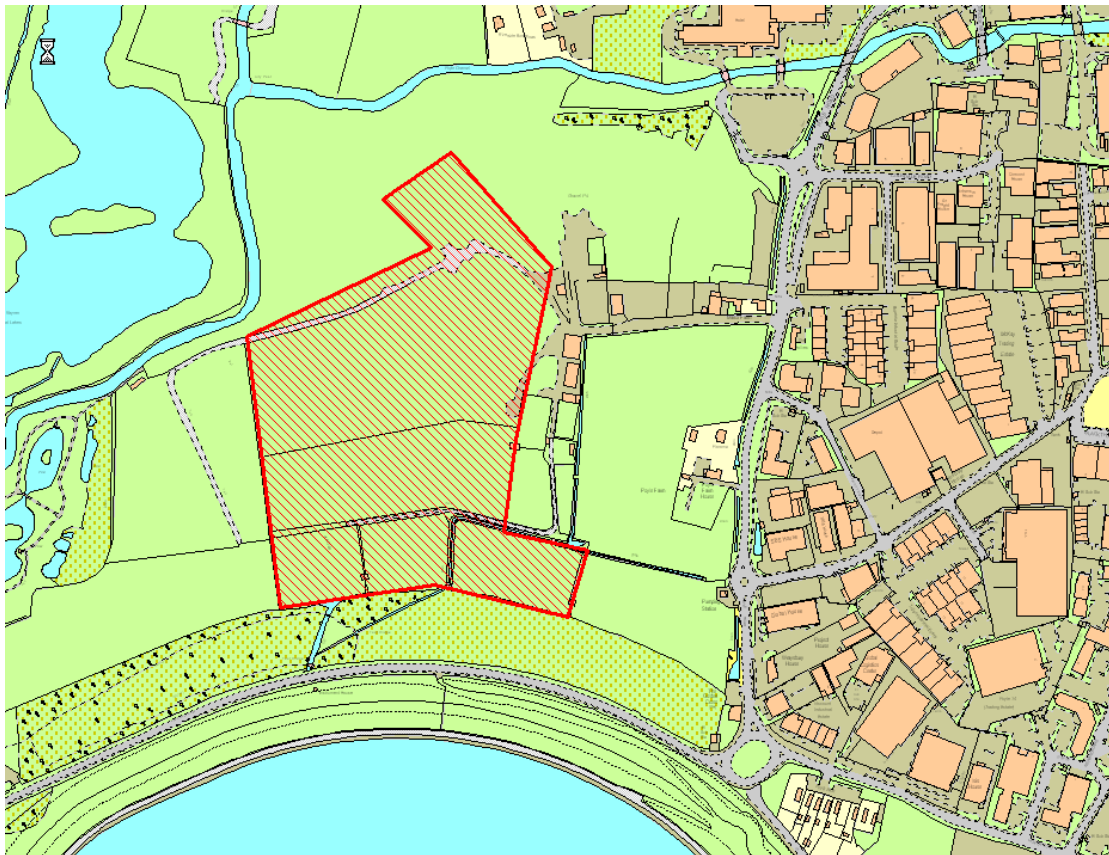


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|---------------------------|---|----------------------|--------------------------------|
| Registration Date: | 30-Sep-2013 | Applic. No: | P/11388/005 |
| Officer: | Roger Kirkham | Ward: | Colnbrook-and-Poyle |
| Applicant: | Mr. Cecil Wiggins | Applic type: | Major |
| Agent: | Brett Incorporated Ltd Hamble House, Meadow, Godalming, Surrey, GU7 3HJ | 13 week date: | 30 th December 2013 |
| Location: | Manor Farm, Poyle Road, Poyle, Slough, Berks, SL3 0BL | | |
| Proposal: | REGRAIDING OF FIELDS TO RESTORE 1992 POST RESTORATION CONTOURS. | | |

Recommendation: Approve, with conditions



1.0 SUMMARY OF RECOMMENDATION

- 1.1 This current application proposes regrading of the former landfill site, now in agricultural use, as an alternative to removing the deposited soil waste already on part of the site. The removal of the soil waste is now required by an Enforcement Notice. It would be returned back to pasture land. A previous planning permission had lapsed for a nine hole golf course (involving regrading) at a time when efforts were being undertaken to address the potential contamination in the soil waste deposits.
- 1.2 On the basis that the submitted soil sampling will be undertaken to deal with the contamination matter and the proposed topography only takes the volume of soil necessary to achieve this, with the remaining surplus taken away from the application site, it is recommended that permission is granted, subject to conditions.

