

# Appendix 1

**CBRE**

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30<sup>th</sup> September 2025

Mehdi Bourassi

Tritax Management LLP

By Email: [mehdi.bourassi@tritax.co.uk](mailto:mehdi.bourassi@tritax.co.uk)

Dear Mehdi,

## **TBBR - MANOR FARM 1 DATA CENTRE**

### **MARKETING PROCESS SUMMARY**

I am writing further to the marketing process that CBRE have undertaken for TBBR regarding Manor Farm 1 (the Property). To confirm, CBRE are advising TBBR on the commercialisation of the Property and our instruction from you was to find a tenant for the Property, on a powered shell basis.

We have completed the first stage of marketing, and we are now proceeding to a second stage of marketing, with a shortlist of 3 potential tenants.

We confirm the following:

1. We received strong demand from data centre operators in the Property because it is a unique opportunity to deploy a data centre in the Slough Availability Zone before 2029/2030.
2. Most of the interest was from established global data centre operators, who's focus is on delivering cloud services.
3. The interest in the Property was largely driven by two key factors:
  - a. Location – The data centre operators who were chosen to be involved in the process have strategic requirements to develop a data centre in Slough, due to the importance of this Availability Zone in the European market.
  - b. Power – The site has power secured before 2029/2030, when a high level of capacity is due to come online in the London market, making the project deliverable and providing a competitive advantage. This is a unique proposition for development opportunities in West London due to the power constraints other schemes are facing.
4. From the initial list of 10+ interested parties, three parties have been down selected to participate in the second round of bidding. These parties are all extremely motivated to be selected as the tenant, have submitted the highest headline rental values in the first round and have the capability to progress with the delivery of this project with you.



We trust that the above is in order and please do not hesitate to contact us or our team further.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Hugo Jack', is positioned above the printed name.

**Hugo Jack**

**Senior Director**

**Data Centre Solutions**

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**Email: [Hugo.Jack@cbre.com](mailto:Hugo.Jack@cbre.com)**

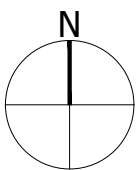


# Appendix 2



## LEGEND

- Site Boundary
- Excluded Zone (Power Station sub-zone)  
Approximate existing heights:  
Chimney Stack - 105m  
CHP cooling towers - 49m  
CHP plant - 48m
- Maximum Building Heights Permitted
  - Development Height 36m
  - Development Height 31m
  - Development Height 25m
  - Development Height 20m
  - Development Height 18m
  - Development Height 15m
  - Development Height 12m
  - Development Height 7m
  - Development Height 3m



Plan 3 - Building Heights Plan



# Appendix 3

Press release

## Planning overhaul to reach 1.5 million new homes

An overhaul of the planning system to accelerate housebuilding and deliver 1.5 million homes over this Parliament.

From: **Ministry of Housing, Communities and Local Government** (</government/organisations/ministry-of-housing-communities-local-government/>), **The Rt Hon Angela Rayner MP** (</government/people/angela-rayner/>) and **The Rt Hon Sir Keir Starmer KCB KC MP** (</government/people/keir-starmer/>)

Published 12 December 2024



- Security for hard working families as government sets mandatory higher housing targets for councils across the country
- Planning reform sees lower quality 'grey belt' land defined in national planning policy for the first time, with tough new 'golden rules' on development to guarantee affordable housing, local services and green spaces



- £100m cash for councils' planning officers, along with 300 additional planning officers, will see faster decision making to turbocharge growth and get families onto the property ladder
- Comes as an immediate step to grow the economy and support government's Plan for Change milestone of building 1.5 million homes

Hard working families locked out of owning their own home for far too long will benefit from government's landmark planning changes.

Under the plans, councils will be told they must play their part to meet housing need by reaching a new ambitious combined target of 370,000 homes a year. This comes less than one week after the Prime Minister announced the [Plan for Change](https://www.gov.uk/government/publications/plan-for-change) (<https://www.gov.uk/government/publications/plan-for-change>) that sets our milestone of delivering 1.5 million new homes over five years.

In a major boost for communities across the country, the government is today turbocharging growth with new, mandatory targets for councils to ramp up housebuilding across the country. The planning overhaul is set to tackle the chronic housing crisis once and for all and will mean hard graft at work will be rewarded with security at home.

