PART I

FOR DECISION

Land To The East Of Horton Road And West Of Berkyn Manor Farm, Horton Road, Horton, Slough, Berkshire

SPHERE OF MUTUAL INTEREST - Extraction of sand and gravel and restoration to agricultural land using imported inert waste, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities and the formation of settlement ponds

Applicant: Aggregate Industries Ltd And Jayflex Aggregates

1.0 Purpose of Report

1.1 To seek Members’ views on the Council's formal response to the above planning application which has been made to and will be determined by the Royal Borough of Windsor and Maidenhead.

2.0 Recommendation(s)/Proposed Action

2.1 The Committee is requested to approve the response set out in paragraphs 11.1 - 11.3 of this report.

3.0 Key Priorities – Taking Pride in Slough and Making a Difference to Communities and our Environment

Priority 1 – Creating safe, environmentally friendly and sustainable neighbourhoods.

The proposed gravel extraction and backfilling with waste involves all HGV going through Colnbrook to Brands Hill which has been designated an AQMA, and the processing plant is proposed for the northern end of the site, close to the residential properties in Popes Close, Moreland Avenue and Drift Way.
4.0 Other Implications

(a) Financial

There are no financial implications of proposed action.

(b) Human Rights Act and other Legal Implications

There are no implications for the Human Rights Act

5.0 Supporting Information

5.1 This is a similar application to that submitted last year to the Royal Borough for the extraction of gravel and sand and backfilling with inert waste but which was subsequently withdrawn. This application is being considered by Windsor Planning Panel on 11 July and thus this Council's formal comments are sought.

Application Site

5.2 The application site is a flat, open area of 55 ha of agricultural land located between the villages of Horton to the south and Colnbrook to the north. The site is bounded to the east by the Colne Valley Way, to the west by Horton Road, and to the north by Popes Close, and the gardens of houses on Moreland Avenue and Drift Way

5.3 Approximately 9 residential properties in Colnbrook have a common boundary with the application site, whilst there are approximately 80 properties in Colnbrook within 100m of the site boundary and a further 80 or so within 200m.

5.4 Land immediately to the east beyond the Colne Valley Way is the subject of another application for mineral extraction; these two application sites are under different ownership and the applications have been made by different mineral operators.

5.5 The application site, the subject of this proposal, forms part of Preferred Area 12 in the Minerals Local Plan (MLP), and of Preferred Area 25 in the Waste Local Plan (WLP). The MLP designation implies a presumption in favour of sand and gravel extraction subject to various detailed requirements being satisfied. The WLP identifies the site for engineered landfill.

Proposal

5.6 The proposal seeks permission for the phased extraction of approximately 2 million tonnes of sand and gravel to be worked at an average rate of some 200,000 tonnes per year over a ten year period. The length of time required from the start of operations to the completion of the restoration of the site is 13 years. Mineral extraction would take about ten years to complete, with infilling with inert waste following about 18-24 months behind. The applicants advise that the actual rate of extraction and infilling would however be determined by market conditions at the time. All extracted sand and gravel would be taken to a proposed new plant at the northern end of the site for processing. It would then leave the site via a new access onto the Horton Road. The processing plant would be located roughly 220m at its closest to the residential properties on Popes Close and the access would be located roughly 240m to the south of
Popes Close. Heavy Goods Vehicles (HGVs) travelling to and from the site would be routed from/to the north, via the Horton Road, onto the A4 (London Road) and towards Junction 5 of the M4. No HGVs would be routed through the village of Horton. It is estimated that the development would give rise to approximately 154 HGV movements per day (77 in and 77 out) between the proposed operating hours of the site from 0730 to 1800 hrs on Mondays to Fridays and 0800 to 1300 hrs on Saturdays.

5.7. It is proposed to work the site in a series of ten approximately yearly phases starting near the northern part of the site and moving southwards. The site on which the processing plant would be located, which is just over 200m from the northern boundary, would be the final phase for extraction and backfilling. This phase would be ‘surrounded’ on three sides (north, east and west) by 3m high soil stockpile bunds; along the northern edge, there would be two breaks in the bund, one to allow a path for floodwater flows and the other along the line of the overhead power cables. An additional 5 metre high bund was proposed inside the northern boundary of this phase to provide a noise, as well as visual, screen to attenuate noise from the processing plant. This 5 metre bund would be removed following removal of the processing plant. Bunds would also be provided along the other boundaries of the site as the extraction progresses.

