

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Planning Committee **DATE:** 28<sup>th</sup> November 2012

**CONTACT OFFICER:** Roger Kirkham, Special Projects Planner  
**(For all Enquiries)** (01753) 87 5840

**WARD(S):** Wexham Lea

### **PART I**

#### **FOR DECISION**

#### **RESPONSE BY SLOUGH BOROUGH COUNCIL TO BUCKINGHAMSHIRE COUNTY COUNCIL CONCERNING THE PLANNING APPLICATION FOR MINERALS EXTRACTION, INFILLING OF INERT WASTE AND RESTORATION BACK TO AGRICULTURAL USE AND NATURE CONSERVATION 13/00575/CC**

#### **LAND ADJOINING UXBRIDGE ROAD, GEORGE GREEN**

##### **1. Purpose of Report**

The purpose of this report is to inform Members of the consultation request received from Buckinghamshire County Council about the planning application and for member to agree their response about the application being determined by Bucks CC.

This request to Slough BC complies with the Sphere of Mutual Interest arrangements between Councils for such sites proposed for development where likely to raise planning implications in each administrative area.

##### **2. Proposed Action**

The Committee is requested to resolve that:

- a) Buckinghamshire County Council be informed under the Spheres of Mutual Interest arrangements of its response set out in Section 12 to this planning application 13/00575/CC now awaiting determination by Bucks CC. As part of this response, Slough BC would support a package of planning conditions and S106 necessary for this application in the event of it being granted temporary planning permission by Bucks CC.
- b) That Buckinghamshire County Council be informed of its planning decision about the provision of access onto Uxbridge Road and alterations to the public highway. (There is a separate report on this agenda.)

##### **3. Community Strategy Priorities**

- **A Cleaner, Greener place to live , Work and Play**
- **Prosperity for All**

#### 4. **Other Implications**

##### (a) Financial

None

##### (b) Risk Management

There are no risk management implications of proposed scheme.

##### (c) Human Rights Act and Other Legal Implications

There are no implications for the Human Rights Act

#### 5. **Supporting Information**

##### 5.0 Proposal

5.1 The proposed development is:

- 1) the phased extraction of mineral of around 900,000 tonnes of sand and gravel at an expected extraction rate of 90,000 - 120,000 tonnes per annum for between 7.5 to 10 years.
- 2) siting and use of plant for mineral processing such as sorting and bagging
- 3) construction of internal road (linking with Slough BC access application proposals).
- 4) infilling with construction and demolition waste together with the restoration to agriculture and nature conservation uses

5.2 The application is accompanied by plans and an Environmental Statement. This includes a Planning Statement, Transport Statement Flood Risk Assessment and Noise and Dust Assessments and other evidence.

5.3 A separate application has been submitted to Slough BC for the proposed access road onto Uxbridge Road and alterations to the entire The Frithe junction. This provides the link with the internal haul road within the site, including to the plant area and bagging. It would be necessary to construct any junction before mineral extraction commences on site in the event of planning permission being granted for mineral extraction by Bucks CC

5.4 These two applications have been submitted by the applicant because the District boundary separates the land under Buckinghamshire CC jurisdiction and highway land under the jurisdiction of Slough BC.

5.5 The applicant states that a new site is required now that an existing quarry near Pinewood is nearing exhaustion.

##### 5.6 Application Site

The site lies in South Bucks District Council area adjacent to the boundary with the Borough of Slough.

5.61 The site is a large agricultural field immediately to the east of the A412 (Uxbridge Road). To the west is the Wexham Court residential estate and Rochford Gardens and play area in the south-west, all in Slough. There are greenhouses and plant nursery to the south (with access through Rochford Gardens Estate), paddocks and stables to the south-east and east and residential properties in George Green to the north-east.

5.62 The field is almost entirely enclosed by the existing vegetation. There is a mature 2m high hedge line along the Uxbridge Road boundary. There are only a few groups of trees and shrubs along the southern boundary with the play area and no planting on the boundary with the nursery glasshouses.

## 6.0 Relevant Site History

6.1 The site is currently in agricultural use. The only traceable planning history is for part of the land which was subject to a 1960's housing scheme dismissed on appeal. It is within the Metropolitan Green Belt.