Today's changes tackle the dire inheritance faced by the government, in which 1.3 million households are on social housing waiting lists and a record number of households – including 160,000 children – are living in temporary accommodation.

Under new planning rules, updated via the National Planning Policy Framework (NPPF):

- Councils will be told to play their part to meet housing need, with new immediate mandatory housing targets for councils to ramp up housebuilding and deliver growth across the country putting more money in working people's pockets.
- Areas with the highest unaffordability for housing and greatest potential for growth will see housebuilding targets increase, while stronger action will ensure councils adopt up-to-date local plans or develop new plans that work for their communities.
- A new common-sense approach will be introduced to the greenbelt. While remaining committed to a brownfield first approach, the updated NPPF will require councils to review their greenbelt boundaries to meet targets, identifying and prioritising lower quality 'grey belt' land.
- Any development on greenbelt must meet strict requirements, via the new 'golden rules', which require developers to provide the necessary



infrastructure for local communities, such as nurseries, GP surgeries and transport, as well as a premium level of social and affordable housing.

- To further tackle the housing crisis, councils and developers will also need to give greater consideration to social rent when building new homes and local leaders have greater powers to build genuinely affordable homes for those who need them most.

The government has been clear that it supports builders not blockers, as it makes the necessary decisions to deliver for working people across the country.

**Prime Minister Keir Starmer said:**

“For far too long, working people graft hard but are denied the security of owning their own home. I know how important it is - our pebble dash semi meant everything to our family growing up. But with a generation of young people whose dream of homeownership feels like a distant reality, and record levels of homelessness, there’s no shying away from the housing crisis we have inherited.

“We owe it to those working families to take urgent action, and that is what this government is doing. Our Plan for Change will put builders not blockers first, overhaul the broken planning system and put roofs over the heads of working families and drive the growth that will put more money in people’s pockets.

“We’re taking immediate action to make the dream of homeownership a reality through delivering 1.5 million homes by the next parliament and rebuilding Britain to deliver for working people.”

Reform is desperately needed if we are to build 1.5 million homes. Under the current planning framework just under one third of local authorities have adopted a local plan within the last five years and the number of homes granted planning permission had also been allowed to fall to its lowest level in a decade.

That has to change. Following consultation, areas must commit to timetables for new plans within 12 weeks the updated NPPF or ministers will not hesitate to use their existing suite of intervention powers to ensure plans are put in place.

**Deputy Prime Minister and Secretary of State for Housing, Angela Rayner said:**

“From day one I have been open and honest about the scale of the housing crisis we have inherited. This mission-led government will not shy away from taking the bold and decisive action needed to fix it for good.



“We cannot shirk responsibility and leave over a million families on housing waiting lists and a generation locked out of home ownership. Our Plan for Change means overhauling planning to make the dream of a secure home a reality for working people.

“Today’s landmark overhaul will sweep away last year’s damaging changes and shake-up a broken planning system which caves into the blockers and obstructs the builders.

“I will not hesitate to do what it takes to build 1.5 million new homes over five years and deliver the biggest boost in social and affordable housebuilding in a generation.

”We must all do our bit and we must all do more. We expect every local area to adopt a plan to meet their housing need. The question is where the homes and local services people expect are built, not whether they are built at all.”

Reflecting our commitment to the plan-led system, meaning where and how new development is built through local plans, ministers will provide local authorities with three months in which to progress local plans that are currently in development, subject to conditions that catch those which significantly undershoot the new targets.

But the government is introducing a new requirement that where plans based on old targets are still in place from July 2026, councils will need to provide for an extra year’s supply of homes in their pipeline – six years instead of five.

Where they do not, the strengthened presumption in favour of sustainable development would apply alongside the existing safeguards in national policy around provision of affordable housing, design quality, and sustainability of location.

Brownfield land must continue to be the first port of call for any new development and the default answer when asked to build on brownfield should always be ‘yes’. The government is also exploring further action to support and expedite the development of brownfield land in urban areas through ‘brownfield passports’ with more details to be set out next year.

To support councils to update their local plans and review their current greenbelt land, £14.8 million grant funding is available for local authorities to hire more staff and consultants as well as more resources to carry out technical studies and site assessments. An additional £100 million of cash next year will be available to bolster local resources with increased planning fees to cover costs, and funding to recruit 300 planning officers, making sure they have the staff and capacity needed to approve homes for local people.