5.8. Dry rather than wet working of the sand and gravel is proposed, with dewatering taking place throughout the extraction and infilling activities. It is proposed to intercept groundwater as it enters the works, and to direct it around the site in a pipe system before it is fed back into the groundwater at the southern end of the site.

5.9. The submitted restoration plan shows the site being returned to its present levels of between 18-19m AOD for agricultural use but with some peripheral planting.

5.10 The application is accompanied by an Environmental Statement.

6.0 Responses from Parish Council and Local Residents

6.1 The Royal Borough consulted many residents in Colnbrook who would be affected, and the Borough Council consulted additional residents who had been omitted from the Royal Borough’s list. Letters of objection were sent directly to the Royal Borough. Colnbrook with Poyle Parish Council have objected to the scheme, citing increasing road congestion, air pollution, noise and dust emissions and their impact on health, particularly for school children at Colnbrook C of E Primary School. There have also been letters of objection from residents in Colnbrook and Poyle; these are primarily comprised of five form letters based on a standard template. The objections are summarised below together with the number of addresses sending each of the letters; the actual number of letters received is greater as in many cases, more than one household member sent the same letter.

6.2 Letter 1 – 64 addresses
   * air quality would be adversely affected due to increase in vehicle movements and congestion;
* there are a number of development proposals in Colnbrook and Poyle which, if all were permitted, would lead to over-development, particularly due to the increase in vehicle movements;
* concern regarding road safety due to the proposed soil bund along the Horton Road frontage restricting visibility.

6.3 **Letter 2 – 37 addresses**  
* processing plant located in the northern part of the site would maximise noise, dust and inconvenience to Colnbrook residents as opposed to residents of RBWM;
* haul route results in all traffic coming through Colnbrook, as opposed to RBWM;
* Environmental Statement does not take into account impact of the loss of agricultural land which converts CO2 back into oxygen;
* the applicant has not taken into account the cycle lanes or central reservations on the London Road and the impact of increased numbers of HGVs on the road.

6.4 **Letter 3 – 30 addresses**  
* air quality will be adversely affected by the dust, impacting on the most vulnerable in the community;
* increase in HGVs at the Horton Road/London Road junction (BP garage) will lead to congestion and concomitant increase in air pollution;
* decision on planning application should be a joint decision given that the adverse impacts are primarily in Slough, not RBWM.

6.5 **Letter 4 – 29 addresses**  
* the need for the gravel has not been justified;
* decision on planning application should be a joint decision given that the adverse impacts are primarily in Slough, not RBWM;
* concern regarding road safety due to the proposed soil bund along the Horton Road frontage restricting visibility.

6.6 **Letter 5 – 39 addresses**  
* location of access by the entrance to the sailing club will compromise road safety;
* concern regarding road safety due to the proposed soil bund along the Horton Road frontage restricting visibility;
* concern about road safety; the site at Kingsmead Quarry has no wheel washing facilities and ineffective road cleansing.

6.7 A sixth form letter objecting to the increase in traffic was received from 23 addresses, most of which were located in Colnbrook.

6.8 In addition there was a petition signed by 23 residents on Popes Close and the southern end of Horton Road objecting on the basis that proposed development is too close to residential properties, traffic congestion, noise and dust, and potential subsidence. A second petition objecting on traffic safety grounds due to the increase in HGV movements had just under 60 signatures from the Colnbrook and Poyle area, as well as Slough and beyond.
6.9 There were a further 15 individual letters from residents in close proximity to the proposed site and/or haul route; the main concerns were as follows:
* proposed development too near to residential properties and would lead to increased noise, dust, disturbance
* increase in traffic, particularly HGVs, and concomitantly, congestion; also concern regarding the tight and dangerous bend by the BP Garage;
* increase in pollution would lead to health problems
* impact on AQMA at Brands Hill
* impact of development on the ecology/loss of valuable public amenity
* impact of inert waste on health
* concerns regarding road and pedestrian safety
* development not sustainable as secondary aggregates should be sued rather than winning primary aggregates
* lack of community benefits arising from proposed development
* over-development of Colnbrook and Poyle area
* if permitted, gravel should be processed at Poyle plant
* impact of several mineral operations simultaneously in the area
* concern that the time period will be longer than 13 years as infilling would be determined by market conditions
* adverse impact of extraction and backfilling on users of bridleway running adjacent to the site
* excessive hours of operation proposed
* impact of proposed soil bunds on flood paths/impact of proposed development on groundwater flows