6.2 This site falls within the Minerals Safeguarding Area in the recently approved Bucks CC Minerals and Waste Local Development Framework Core Strategy. Because mineral extraction and infilling of waste are treated as 'county matters' it falls under the jurisdiction of Buckinghamshire CC. As it is treated as a temporary use, it qualifies as an acceptable use of a site within the green belt.

## 7.0 Consultations:

### 7.1 Neighbour Notification

None. Bucks CC has undertaken neighbourhood consultation for properties in Slough.

### 7.2 Wexham Court Parish Council

7.2.1 The Parish Council objected to the scheme directly to Bucks CC.

### 7.3 MP for Slough

7.3.1 A single letter has been received by Fiona MacTaggart covering the access application and the one before Bucks CC.

7.3.2 She has written after a meeting held with the owner of Slough Nursery in Rochford Gardens who expressed concerns to her about the potential implications for his business from the choice of lorry route.

7.3.3 No decision has been reached about designating this site as a

Preferred Area as part of the Bucks CC Minerals and Waste Core Strategy, it only being identified as a Safeguarded Areas. If not a Preferred Area, then this application is premature as it arguably fails to meet the criteria for Preferred Areas in Policy CS5 of the Core Strategy i.e. it is not an extension of an existing site, access is poor and there is an adverse impact upon amenity. Unless the developer can demonstrate that they have exhausted all other options as required by the Sequential test.

7.3.4 The MP has reported the point made by the owner of Slough Nursery(employing 15 people) that the access road and lorry route will affect his business by way of dust and consequent loss of light and the Nursery owner argues this would reduce the Nursery's productivity(in the way this affects his customers and profitability).

7.3.5 Reference was made to the proximity of the lorry route across the site (to its access onto Uxbridge Road) close to the play area which she states is a good argument against the choice of lorry route.

7.3.6 The MP suggests an access at the northern end of the site, which would not impact upon Slough Nursery and impacts fewer houses than the northern option.

#### 7.4 Highways and Transport

7.4.1 The full response from SBC Highways and Transport is set out in the separate report for the access application. Whilst it has been necessary to report these in that report, they are relevant for this response to Bucks CC. Members are invited to turn to the relevant section of that report. A summary is reported here.

7.4.2 Transport evidence has been examined by Slough BC Consultant Traffic Engineer. Submitted revisions have been received to meet highway requirements. The full requirement for new Toucan crossings will be met under the S106 and S278 agreement. The scheme for 'The Frithe' (southern access option) requires a reconfiguration of this junction. It provides a right turning lane in the north-flowing carriageway and revises time settings for the controlled junction to allow vehicles to enter and exit the application site. The SBC Consultant Traffic Engineer is seeking agreement with the applicant to implement a new Traffic controlled system for this junction (as part of a bigger scheme for this stretch of Uxbridge Road with part funding sought from this scheme). It is a compensatory measure required to overcome impaired traffic flow from retiming traffic light controls. The applicant is to confirm funding for this additional component for this part of Uxbridge Road and this is awaited. Any amendments will be reported to Committee.

7.4.3 SBC Consultant Traffic Engineer has identified a preliminary road layout for a northern access option from the Church Lane junction. There would be no land requirements for highway encroaching upon residential property. It is possible that a very small amount of non-highway land on the southwestern side of the junction would be necessary to deliver this. The highway falls within South Bucks

District Council and is not under Slough's jurisdiction. The applicant has been unwilling to provide traffic modelling details for this northern option. It would still be necessary to assess the impact of any northern access option upon nearby residential properties in the George Green settlement. This option has not been fully examined within the Environmental Statement but these are within the jurisdiction of Bucks CC.

## 7.5 Drainage

7.5.1 A Flood Risk Assessment and further evidence has been submitted to Bucks CC. SBC Drainage is seeking to incorporate part of this site into a designated Flood Management Scheme as a preventative measure to take waters in the event of flooding occurring. This and nearby properties in Slough fall within Flood Risk Zone 3. to achieve this, SBC Drainage is seeking agreement for rights to flood a western strip of land after the mineral extraction/ infilling has been completed. It represents a longterm beneficial flood preventative measure. These require a legal agreement. SBC Drainage advises no longterm flood impacts would arise from this development after the completion of these operations.

7.5.2 However any storage would be there to create extra storage and attenuation measures to slow the flows down. It does however need more certainty that this increased flooding capacity is actually obtained. Furthermore the FRA does not indicate how the water will flow into and out of the storage area.