PART A: BACKGROUND

2.0 Proposal

- 2.1 It is proposed to spread the large quantity of soil waste currently stored on part of this site across the larger site. The larger area would remain as pasture after regrading. The case is being made that the new soil levels reinstate previous soil levels after subsidence from those levels previously set by the landfill restoration. This application site is separate from the adjoining Poyle Recycling Centre.
- 2.2 If approved and fully implemented, this scheme can therefore overcome the Enforcement Notice served on this site. Now the planning status of the Concrete Recycling site on the neighbouring site has been settled, the applicant is addressing the current Enforcement Notice for this site. It is set in the context of previous planning permissions on this site for a nine hole golf course for which this waste spoil was originally intended. Belatedly, the soil contamination issues have been addressed and a submitted strategy covering soil sampling has been forthcoming.
- 2.3 It was necessary to align the site's boundaries for land to coincide with Slough BC boundaries. There is no outstanding planning application for land within RBWM.
- 2.4 The applicant has justified the scheme as follows:
- 1) the premise that the soil remains largely uncontaminated and where necessary, can either be treated, removed from site or alternatively safely buried.
 - 2) this proposed regrading can take place because of previous subsidence from those levels once restoration complete
 - 3) redresses the previous poor quality of restoration arising from shortfall in good soil material at the time of the restoration.
 - 4) its agricultural after use represents less of a health risk than a golf course use.
 - 5) no adverse impact upon the landfill.
 - 6) any surplus waste can be exported from the site to appropriate destinations,

- depending on soil quality or contamination.
- 7) their method statement sets out a properly managed programme to deliver the approved scheme
 - 8) the remaining part of the site up to Poyle Channel is pasture land previously restored after mineral extraction and part of the site in the Royal Borough of Windsor and Maidenhead has already been regraded (with planning permission) apparently using approximately 30k cubic metres from this soil waste.

3.0 Application Site

- 3.1 This site is located next to an existing concrete recycling centre in the same ownership. The application site and the concrete recycling centre are on former restored landfill.
- 3.2 The neighbouring concrete recycling plant was previously subject to an Enforcement Notice. Planning permission was subsequently allowed on appeal for the concrete recycling centre and remains active with an Environment Agency permit in place.
- 3.3 The concrete recycling centre uses an existing access onto Poyle Road. An approved new access has not yet been constructed to comply with an imposed planning condition associated with the recycling centre. The application site shares the existing access.
- 3.4 Part of the application site has substantial amounts of soil material deposited on it. This soil waste appears to have fallen within exemption categories for non-hazardous waste for use in leisure and environmental improvement at the time of it being deposited. Very limited screening has sorted some material by size and type.
- 3.5 This site has been affected by changes in administrative boundaries. These sites were transferred to Berkshire (from Surrey CC), which meant the former Berkshire County Council was then the minerals and waste authority and upon its abolition, came under Slough BC jurisdiction.
- 3.6 Past renewals of planning permission were granted to provide a nine hole golf course following an initial Spelthorne BC planning consent but subsequently lapsed. It had been intended to use this deposited waste. It became necessary at that time to supply details of soil contamination. There is no separate planning permission granted for depositing waste and Enforcement Notice was served. Elsewhere on the Manor Farm site, a variety of unauthorised uses have been taking place, some removed as a result of Enforcement action and others by granting of Certificate of Lawful Development.
- 3.7 Subsequent action is reported in para 4.7 of the Site History section.
- 3.8 It was necessary to establish whether or not an Environmental Statement was required. Handling waste on a site close to controlled waters (Poyle Channel) qualifies it as category 2 in the Environmental Impact Assessment Regulations. This approach follows this Council's previous approach about remedial action over soil contamination. It has taken some time to obtain evidence. This council has verified

the soil sampling approach and produced a Screening Opinion deciding that no Environment Statement is necessary.