7.0 **Planning Issues relating to Slough**

7.1 The key issues relating to Slough are as follows:
a) impact of processing plant on residents of Popes Close, Moreland Avenue, and Drift Way in terms of air and noise pollution
b) impact of HGVs on residential properties along the haul route
c) impact of HGVs on the highway network
d) impact of traffic on the AQMA at Brands Hill
e) impact of extraction/backfill on groundwater and surface water flows

7.2 The Council’s initial response to the RBWM, dated 14 May, raised the following concerns:

**Air Quality**

7.3 The Environmental Statement concludes that the increase in the number of lorries which would travel through the Air Quality Management Area (AQMA) at Brands Hill would result in an increase of 0.88ug/m³ in nitrogen dioxide (annual mean). The AQMA was designated in relation to a likely breach of the objective for nitrogen dioxide (annual mean). This Council considers it unacceptable to permit a development which would increase the number of lorries through an AQMA where the existing monitored levels are already >15% above the national objective. This would also unquestionably compromise the ability of the Council to meet the objective, especially where the Air Quality Action Plan within the new LTP (Action A4-5) highlights that HGVs are a main contributor to emissions in the Brands Hill area.
Floodplain

7.4 It is considered that the proposed pipe system for groundwater flows appears to be sufficient to ensure that there is no adverse impact on the residential properties to the north of the site. However, the Council maintains a holding objection until

* the Environment Agency is satisfied as to the efficacy of the proposed system; and
* the future maintenance of the groundwater alleviation measures in perpetuity is guaranteed.

Noise and Dust Impacts from Minerals and Waste Operations

7.5 The Local Planning Authority is not satisfied from the information available that the proposals would not prejudice the residential amenities of adjoining residential properties, especially those on Popes Close, by way of increased dust, noise and disturbance, including visual intrusion, from the mineral and waste operations as the Environmental Statement did not contain a transparent analysis of the impact of the final stages of the development in Years 11 and 12 when Phase 1 is worked for gravel and sand and then backfilled with waste.

7.6 The applicant's agent has stated that revised plans will be submitted which amend the bund design at the northern end of the site. However, these plans have not been received to date. In addition, any re-configuration of the bunds would need to be assessed to determine whether they affect flood path routes.

Length of time for restoration of Mineral Extraction site

7.7 The Local Planning Authority is not satisfied from the information available that the proposals would lead to the mineral workings being restored at the earliest practicable date due to the unknown future availability of inert waste suitable for landfill as opposed to recycling.

Lack of Sufficient Information

7.8 The Local Planning Authority is not satisfied that the applicants have submitted a statement with comprehensive supporting details (as documented in the above objections) to enable the Local Planning Authority to assess the full impacts of the proposed development.

Traffic Highways

7.9 The Council is not satisfied from the information available that the proposed development would not prejudice the safety of road users due to an increase in HGV traffic on the local road network.

8.0 Subsequent Submissions

8.1 Since that response was made, the applicant has submitted further information and has amended the bunding arrangement for the northern end of the site.

8.2 With respect to the bunds, the applicant had proposed a 5 metre high bund across the northern edge of the northern ‘phase’ to provide noise attenuation with respect to the processing plant. Once the processing plant was removed, it had been proposed that the bund be removed in its entirety to enable the whole of the site to be extracted/backfilled. Following concerns raised by this Council, the applicant now proposes to retain the bund in part and reduce it to 3 metres in
height once the processing plant has been removed, to provide a visual screen for residents on Popes Close during the gravel/sand extraction and backfilling of this final phase which would be approximately 100m from the nearest houses in Colnbrook. According to the noise calculations submitted, the bund would not be required for noise attenuation purposes once the processing plant was removed.

8.3 The applicant has produced further information relating to air quality, dust and noise pollution. An Environmental Scheme would be submitted setting out measures for mitigating and monitoring the impacts, as well as procedures for complaints and for communication between the developer/operator and the regulatory authorities.

8.4 It is now considered that the submissions relating to visual intrusion, noise, and statutory dust nuisance can be adequately addressed through conditions.