7.5.3 In addition, there should be clarification about how the flood waters get onto the site during the temporary storage of overburden and soil is in place.

7.5.4 The proposed flood storage area will be considered as one of the options for the Slough Flood Alleviation scheme which is currently ongoing and when the sizing, location and inlet/outlet conditions are considered in more detail.

## 7.6 Environment Agency

7.6.1 The Environment Agency did not object to the access application under consideration by Slough BC. However at the time of writing the report, the Environment Agency has raised objections to this application for the following reasons.

- a) this site falls within Source Protection Zone 2 (for public extraction of potable water) and objection about effect upon groundwater quality needs to be overcome.
- b) absence of sequential test linked to Flood Risk designation unless demonstrated
- c) effect upon Flood and Surface Water Flood Risk arising from Bund construction during any mineral operations
- d) No connection to main Foul Drainage from site

7.6.2 Further evidence has been submitted by the applicant. As a result, it

is understood that the Environment Agency is seeking confirmation from Bucks CC Minerals Policy Officer that there are currently no other suitable sites and , if received by the EA, will decide about whether or not to withdraw their objection regarding the sequential test.

## 7.7 Environmental Quality

- 7.7.1 The Environmental Quality Team Leader has the following observations on noise, dust and air quality:

### Selection of Access point

- 7.7.2 Neutral about any additional environment constraints or benefits for Slough residents arising from a different access (possible northern option) to the one that has been formally submitted. There may actually be a slight noise related benefit with a southern access as it locates the majority of the extraction activity slightly further away from the majority of Slough residents (The northern access option is not part of the current application). The plant itself will be located on the southeastern corner of the site. The plant is linked by the internal road to the proposed junction. It is intended to build a 3m high soil bund with a 2m high acoustic fence on top along the southern boundary between the access road and Rochford Gardens Estate properties. The requirement for the bund becomes necessary when a reduction between the workings and the boundary of residential properties is proposed to overcome the consequences.

### Impact of gravel extraction operations

- 7.7.3 Gravel extraction is normally a damp method process due to the high water table. There are principal dust impacts arising from drying spoils, bagging area and soil stripping, and HGV movements. The principal noise sources will be stripping equipment (excavator, dump truck and bulldozer) the extraction equipment (excavator and dump tracks), pumps, processing plant and HGVs as well as the soil moving to create noise bunds to overcome objections from the proximity of the workings. The waste process will require a permit to operate from the Environment Agency. No part of the process will require a local authority permit to operate.

- 7.7.4 The soil stripping stages and bund formation (soil stripping), will produce peak noise levels that will breach the 55dB(A) threshold due to the proximity of the operational workings to residential. This impact will be unavoidable and necessary to ensure residents are protected during the longer term operational phase (excavation and processing) of the site.

### Dust impacts

- 7.7.5 Dust impacts will be at their most severe during (soil stripping and bund formation). The site should be regularly damped down and the newly formed bunds seeded early into their construction to minimise nuisance dust.

7.7.6 The hours of operation 07.30 to 18.00 (Monday to Friday) and 07.30 to 13.00 (Sat) and no working on Sundays and Bank Holidays are consistent with similar sand and gravel operations in the region and nationally.

7.7.7 A number of standard measures are required to minimise dust emissions including water spraying, screens and enclosures, enclosure of the bagging area, gravelling of haul roads, use of road sweeper, damping down and speed restrictions, and wheel wash. Further, dust monitoring using BS Frisbee gauges and PM<sub>10</sub> monitor at the boundary of Rochford Gardens will be undertaken. The results of the monitoring should be kept on the site and sent to the MPA on a quarterly basis. It is recommended that these dust mitigation measures shall be made a condition on the planning permission.

7.7.8 There is a nursery business using glasshouses in the south east corner on the boundary of the application site. It is under the jurisdiction of Bucks CC. This activity is judged to be of a medium sensitivity i.e air quality . It is understood that the business owner is suggesting the transfer the location of the plant i.e. away from the site boundary to mitigate any dust impact. It is not yet known the outcome of any discussions. In the event of a possible option of moving further north, this would perhaps help reduce dust impacts arising from the plant itself when in operation for properties on the Rochford Gardens estate. Vehicles would still continue to use the internal haul road behind the earth bund on the Rochford Gardens boundary..