The new growth focused NPPF also includes requirements to ensure homes are high-quality and well-designed without stalling growth. The government has also committed to updating the National Design Guide and National Model Design Code in Spring next year.

### **On the NPPF consultation:**

The government has published its full response to the National Planning Policy Framework consultation.

The new annual housing targets continue to total an ambitious 370,000 across England, with higher mandatory targets in those places facing the most acute affordability.

Drawing on over 10,000 responses to the consultation and extensive engagement across the housing sector, the NPPF published today contains a number of refinements to the proposals set out in the summer.

The government also consulted on increasing planning fees for householder applications and other applications, alongside allowing local authorities to set their own fees.

Eligible local planning authorities are invited to submit an Expression of Interest by 17 January 2025 to request a share of the £14.8 million grant funding, supporting them with local plan delivery and green belt reviews.

As part of its relentless focus to get Britain building again, the government has already:

- Launched a New Homes Accelerator to unblock thousands of homes stuck in the planning system.
- Set up an independent New Towns Taskforce, as part of a long-term vision to create large-scale communities of at least 10,000 new homes each.
- Awarded £68 million to 54 local councils to unlock housing on brownfield sites.
- Awarded £47 million to seven councils to unlock homes stalled by nutrient neutrality rules.
- Announced an additional £3 billion in housing guarantees to help builders apply for more accessible loans from banks and lenders.
- Extended the existing Home Building Fund for next year providing up to £700 million of vital support to SME housebuilders, delivering an additional 12,000 new homes.

The government has published its [first working paper](https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees) (<https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees>) for the

Planning and Infrastructure Bill, seeking views from a range of planning, housing and local experts before finalising proposals details for planning committees.

This will be followed by a formal public consultation on these detailed proposals to coincide with the Bill's introduction next year.

### Golden rules:

- Brownfield first.
- Grey belt second.
- Affordable homes.
- Boost public services and infrastructure.
- Improve genuine green spaces.

Published 12 December 2024



**OG**

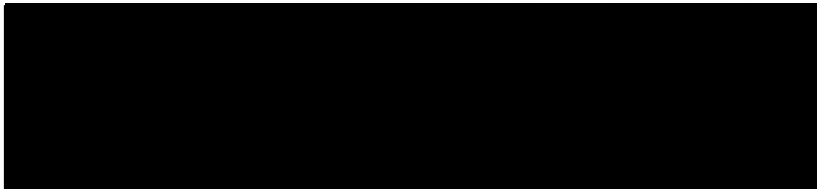
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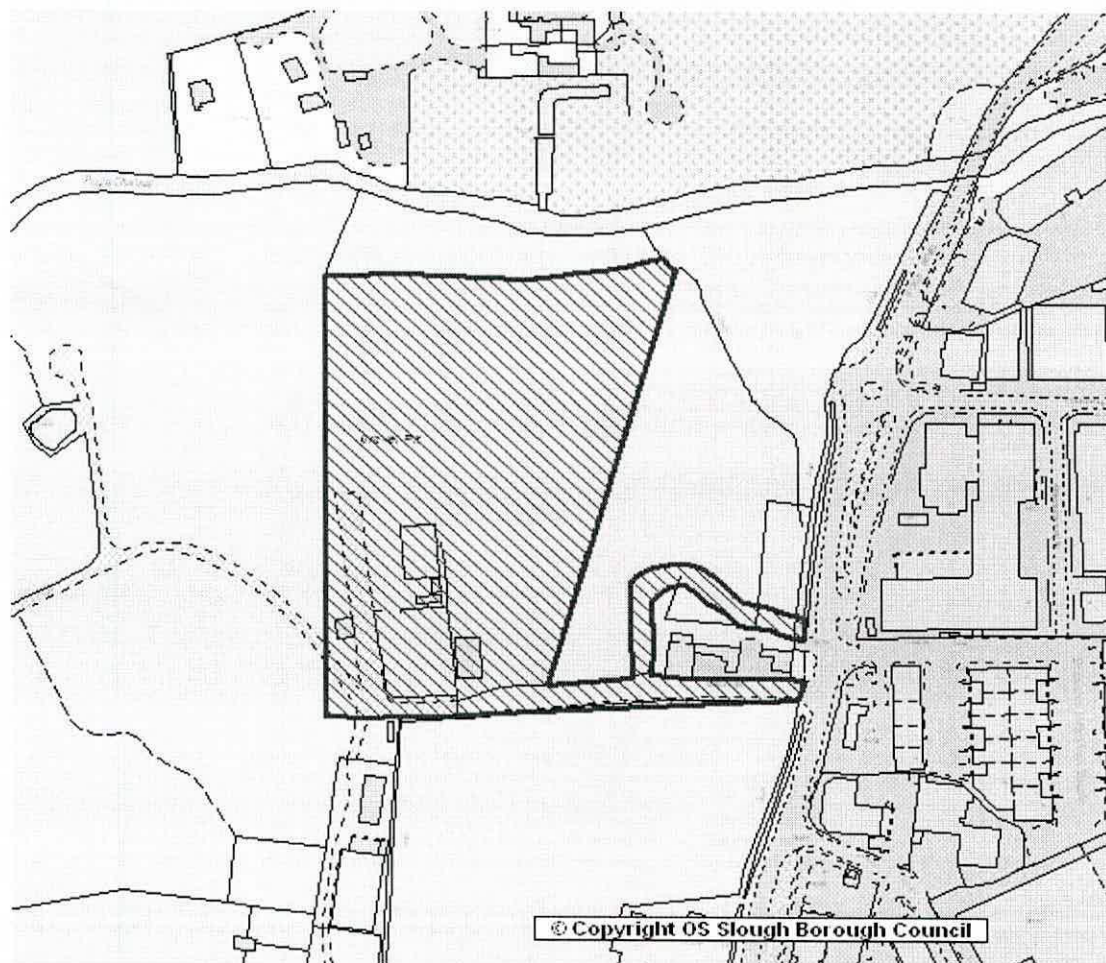
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# Appendix 4