- 3.9 To the west of the site, there are open flat fields albeit with larger scale mineral workings elsewhere. To the east, the existing large business areas have a variety of large warehouse and office buildings.

4.0 Site History

- 4.1 The site was subject to gravel extraction beginning before 1947 and subsequent landfilling from the late 1950s to the middle of 1980s. During that time, enforcement action was taken to obtain final restoration to agricultural use in the late 1980s with the exception of the northeast corner which continues as a site for concrete crunching. The applicant has had an interest in this land since 1979.
- 4.2 Planning permissions have previously been granted for restoration of the landfill under ref SP/78/205 with extension of time granted on appeal (SP/80/333) for the restoration of the landfilled site by Surrey County Council.
- 4.3 Planning permission for a nine hole golf course was also granted by Spelthorne District Council in 1994(SP/93/0434)(Slough Ref C/00156/000) expiring on 1998. When planning permission was granted for a nine hole golf course by Slough BC in 2001(P/11388/000) , planning condition no. 3 imposed a requirement to remove all the stockpiled materials in Area B and the regrading of the land below 21 AOD to conform with the requirements of the Enforcement Notice already in place.
- 4.4 It is apparent that the previous planning assessment for SP/93/0434 largely covers the laying out the site as a golf course taking full account of its previous landfill and general condition of the site. The P/11388/000 application supplied supporting information with particular concern about the soil volumes and picked up on the landfill gas treatment and flood risk.
- 4.5 At the time of pursuing the golf course scheme, details about soil contamination revealed some soil samples containing asbestos in building waste. Planning permission required the entire removal of waste from this site. It was previously anticipated by the applicants the golf course construction would allow some contaminated material remaining but not close to the surface to avoid a health risk. Further evidence was then sought but the golf-course permission subsequently lapsed.
- 4.6 Slough BC served an Enforcement Notice requiring the complete removal of the deposited waste, where necessary to designated sites for contaminated waste.
- 4.7 The High Court has previously upheld the Enforcement Notice. Site inspections have continued to monitor this site. In late 2011, the then Interim Head of Planning accepted a further time extension to complete the removal of waste from the site. It should be noted that planning permission for depositing waste on adjoining land was granted by RBWM. It is likely that 30k cubic metres of soil waste were used on part of the site in Windsor. The Environment Agency had previously estimated some 120k cubic metres have been stored on site.

5.0 Neighbour Notification

- 5.1 1, 2, 3 Riverside Bungalows, Poyle Corner, Poyle Lodge; Dakota House, Wraysbury House, Global House, Golden Cross Public House, Poyle Road:

One letter has been received from the occupier of Florama indicating that the existing soil levels have subsided. The applicant has undertaken some new planting along the boundary and uses the grassland for grazing horses.

6.0 Consultation

- 6.1 Traffic and Road Safety/Highways Development:

No highways or transport objections relating to no vehicle movements arising if waste not imported or exported from site

- 6.2 On drainage matters, provided the land is returned to pre-existing levels, then it does not have a flood risk perspective.

- 6.3 Environmental Quality Officer:

A Preliminary Risk assessment has been submitted. After the Contaminated Land officer 's amendments have been incorporated into the report by the applicant, this document has been accepted along with the soil sampling strategy as the basis for handling the movement of soil.

- 6.4 Environment Agency:

The site is in Zone 1 of current flood maps and therefore no flood risk objection is raised.

Soil contamination:

Raises no objection, subject to imposition of planning conditions about the following:
- soil contamination, including submission of verification report after completion of remedial works and long-term monitoring about soil contamination.
- add informative stating requiring for Environment Permit and monitoring of works close to controlled waters in liaison with Environment Agency.

A joint site visit and meeting with Slough BC and Environment Agency has taken place.