7.7.9 Noise Impact

Noise mitigation measures includes erection of noise bunds, regular servicing of vehicles, and grading of haul roads, and also the cessation of using reverse beepers (which is a common cause of high community annoyance) and operating working hours. The approach in the Southdowns Environmental Noise Assessment: Study is acceptable. The two definitive noise limits that are widely applied and adopted for operational mineral workings are:

- The noise level shall not exceed 55dB(A) L<sub>Aeq, 1 hour</sub> (free field) between normal operating hours as detailed above
- The noise levels shall not exceed 70dB(A) L<sub>Amax, 1hour</sub> (free field) for noisy short-term activity that cannot meet the limits for normal operations. Such activity as advised above, includes soil stripping and construction and removal of bunds. These short-term activities should not exceed 8 weeks in a year at the nearest residential premises, or noise sensitive properties.

7.7.10 The road traffic noise assessment and criteria uses CRTN, DMRB and IEMA guidance. The assessment of significance is based on the magnitude of the noise impact.

7.7.11 It is noted the site has relatively low background readings, of the order of 42 - 51 dB(A) during the daytime with a mean average of 46 dB(A). The A412 is currently a dominant environmental noise source in the area. The adoption of the 55dB(A) L<sub>Aeq, 1 hour</sub> (free field) is

accepted. The average background level is fairer method of assessment over the longer term exposure to residential receptors.

7.7.12 The location of the 37 noise sensitive receptors used for this noise assessment forms a good spread around the site and are acceptable to determine significant noise impacts. The noise model uses BS5228: part 1 guidance and a simple correction for the bund barrier. The model therefore assumes worse case assessment. The model approach is logical. The model found breaches of the noise limit, and required mitigation in the form of 2m acoustic barriers on the 3m southern bund. This mitigation will need to be incorporate and made a condition of the permission.

7.7.13 The results of the noise assessment with this additional acoustic barrier in place confirms (worst case) that the noise limits will be complied with at all residential receptors. It is noted the highest levels will affect Rochford Gardens. The only exception is Slough Nursery R36 where the noise limit will be breached, but this site is not a relevant sensitive noise receptor.

7.7.14 The short-term noisy activity relating to bund construction, overburden stripping and restoration is likely to give rise to noise and dust complaints. It is this early aspect of the works that needs to be carefully communicated and managed from both the noise and dust emissions. A lot of the goodwill will be enhanced or destroyed at this stage, and it is advisable the applicant engages with residents through regular written notifications, and preferably through meetings.

7.7.15 It is clear that Rochfords Gardens properties are the most sensitive locations with respect to noise impact on Slough properties. The short term noisy works will be compliant with the NPPF technical guidance criterion of 70dB(A)  $L_{Aeq, 1 h(\text{free field})}$  for periods of up to 8 weeks in any year. The calculations and assumptions appear sound in my view, they are worse case. Nevertheless the noise levels will be high and it is recommended that these works take place during the autumn or winter months, when resident's windows are likely to be closed. Also this will assist with respect to dust impacts as the soil stripping and bund formation will be carried out during damper conditions.

7.7.16 It is recommended that these noise mitigation measures and hours of operation shall be made a condition on the planning permission.

#### Traffic Noise

7.7.17 Traffic noise generation will not give rise to significant noise impacts. The cumulative impact of road traffic, Uxbridge Road and mineral extraction on residential addresses in Uxbridge Road is demonstrated to give rise to between 1.2 and 2.8 dB which using the IEMA/loA guidance is considered a slight impact on those residents.

#### Proposed noise mitigation scheme for Rochford Garden properties

7.7.18 It is recommended that the noise mitigation measures proposed by the applicant are accepted and shall make a condition on the planning permission inclusive of additional measures proposed to protect Rochford Gardens.

7.7.19 The applicant proposes to install a semi-permanent noise monitoring



system on the site boundary of Rochford Gardens. The applicant needs to clarify what they mean by a semi-permanent noise monitoring system.