Registration Date	06-Mar-2008	Applic. No	P/10076/006
Ref:	Mr. P. Taylor	Ward	Colnbrook-and-Poyle
Applicant			
Agent			
Location	Manor Farm, Poyle Road, Poyle, Slough, Berkshire		
Proposal	USE OF LAND FOR CONCRETE CRUSHING, SCREENING AND INERT WASTE RECYCLING (B2 USE) INCLUDING RETENTION AND REMODELLING OF EXISTING STOCKPILES (LIMITED BY HEIGHT AND VOLUME), CREATION OF NEW ACCESS, PROVISION OF NEW VEHICLE AND LORRY PARKING AND WHEELWASHING FACILITIES, NEW PLANT WORKSHOP, LORRY WORKSHOP, RETENTION OF EXISTING FUEL STORE AND PROVISION OF NEW FUEL STORE, A WEIGHBRIDGE AND OFFICE ACCOMMODATION, AN AGGREGATES YARD, PROVISION OF TOILET BLOCK, RESTROOM, CANTEEN AND BOUNDARY TREATMENT.		

**Recommendation:** Refuse



**1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the policy background and comments from consultees, it is recommended that planning permission be refused.

**PART A: BACKGROUND**

**2.0 Proposal**

- 2.1 The application seeks retrospective permission for the use of land for concrete crushing, screening and inert waste recycling (B2 use) including retention and remodelling of existing stockpiles (limited by height and volume), creation of new access, provision of new vehicle and lorry parking and wheel washing facilities, new plant workshop, lorry workshop, retention of existing fuel store and provision of new fuel store, a weighbridge and office accommodation, an aggregates yard, provision of toilet block, restroom, canteen and boundary treatment.
- 2.2 The application is accompanied by a supporting statement as well as an existing volumetric survey dated September 2007, a proposed site volumes plan, a drainage plan, transport statement, tree survey and photographs.
- 2.3 It is proposed to continue to operate the site as an existing recycling facility but to delineate it within the application area. This proposes the crushing of concrete and screening of soils and demolition waste (hardcore) and then sending the recycled material out to new construction sites.

The planning statement details that it is proposed to retain 84,000 cubic metres of waste on site. It is proposed to retain the existing office and other workshop buildings on site and to improve the current plant workshop to include a roof and siding.