- 6.5 Royal Borough of Windsor and Maidenhead:

No response

- 6.6 Thames Water:

No response

6.7 Aircraft Safety:
No safeguarding objection

6.8 Press and Site Notice:
No objection received

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 The following policies are considered most relevant to the assessment of this application:

National Planning Policy Framework and the Planning Practice Guidance

Waste Local Plan for Berkshire Adopted 1995

The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document

Core Policy 1 – Spatial Strategy
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 9 – Natural and Built Environment

The Local Plan for Slough, Adopted March 2004

EN1 – Standard of Design
Policy EN3 – Landscaping Requirements
Policy OSC8 – Green Spaces

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Potential impact on neighbouring properties and landscape setting;
- 3) Transport and highway safety.

8.0 Principle of Development

8.1 The applicant has principally justified this scheme on the basis of improving the ground conditions for continued agricultural use, and the use of deposited waste to achieve this.

8.2 No definitive evidence has been submitted about the quality of the past restoration apart from references to the minor undulations across the site. However the previous

completion of the landfill scheme may not have been to the restoration quality that might have been expected of today's schemes.

- 8.3 Slough Council has previously accepted land profiling for the golf course when it granted a renewal of the golf course scheme. This proposed regrading scheme has a reduced profile to the one previously-approved for the golf course.
- 8.4 The landfill restoration scheme would normally produce a temporary engineered dome from deposited waste. It is understood that the final level will lower (through subsidence) to meet requirements for future agricultural and landscape requirements. There is a statement by the planning consultant that the soil waste is 'fit for purpose'. Minor topping up soil is recognised as good practice for drainage and profiling reasons. For earlier restoration schemes, which may not have delivered the same engineering standard, it means a case for remediation can be made. There is no longer a case for landraising because demand for inert waste, either by recycling or infill of other exhausted mineral sites can be met elsewhere.
- 8.5 The 1995 Waste Local Plan is largely out of date but the Saved local plan policies for development management purposes remain in force. There are no plans to prepare a new local plan. One of the Saved Local Plan policies discourages landraising. Where the Composite Local Plan policies for Slough maintain the green belt and strategic gap for this site, then the openness of this site should be treated as a material planning consideration. It is suggested this scheme will also bring about the removal of large soil waste heaps and incorporate it into the larger agricultural field albeit by raising the level of the remaining agricultural land.
- 8.6 For this site, a subsidence of 0.5m could have taken place across the whole site, greater where current undulations occur. The proposed topography generally rises by 0.5m with some soil depth being deeper. The proposed slopes will be at low gradients i.e. generally less than approved for the golf course in places. For the proposed 0.5m depth, then the requirement would be for 0.2m of sub-soil and 0.3m of topsoil when uncontaminated material is spread. For areas where a deeper soil depth is proposed, 0.3m topsoil will be placed on top. These new levels would similarly subside over time.
- 8.7 For the amount of unauthorised soil waste currently on site, then there is a very strong likelihood that the surplus soil waste would still remain in significant quantities after any regrading of soils of the first batch of areas re-profiled in accordance with the approved topography.
- 8.8 This Council should however oppose further landraising above the topography being proposed where it is really a means of disposal of waste. If accepted, then it would have an adverse impact upon the landscape character and possibly have adverse impact upon the integrity of the landfill engineering and the surface water drainage on the site.
- 8.9 When future soil screening takes place, it will probably mean some uncontaminated soils will transfer to the recycling centre site or if contaminated, removed from the site. Some uncertainty remains about the exact amount of soil waste currently on site, with the Council studies indicating larger amounts of stored waste (and now

confirmed by the applicant's submitted evidence). This could mean requiring removal of soil away from the site for the remaining balance being closer to the amount required for the proposed topography. If a surplus remains on site, there is a risk of landraising above the proposed topography.

- 8.10 A revised Method Statement gives seven work phases until completion. It would be important for this Council to ensure compliance with the approved topography by checks taking place after the completion of Areas 1-6 so as to ensure the way any surplus soils are disposed of.
- 8.11 As previously stated, part of site used for storage of three soil waste heaps. Area 6 has one of these waste spoils and be the last to be restored in accordance with the method statement.
- 8.12 If accepted, the implementation of the soil sampling strategy would facilitate the method of handling any contaminants found during the phased soil moving.
- 8.13 The Environment Agency has been aware of the planning history of this site. To date the Environment Agency has previously treated the deposited waste as an exemption. However current regulations require an Environment Permit to undertake new works on these. On the basis that this is uncontaminated inert waste, the Environment Agency is accepting this as a waste recovery operation. It is however requiring planning conditions to cover any soil contamination or groundwater pollution.
- 8.14 On other matters such as flood risk and drainage, the Environment Agency raises no objection.