- 7.7.20 A condition needs to be stipulated on the planning permission specifying a noise monitoring programme which includes all noise monitoring arrangements, how often noise monitoring shall be undertaken, any breaches of the noise limits on the site, any corrective action applied, and any complaints received. The monitoring reports shall be submitted to the MPA on a quarterly basis.
- 7.7.21 *Air Quality Impact*  
The principal impact will be dust and smaller particulate matter arising from site activities.
- 7.7.22 The NPPF guidance stipulates a dust assessment must be undertaken, which will identify the baseline conditions, to identify all activities on the site that are likely to give rise to dust, mitigation measures to prevent dust emissions, and monitoring proposals to monitor and report dust emissions and to ensure compliance with environmental standards or limits placed on the site and to enable an effective response to complaints. Dust impact will need to be dealt with as a statutory nuisance by the NET Team under the Environmental Protection Act 1990, section 79(1)(d). In addition if residential areas are at risk of PM<sub>10</sub> exposure exceeding the AQS limits further measures will need to be considered.
- 7.7.23 This site is not within or close to any of the Air Quality Management Areas within Slough, additionally the site traffic (95%) will not be moving through the Slough Town Centre AQMA but will be existing north through South Bucks towards the M40. The significance of air quality impacts are based on the position paper by the Institute of Air Quality Management (IAQM) which is very similar to EPUK guidance document: Development Control: Planning for Air Quality.
- 7.7.24 The soil stripping works and bund formation, phase 1 works will be the most dusty, and it is advisable again that this work is undertaken during the damper months, in Autumn/Winter. The dust risk assessments are outlined in Table 6.1. The assessments are very simplistic but in the absence of defined guidance have to be qualitative. It is a mute point as to whether the play area is or is not covered by statutory nuisance provisions, as it is still a sensitive receptor in my view.
- 7.7.25 The DMRB is a basic screening model but for the purposes of the assessment is sound. There is no diffusion tube data in the locality. In this case, the use of background concentrations on the DEFRA background map is acceptable. This shows low concentrations within the immediate area. Assessment of Air Quality using the DMRB model, thereby suggesting the significance of the impact is of a small magnitude and the impact is negligible where the predicted levels fall well below the AQS standards.

*Dust and Air Quality Monitoring*

- 7.7.26 The applicant proposes monitoring due to the close proximity of the extraction site. It is recommended a condition be stipulated on the

planning permission specifying that the applicant prepares Dust Monitoring programme/plan (DMP). This programme/Plan shall include details relating to the type of monitoring to be undertaken, dust limits (based on soiling rate or effective area coverage), PM<sub>10</sub> limits, details on how often the monitoring results will be reported to the MPA, details of any breaches of the dust limits on the site, details of complaints received in respect of dust and air pollution, and details relating to any corrective action applied? The monitoring reports shall be submitted to the MPA on a quarterly basis.

7.7.27 The dust mitigation measures proposed by the applicant as detailed in section 7.2.4 are accepted and shall be made a condition on the planning permission. There should be no odour impacts relating to this process as the materials being imported are construction and demolition wastes and therefore organic contamination is likely to be very low.

## 7.8 Neighbourhood Enforcement

7.8.1 The noise assessment states a permanent noise monitoring station will be installed near Rochford Gardens and Uxbridge Road boundaries. According to the report , this will alarm when noise levels are exceeded. However the report does not state what mitigation measures will be taken if this occurs.

7.8.2 Any noisy activity like this is likely to generate residents complaints which may require resources to deal with these.

## 7.9 SBC Parks

7.9.1 The Parks Officer accepts the advice from Team Leader, Environmental Quality about the effects of noise and dust upon play ground users(see Environmental Quality section).

7.9.2 It is noted that impact may be intermittent and for relatively short periods. It is however important to know how enforcement takes place in the event of breaches.

## 7.10 Public Rights of Way

7.10.1 In the Approved Rights of Way Improvement Plan 2007-2017 (Nov 2007), it indicates a requirements for new provision for a desire line of new walking and cycling links across the site and dedicated as public bridleways as part of the restoration of land. This indicates routes would benefit the public in being able to access Langley Park via George Green along an attractive route with the majority off-road and also link into the wider access network and the Colne Valley Park to the south and east via the Slough Arm of the Grand Union Canal towpath. Any provision would comply with the recommended Bridleway specification.

## PART B: PLANNING APPRAISAL

### 8.0 Policy Background

8.1 The application is considered under the Mineral and Waste Planning policies for Buckinghamshire, together with national guidance including National Planning Policy Framework.