The site would operate between 07.30 – 18.00 Monday to Friday and 08.00 – 13.00 on Saturday.

No detail is given about the proposed quantities of waste which would be processed per annum. Although the proposals include a plan showing the proposed site volumes and their locations on site. It is intended to retain the current 84,000 cubic metres of waste until it can be sold. It is proposed to limit the height of stockpiled material to 7.6m.

There is currently no restriction on the number of movements permitted at the site. A new wheel washer is proposed on the existing access track. It is proposed to close the existing access



and use a new access approximately 20 metres to the north. The applicant also states a new dust suppression system would be installed. Also new boundary treatment is proposed. In terms of the east and west a 2.4m fence with anti climb overhang and poplar and conifer screening is proposed. To the north the existing earth bund and poplar tree screen will remain. To the south the existing boundary will remain.

### 3.0 **Application Site**

3.1 The site with its new access would be 3.08 ha in size. The site is located west of Poyle Road and to the south of Poyle Channel. The site is located within the Green Belt, the Council's Strategic Gap and the Colne Valley Park. The site is located in Flood Zone 3 and is at risk from flooding.

3.2 To the east of the application site are two caravan sites, both of which are subject to enforcement action and a pending prosecution. To the west of the site is a large area of unauthorised waste storage. This is also subject to an enforcement notice and part of the pending prosecution.

3.3 To the north of the Poyle Channel are located 3 residential properties (Riverside Bungalows) (twenty metres away) and agricultural land on a restored landfill site. To the east of Poyle Road is Poyle Industrial Estate. To the south is Poyle poplar plantation. West of the Colne Brook is the recently restored (to lakes) Berkyn Manor gravel extraction site.

3.4 The application site encompasses the all the existing buildings on site some of which have already have planning permission as part of the filter media plant (processing of residual material from the Slough coal fired power station).

### 4.0 **Site History**

4.1 The site gained planning permissions dated 20 October 1952, 18 January 1972 and 18 December 1972 for use of the site a filter media plant. This permitted the residual ash from Slough Coal fired power station to be stored and recycled on the site. During the 1970s and 1980s the type of material being processed on the site changed from clinker to concrete. This change was subject at the time to a number of enforcement notices which were not complied with.

4.2 Planning permission for importation, crushing, storage and export of concrete was permitted in 1991. This was subject to the provisions of a Section 106 agreement in conjunction with a temporary planning permission granted in 1995 for the land immediately to the

east for a concrete recycling facility. This temporary permission required the removal of all plant, machinery and materials (processed and otherwise), as well as the boundary bund, from the site at the end of the three years; the site would however not be restored to agriculture as it benefited from a planning permission granted in October 1952 for the processing of filter media. The legal agreement attached to the permission required the removal of all surplus waste materials from the application with most of the area restored to grassland with the exception of the far northeastern corner where tree planting was to be carried out.

4.3 In July 1998, the applicant applied for the permanent retention of the recycling centre; planning permission was refused. The applicant did not cease the activity as required at the cessation of the temporary permission and thus an enforcement notice was served in August 1999. Following a public inquiry, the appeal lodged against the notice was dismissed in May 2000. The applicant challenged the decision in the High Court but subsequently withdrew his appeal in April 2001. Following the withdrawal of this challenge, the revised timetable for complying with the enforcement notice required the land to the west to be cleared by the middle of January 2003.

4.4 To date, the quantities of unauthorised waste material on the whole site have reduced. This is contended only as a result of notices and prosecutions being progressed by the Council and the Environment Agency. The waste contained on land situated between the application site and the unauthorised site to the west has been separated. The waste contained within the application site has not been moved or ordered into separate storage areas as detailed in the proposed plans.

#### 5.0 **Neighbour Notification**

5.1 Owners/occupiers: 1 - 3 Riverside Bungalow  
1 - 4 Poyle Farm House

Occupiers of units on the east side of Poyle Industrial Estate (Aqua Det Sales Co., Unit 1, Britannia Industrial Estate, SBS World (SBS House), Overseas Courier Service, Pertemps Recruitment, The Hollies,

Advertisement in the Slough Observer as it is major development

5.2 No objections have been received from any adjoining occupiers.

5.4 The Parish Council states that the previous enforcement notices have not been complied with. Stockpiles have been built up to an unacceptable level without control. Any consent should be enforced vigorously as opposed to previous history. If permitted the routing of



HGVs should be restricted to only turning right onto Poyle Road to the M25. The Parish Council concludes that they are "very uncomfortable" with this application.