9.0 Potential Impact on Neighbouring Properties and Landscaping

- 9.1 This site is very close to the Aircraft Safety zone with its overflying planes. The site is set back from Poyle Road. Poyle Road is heavily trafficked by vehicles serving the trading estates and nearby Heathrow Airport. It has few residential properties nearby. The removal of these waste deposits and its return to open fields would remove a longstanding eyesore. Whilst there is still doubt that the amount of soil to be used for regrading is less than that deposited, the applicant is willing to remove any remaining surplus from the site. Once achieved it would comply with its Green Belt and Strategic Gap designations.
- 9.2 It is not anticipated that any undue dust or noise nuisance need occur whilst the soil moving operations are underway. Suitable planning conditions can cover these matters.
- 9.3 No objection is raised to its return to agricultural land. If completed in accordance with the topographical plan, it will be acceptable in landscaping terms.

10.0 Transport and Highway Safety

- 10.1 The scheme does not lead to any increased traffic movement onto Poyle Road. Only if surplus soil remains will any new traffic generation arise. It is close to motorway

junction.

10.2 No transport or highway objection is being raised.

11.0 Summary

- 11.1 This Council has long sought the removal of this unauthorised amount of soil waste on this site although many of the planning decisions were inherited from others. Regarding the Poyle Recycling Centre on the neighbouring site, the principle for the site's use as waste recovery has been established by the appeal allowed for its continuance.
- 11.2 The Inspector decided for this site that the recycling of secondary aggregates met waste planning policies as a way of substituting for primary aggregates, thereby minimising demand for new mineral sites. Weight was given to its location close to a mix of noise-generating activities close by, even though the site falls within the Metropolitan Green Belt and Strategic Gap.
- 11.3 This Council has always sought to ensure that no further extension to the recycling site was acceptable on land adjoining Poyle Recycling Centre and taken Enforcement action against the deposited waste once the planning permission for the golf course lapsed. It has been necessary for this Council to exercise proper care when some soil contamination was previously identified. This Council has accepted one extension of time set by the Enforcement Notice requiring removal of soil waste.
- 11.4 The current planning application proposes an alternative to the complete removal of soil from the site. It has been necessary for this Council to ensure all aspects of the engineering scheme are met with regard to matters such as soil contamination. On the basis of the evidence received after the submission of the planning application as well as the revised phasing plan and other planning documents, the proposed topography represents the maximum amount of landraising acceptable and no further increase in soil depth should be accepted. If implemented in full, it will lead to the removal of the soil heaps so that the previous level will be reinstated.
- 11.5 This scheme is capable of bringing this long outstanding enforcement matter to a successful and pragmatic closure. It has taken significant effort to require evidence which demonstrates that this scheme can deliver this in a properly managed way. This scheme is therefore recommended for conditional approval.

PART C: RECOMMENDATION

12.0 Approve, with conditions.

PART D: LIST OF CONDITIONS - HEADINGS

1. Commence within 18 months
2. Completion of Regrading Works no later than 2 years after date of commencement
3. Approved Plans only
4. Compliance with Method Statement
5. Soil contamination
6. Soil stripping Arrangements
7. Trigger for commencement of Area 6 restoration
8. Protection of Watercourses
9. Advance notice of commencement of soil-stripping
10. Silencing of machinery
11. Appoint supervising officer
12. Agricultural Aftercare
13. Dust measures
14. Deadline for submission of aftercare scheme
15. Provision of first aftercare scheme
16. Landfill gas monitoring
17. Hours of Operation
18. No plant or skip storage
19. Removal of large stones
20. No importing of new soil waste.

Informative

21. Aircraft safeguarding-advice on cranes
22. Pollution Monitoring
23. Need for Environment Permit