8.2 The main planning considerations raised by this Council are:

- Principle of mineral extraction and infilling with construction and demolition waste.
- Impact on adjoining sites
- Traffic and Highways Implications
- Flood Risk/ Drainage/ Contamination

The contents of this report only covers those issues of significance to Slough. It is a matter for Bucks CC to carry out their own planning assessment in deciding how to determine whether to grant planning permission or not.

### **Assessment**

#### 9.0 **Principle of the redevelopment & land use**

9.1 This report sets out findings for the Council's response to Buckinghamshire County Council. The final decision will be made by Buckinghamshire CC as a 'county matter'. It will be necessary to obtain planning permission for the access from Slough Borough Council before commencing this site.

9.2 It is acknowledged that this scheme is assessed against the approved 2012 Buckinghamshire Minerals and Waste LDF Core Strategy including Policy CS3 for Safeguarded Areas for Minerals. The 2007 Minerals DPD Preferred Options Consultation Report includes a longlist of site including George Green. There is no current Site Allocation Development Plan Document in place where the final selection takes place. This important document will not be forthcoming in the immediate future. Its status of this site remains as a Safeguarded site for Minerals. This policy is designed to discourage other developments until minerals have been extracted. The Saved Minerals Local Plan did not previously select this site as a Preferred Site.

9.3 At the Public Examination into the Buckinghamshire Core Strategy, the Planning Inspector raised doubts about future availability of sand and gravel for meeting likely future demand. However there is a requirement for Buckinghamshire CC to itself identify such matters in its annual Local Aggregates Assessment. The mineral operator is not ever prevented from seeking to secure a permission. Any planning assessment will still rely upon planning policies and national planning guidance in place.

- 9.4 The 2012 Government Guidance known as the National Planning Policy Framework states that mineral extraction and local transport infrastructure should not be considered as inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land in the Green Belt. This advice also applies to landfilling where not directly conflicting with its openness where these activities receive a temporary permission for the duration of this work. The National Planning Policy Framework also emphasises that decisions should be made within the plan-led approach, in this case the Minerals and Waste Local Plans.
- 9.41 Government advice suggests choice of location for extraction can be preferred within a plan-led approach where there is less impact upon residential amenities, less impact upon the highway network without causing additional congestion or creating a road safety problem.
- 9.42 Even when significant harm of the physical or visual character of the surrounding area and nearby amenities might arise for a temporary period of ten years or more, then the importance of meeting demand for these materials(where there are underground reserves ) can justify offsetting harm as long as matters such as noise, dust and odour are mitigated.
- 9.43 Appropriate contributions can be sought for implementation of any off-site highway works and other transport improvements such as pedestrian and cycle facilities to maintain accessibility to the development without increasing traffic congestion in the vicinity or in the transport corridors serving the site. The proposal incorporates restoration proposals and for this site, the potential exists for reducing flood risk in future years. ”
- 9.44 The July 2013 Consultation Draft of the National Waste Management Plan for England and its sister document known as PPS on Sustainable identifies future arrangements for planning policy making for waste and adequately provide new waste management facilities of the right type, in the right place and right time.
- 9.5 It would be very beneficial for any decision about this site be taken within a plan-led approach. This would allow the comparative merits of different sites to be assessed. This is because of the proximity of the minerals extraction to residential properties. The creation of 3m bunding, as a mitigation measure, around the site seeks to overcome concerns arising from the proximity. Along the boundary with Slough residential properties and the play area , it is necessary to construct a 2m high timber fence on top of the 3m high bunding on their northern boundary to meet noise requirements.
- 9.51 Bucks CC has not quickly proceeded with the Site Allocation Development Plan Document. If this planning application is approved now, it will no longer be scrutinised during the Public Examination. The annual Bucks CC Aggregates Assessment would be used as evidence.
- 9.6 The 2012 Aggregates Assessment has not yet been publicised. A

consultation draft of the 2012 Aggregates Assessment report was previously indicating sufficient availability of the landbank based on sales for the next couple of years. Although consultation responses on this are not known, representations are likely to contest the amount of landbanked material over the next couple of years and argue for the release of this site in the forthcoming year.