8.5 There have been more submissions, correspondence and meetings between the applicants and Highways Section.

8.6 It is now considered that the outstanding issues relating to traffic and highways can be addressed through conditions and the S106 legal agreement (to which Slough would be a party) which would include:

* contributions for a signal controlled pedestrian crossing on London Road adjacent to the Recreation Ground
* contribution towards costs for exceptional wear on the carriageway arising from the proposed HGV traffic
* operator to enter into Section 278 agreement for purposes of carrying out Highway Improvement Works at the junction of Horton Road and Colnbrook High Street; works to be completed prior to commencement of extraction of gravel and sand

8.7 With respect to groundwater and surface water matters, the Environment Agency have now written to state that they have no objections. Therefore, the one remaining concern relates to arrangements to secure the management of the piped system in perpetuity.

8.8 It is considered that the recent submissions overcome concerns of the Council relating to the lack of information relating to traffic/highways, and dust and noise impacts, with the important proviso that the conditions imposed by the RBWM, and requirements of the S106 agreement fully address these matters.

8.9 There are still concerns relating to the length of time for the restoration; the applicant states that no evidence exists to support a contention that insufficient material can be attracted to enable the site to be restored in the timescale proposed. However, since the application was submitted, the government has produced Waste Strategy 2007. This highlights the fact that construction/demolition and excavation wastes account for the largest proportion (approximately one third) of the waste arisings in England.

8.10 The Strategy proposes a target of halving the amount of this waste going landfill by 2012 (possibly with 2005 as the baseline) as a result of waste reduction, re-
use and recycling. It is intended to include this target - for further discussion with the construction industry – in the consultation paper to be published shortly by the DTI on the Government’s Sustainable Construction Strategy. Any final target will be set out in that Strategy which is planned to be published by the end of the year.

8.11 The proposed rate of progressively backfilling the application site does not take into account this new proposed target, and therefore the site could take longer than 13 years to complete the restoration of the site. However, it is not considered that a formal objection should be raised relating to this issue due to uncertainty.

9.0 **Outstanding Issue of Air Quality in the AQMA**

9.1 One of the outstanding issues that remain is the predicted increase of 0.88ug/m$^3$ in nitrogen dioxide (annual mean) within the Brands Hill AQMA. This AQMA was designated in June 2005 in relation to a likely breach of the objective for nitrogen dioxide (annual mean) in the National Air Quality Strategy of 40 ug/m$^3$ to be met by the end of 2005. The mandatory annual mean adopted in the EU Framework Directive is 40 ug/m$^3$. to be met by the beginning of 2010.

9.2 The 2005 monitored levels for two locations at Brands Hill were 59 ug/m$^3$ and 49 ug/m$^3$. The existing monitored levels are well above the national objective. Whilst the modelling shows that the NO$_2$ annual mean is unlikely to be exceeded by 2010, the modelling results are consistently under estimating the levels compared to the monitored levels; furthermore, the monitoring results completed to date in Slough reveal no actual downward trend of NO$_2$ annual mean levels over the past six years of monitoring.

9.3 In itself, the predicted increase of 0.88ug/m$^3$ in nitrogen dioxide (annual mean) within the Brands Hill AQMA is not large; however, it is significant because the area is already within an AQMA where the monitored levels are already well above the national objective, and therefore the residents living within the AQMA are already exposed to nitrogen dioxide levels greater than 15% above the annual objective limit (which is set to be protective of health). Furthermore, the predicted increase in NO$_2$ arising from the development would potentially increase the number of years during which the residents would be exposed to NO$_2$ levels exceeding the national objective.

9.4 The Air Quality Action Plan (AQAP), which has been approved by DEFRA and by GOSE/DCLG, identifies that poor air quality at Brands Hill is largely attributable to emissions from HGVs, and congestion and queuing traffic is a major factor in exacerbating the problem. The increase in HGVs arising from the proposed development would conflict with elements of the Council’s Air Quality Action Plan designed to meet the objective for NO$_2$ at Brands Hill at the earliest possible date. The AQAP highlights the fact that there are risks in improving air quality within the AQMA for a number of reasons due primarily to the strategic nature of the traffic which means that many of the actions would have only a limited impact on air quality; in addition, due to Slough's strategic location, there are a wide range of major infrastructure projects/development proposals which may, on their own or cumulatively, have an impact on air quality in the AQMA.
9.5 According to the NSCA (National Society for Clean Air) document, Development Control: Planning for Air Quality (2006), in assessing magnitude and significance impacts, the magnitude of change would be 'very small' as the increase in the annual mean is between 1 and 5%; the impact significance would be 'slight adverse' as area is already above the standard without the scheme. Taking into account the number of properties in the area, where the concentration at these properties is above the standard, then there would be a 'moderate adverse' impact. However, these descriptors do not take into account the extent to which the area is already above the standard.

