the ROW network.

CPRE Bucks: No comment received.

Thames Water: No comment received.

Conservation Officer: No comment received.

Buckinghamshire Fire and Rescue Service: No comment received.

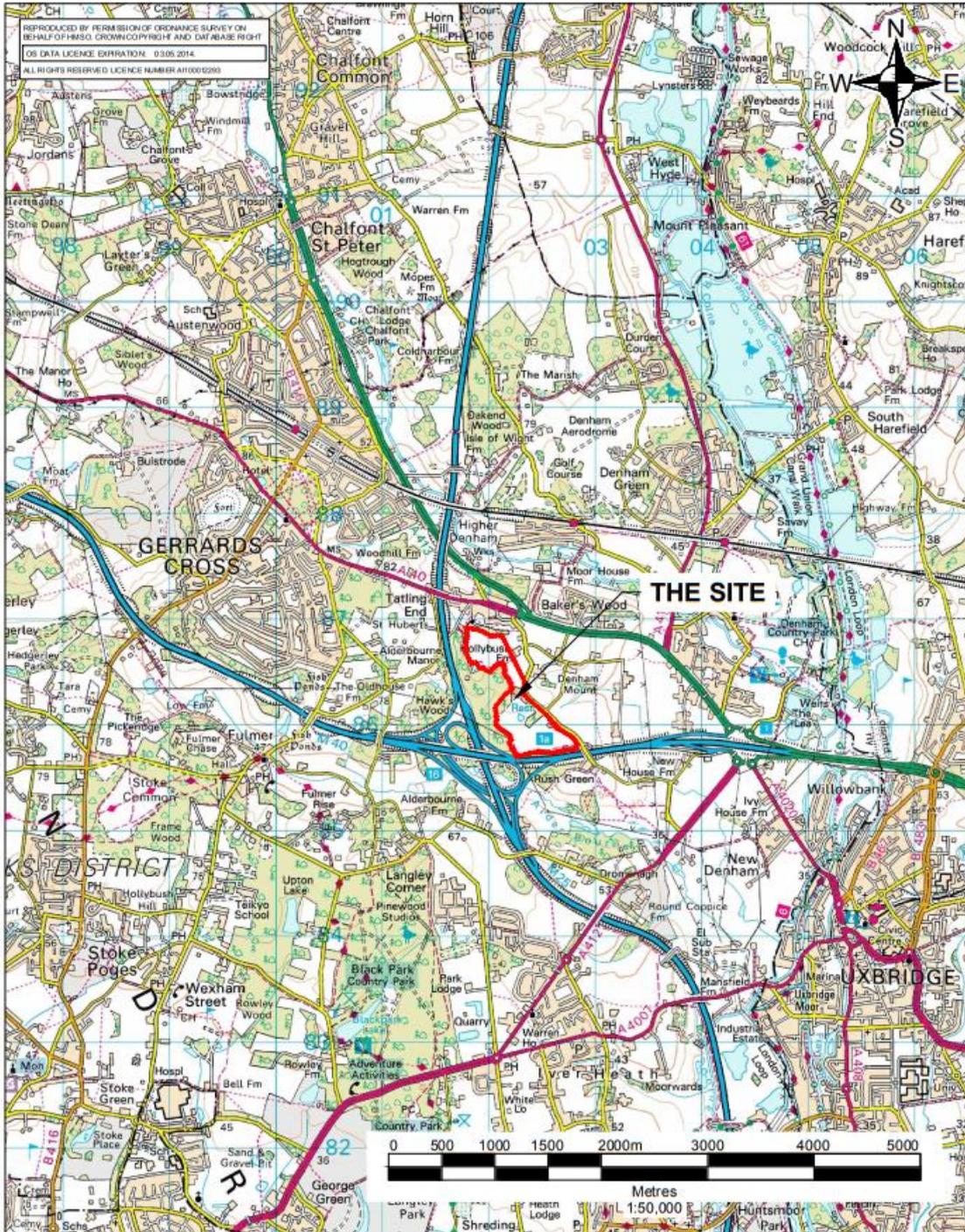
Representations

No comments have been received supporting the proposal:

108 comments have been received objecting to the proposal. In general, the comments concerned the following:

- HGV Movements (Traffic, Noise, Safety, Air Quality)
- Noise
- Dust
- Air Quality
- Potholes
- Mud on the road
- Impact upon amenity
- 106 Agreement
- Impact upon the Green Belt

APPENDIX B: Site Location Plan



04409_00001_22_001.0_Site_Location_Plan.dwg	0	KW	JF	25.04.14		Site HOLLYBUSH LANE
	Revision	Drawn By	Chkd By	Date	Comments	Project WASTE RECOVERY APPLICATION
	Equestrian Facilities Ltd  TREENWOOD HOUSE ROWDEN LANE BRADFORD-ON-AVON WILTS. BA15 2AU T: 01225 309400 F: 01225 309401 www.slrconsulting.com					Drawing SITE LOCATION PLAN
						Date APRIL 2014
					Scale 1:50000 @ A4	FINAL