- 9.7 Demand and sales from Berkshire sites rose during the year 2011 and 2012 data have not yet been published. Annual sales figures for Buckinghamshire sites in 2011 were relatively level. New decisions might await the outcome of the Site Allocations Development Plan Document but the case that a refusal can be based upon prematurity may not be upheld. Bucks CC is not prohibited from granting planning permission on the basis of current planning policy and no strong adverse environmental issues arising. A sequential test for Flood Risk is necessary. Regard has to be given to the effect upon a number of residential properties close to this site but the application site whilst operations are underway probably fall into the less vulnerable category.
- 9.8 The scheme proposes to restore the site back to agricultural use by landfilling inert material. There is no planning objection raised on green belt planning policy terms. It is necessary to fully meet the requirements for restoration. Provided current best practice methods are deployed, there should be no impediment to its full restoration taking place. Based on past experience and trends, then these landfilling operations will also affect amenities of some residential properties for this phase of work. It should however be noted a low supply of inert waste is being recorded over the past few years. It is now common for the life of inert waste landfill sites to be extended for this reason.
- 9.9 Minerals are a finite resource and extraction can only be from locations where they exist and it is viable to extract on cost and environmental grounds. Should Bucks CC decide this mineral reserve now be extracted to meet prescribed apportionment allocation, it is still necessary for any decision to still balance this against the impact of an extraction scheme upon the surrounding area including transport matters.

#### **Impact on adjoining sites**

- 10 There will be major earth moving for bund construction along the site boundaries and soil stripping across the site to expose the gravel during these early stages. It is necessary to build these bunds because of the proximity of nearby residential properties for the extraction operation.  
The alternative would be to reduce the size required for extraction. e
- 10.1 The Team Leader, Environmental Quality reports that these noise and dust generation-related activities are likely to impact upon the amenities of nearby residential properties during these early stages, Once the bund is complete, further operations will take place away from the immediate boundaries.
- 10.2 In assessing the planned mitigation measures, these are accepted by the Team Leader, Environmental Quality as being compliant with

national guidance. The importance of the good management is stressed.

- 10.3 There will be some continuing limited impact from noise and dust relating to lorry traffic along the haul road to The Frithe junction and the plant operation itself. The plant area is located a short distance from Slough residential properties but closer to the glass nursery buildings. This is treated as a less noise sensitive receptor than residential. It is a matter for Bucks CC to determine the impact on the nursery business
- 10.4 It is clear that the landscape character and visual appearance will significantly alter during the time period of 10 to 15 years. The submitted evidence claims that after restoration and its return to agricultural use, then it will reinstate landscape character and visual appearance of this field.
- 10.5 The SBC Tree Officer raises no objection to this scheme on the basis:

- 1) the land will be restored back to agricultural use.
- 2) during the mineral extraction , the Uxbridge Road hedgeline is being Retained and other soft landscaping on the Slough site boundary.  
There will be a 4m setback from the base of the proposed construction bund to the hedgeline.
- 3) the new bund is necessary to mitigate the amenity detriment arising from the operations.
- 4) best practice methods are used for soil moving and storage

- 10.6 SBC Parks officer raises no objection to this scheme, provided that all the bund construction is completed prior any operations commencing . Furthermore planning conditions for dust, odour and noise management are imposed and fully complied with.
- 10.7 SBC Footpaths Officer is seeking a public footpath link between Uxbridge Road and the existing public footway running north –south on the eastern boundary of the site.

### **Flood Risk/ Drainage/ Contamination**

- 11.0 Slough BC note the outstanding objections from the EA against the infilling of inert waste for restoration back to agricultural use and the lack of a sequential test for flood risk.
- 11.1 Notwithstanding Bucks CC position on this and the position at the time of our report deadline , then Slough BC states its position is:
- 1) The EA objections should be fully overcome.
  - 2) This Council would normally expect a scheme with known

constraints(requiring a high level of mitigation) to be included within the Minerals Site Allocation DPD process. There permits the comparative assessment of Safeguarded Sites for Minerals. Should this site be excluded, then any sequential test for flooding should be insisted upon.

- 3) In the event of Bucks CC deciding to support this scheme, then it should take on board the agreement between Slough BC and the applicant to designate an area available to accommodate flood waters after completion of the restoration and on traffic routing.