9.6 The London Councils' document Air Quality and Planning Guidance (January 2007) does address the extent to which an area is already above the standard. It states that where the annual mean is >5% above the national objective, 'refusal on air quality grounds should be anticipated'. In this case, the existing monitored levels are already >15% above the national objective.

9.7 Therefore, it is recommended that the Royal Borough be advised that this Council raises an objection to the application on the grounds that the development would involve an increase in the number of HGVs going through the AQMA, leading to an increase in the annual mean of 0.88 ug/m3 in NO₂, thereby conflicting with elements of the Council's Air Quality Action Plan designed to meet the objective for NO₂ at the earliest possible time. Residents within the AQMA would thus be exposed to levels of NO₂ above the health based objective for a longer duration as it would take the Council more time to achieve a lowering of the NO₂ level.

9.8 Were the RBWM to approve the application, then this Council should be seeking, through the S106 agreement, the requirement of the developer to provide the means by which to monitor closely HGV flows and air quality levels at Brands Hill. The main measures required are a traffic loop to monitor HGVs into Colnbrook before and after the development commences and a NO₂, PM10 and PM2.5 continuous monitor at Brands Hill.

9.9 The development is therefore contrary to Berkshire Structure Plan Policy EN5 (Air Pollution and Noise) and W1 and M1, and Policy WLP30 (iii) of the Waste Local Plan, all of which seek to mitigate the impact of development on air quality or safeguard important environmental interests.

10.0 Conclusion

10.1 The additional information submitted by the developer has largely overcome the Council's concerns relating to insufficient information. It is considered that the proposed mitigation measures which accompanied the application and those that have been subsequently submitted address the concerns of this Council with respect to noise and dust, and traffic and highways. The concerns relating to groundwater and flood flow have also been addressed, with the exception of the means by which the maintenance of the piped system will be maintained in perpetuity. The above two statements are subject to the RBWM imposing appropriate conditions and the S106 containing the appropriate requirements.

10.2 However, there are still concerns relating to the impact of the development (in terms of HGV movements) on the NO₂ annual mean level at Brands Hill where...
the monitored annual mean level for NO\textsubscript{2} is already greater than 15% higher than the objective set out in the National Air Quality Strategy.

11.0 **Recommendation**

11.1 It is recommended that the Royal Borough be advised that this Council raises objections to the application on the grounds that the development would involve an increase in the number of HGVs going through the AQMA, leading to an increase in the annual mean of 0.88 ug/m\textsuperscript{3} in NO\textsubscript{2}, thereby conflicting with elements of the Council's Air Quality Action Plan designed to meet the objective for NO\textsubscript{2} at the earliest possible time. Residents within the AQMA would thus be exposed to levels of NO\textsubscript{2} above the health based objective for a longer duration as it would take the Council more time to achieve a lowering of the NO\textsubscript{2} level.

11.2 If the Royal Borough is minded to approve the application, then the Council would seek the inclusion of the following in the S106 agreement:

* contributions for a signal controlled pedestrian crossing on London Road adjacent to the Recreation Ground

* contribution towards costs for exceptional wear on the carriageway arising from the proposed HGV traffic

* operator to enter into Section 278 agreement for purposes of carrying out Highway Improvement Works at the junction of Horton Road and Colnbrook High Street; works to be completed prior to commencement of extraction of gravel and sand

* contribution for a traffic loop to monitor HGVs into Colnbrook AQMA before and after development, including data capture and maintenance

* contribution for purchase of, installation and maintenance of a NOx, PM10, and 2.5 continuous monitor

* contribution for co-located NOx diffusion tube to validate monitor

* means of securing maintenance of piped system for groundwater in perpetuity

11.3 In addition, appropriate conditions are required relating particularly to the requirements for an Environmental Scheme; the Council would wish to be consulted on the details of the Environmental Scheme submitted for approval.

12.0 **Background Papers**

Planning application (07/00590), Environmental Statement, and supporting documents submitted to RBWM

Subsequent submissions to the RBWM in support of the application