## 12.0 **Summary**

12.1 This scheme falls under the jurisdiction of Bucks CC who will decide whether or not to grant planning permission.

12.2 That Bucks CC be informed of the following submission by Slough BC:

a) Any minerals extracted for this site, if approved, are likely to serve a wider market than south Buckinghamshire alone. In preparing its response, Slough is cognisant of these and necessary landbank requirements required by the Buckinghamshire Minerals and Waste Local Development Framework, Core Strategy. A subsequent Minerals Site Allocation DPD would be required to decide the Preferred Sites for Buckinghamshire. Slough BC is disappointed over the slow progress by Buckinghamshire County Council to decide the site allocation for the plan period. In its examination of ten year sales of aggregates in its annual 2013 Local Aggregates Assessment, it means a landbank of 7 years or more will be available until 2015 and hence the issue of prematurity should be raised.

b) It is acknowledged that the minerals in this locality should be safeguarded to prevent sterilisation. These fields are in the gap between settlements and are within the Metropolitan Green Belt. Where proposals for mineral extraction and infilling of inert waste are put forward, it is necessary to treat these as temporary, albeit for a significant period of years. The activity is treated as appropriate in Green Belt terms.

c) Bucks CC has already prepared evidence about the site's suitability to support its strategic approach approved in its Core Strategy. It is understood this site will be among other longlisted sites for assessment within the Site Allocation DPD process requiring future decisions on Preferred Sites. Where this new planmaking has unfortunately not yet come forward then Bucks CC may decide to determine the planning application on the basis of the previously approved Waste Plans and Policy CS5 of Buckinghamshire Minerals and Waste Core Strategy .

d) A high degree of mitigation measures are necessary in this case to deal with any environmental detriment from the activity operating. From the supplied evidence, it suggests these mitigation measures fully comply with those nationally recommended guidelines. Also it is

clear that for those residential properties directly back onto this site, then it will temporarily alter their aspect but a planning objection is not being raised where the scheme is for a temporary period and has an agricultural afteruse. However these temporary bunding and fencing should be constructed prior to the main operational activities commencing. The temporary bunding shall be so constructed to prevent any damage to the hedging and tress on the boundary.

e) As part of the restoration, Slough BC requires provision of a new public bridleway linking Uxbridge Road with the footpath network with Langley Park, the Colne Valley Park and the Grand Union Canal to meet the requirements of its Rights of Way Improvement Plan in support of the Health Living and Wellbeing objectives of this Council.

f) (i) Officers have separately reported the access arrangements to its Planning Committee and is seeking a decision. On the basis that Bucks CC decides to support, then it is being recommended that Slough BC support an access and alterations to the junction where these are fully funded by the developer. A suitable Grampian condition should be part of any Bucks CC permission requiring its construction prior to any operational activity commencing use. In the event of the scheme being granted permission but not implemented, then the access should not be constructed. On the basis of advice received, including evidence about the possible northern access, then officers do not consider the northern access option is more beneficial.

(ii) The highway scheme is necessary for creating a new access onto the busy Uxbridge Road at The Frithe junction (as covered under the SBC planning application P/4317/1). It should be met in full because traffic movements should be fully optimised along this important route for Slough and the wider transport network generally.

g) Slough BC will impose a traffic routing requirement within its own S106 agreement. It will seek a traffic route for heavy goods vehicle turning north when exiting the site and entering the site travelling southwards on Uxbridge Road or as jointly agreed between the two highway authorities.

h) Slough BC welcome the provision of an area designated for accommodating flood waters. This needs to be of a sufficient size and shape and conditioned to meet these requirements. The restoration scheme provides naturalised planting in this vicinity. Slough BC is separating seeking the right to access this area from Uxbridge Road and its use for flood waters in the case of an event through a S106 agreement. Bucks CC should not support the scheme in the event of the Environment Agency 's objections being maintained.

i) It will be necessary to form a Residents Liaison Group with a minimum of three representatives from the Rochford Estate area and one Slough BC planning officer. This Group should meet on a quarterly basis with representatives of the operator. It should receive



reports on any breaches of set limits such as noise and dust and report on response. Furthermore, agreement should be given for Slough BC planning officer to inspect parts of the site that are adjacent to the Slough BC district boundary and the road access.

j) Bucks CC should impose a planning condition restricting hours of operation during normal daylight hours during the weekdays. It should impose planning conditions requiring best practice for all operations being undertaken on this site and the requirements of the restoration scheme should be met in full.

### 13.0 **PART C: RECOMMENDATION**

That Bucks CC be informed of the Council's response as set out in Section 12.