- 5.5 The Environment Agency object on flood risk grounds due to inadequacy of the submitted FRA. They also object due to insufficient information being submitted to demonstrate that the risk of pollution to controlled water is acceptable. The Agency would like to see the company's environmental strategy covering construction retention and remodelling of existing stockpiles, specifically the point relating to recycling, waste minimisation and the risk of water pollution.
- 5.6 The Council's drainage engineer is concerned as he is not fully aware of the full history of the site and the site may be contaminated which may need remediating. There is a lack of information relating to drainage specifically the figures for discharge off site. It is also unclear as to the impermeability of the proposed surface areas and the proposed attenuation to reduce off site flow rates. Finally additional drawings of the oil storage area need submitting to show compliance with current regulations.
- 5.7 The Environmental Health officer considers the assessment of current on site contamination to be insufficient and a detailed contaminated land report is required. In terms of noise and dust the officer considers that due to the proximity of local residents this can satisfactorily be handled by conditions.
- 5.8 The Highways Officer comments that the proposed new access improves on the current access by offsetting two opposite junctions. The movement of two bus stops to facilitate this is advised could be covered under a S278 agreement. Currently the officer requires the submission of the raw traffic data and a stage 1 safety audit for the junction layout to properly assess the proposals impact. This could be covered by condition.
- 5.9 The Civil Aviation Authority do not object subject to a condition requiring the submission of a bird hazard management plan.

## **PART B: PLANNING APPRAISAL**

### **6.0 Planning Policy**

- 6.1 National, regional, and county policies seek to drive waste up the waste hierarchy. However, the drive for more sustainable waste management must clearly be balanced with the need to avoid adverse impacts on environmental quality and amenities as highlighted in PPS10 and policies within RPG9 Waste/draft South East Plan, as well as the Waste Local Plan for Berkshire and the Berkshire Structure Plan.

### **6.2 Waste Strategy 2007**

The Government's key objectives with respect to waste are to:

- decouple waste growth (in all sectors) from economic growth and put more emphasis on waste prevention and re-use;
- meet and exceed the Landfill Directive diversion targets for biodegradable municipal waste in 2010, 2013 and 2020;
- increase diversion from landfill of non-municipal waste and secure better integration of treatment for municipal and non-municipal waste;
- secure the investment in infrastructure needed to divert waste from landfill and for the management of hazardous waste; and
- get the most environmental benefit from that investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.

The Strategy sets higher targets than in the previous Waste Strategy to reduce the amount of household waste not re-used, recycled or composted; for recycling and composting of household waste, the target is at least 40% by 2010, 45% by 2015 and 50% by 2020.

The Government will shortly be setting a new national target for the reduction of commercial and industrial waste going to landfill. On the basis of the policies set out in Waste Strategy for England 2007, levels of commercial and industrial waste landfilled are expected to fall by 20% by 2010 compared to 2004.

### **6.3 PPS10: Planning for Sustainable Waste Management**

Two of the key planning objectives are set out in paragraph 3 of the PPS are to:

*-help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for; and*



*-protect green belts but recognize the particular locational needs of some types of waste management facilities when defining green belt boundaries and, in determining applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.*

In paragraph 5, waste planning authorities are advised:

*'in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plans.'*

The emerging Waste LDF for Berkshire is addressed in paragraphs 6. below;

The guidance states in paragraph 24: *'Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with: (i) the policies in this PPS, including the criteria set out in paragraph 21, (ii) the waste planning authority's core strategy.'* Paragraph 21 sets out what waste planning authorities should do when deciding sites and areas to be identified for waste management:

*(i) assess their suitability for development against each of the following criteria:*

- \* the extent to which they support the policies in this PPS;*
- \* the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);*
- \* the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- \* the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*

*(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.*

Paragraph 29 address local environmental impacts, stating:

*'In considering planning applications for waste management facilities waste planning authorities should consider the likely*

*impact on the local environment and on amenity (see Annex E). ‘*

*Paragraph 37 refers to the need for the waste industry to work in partnership with waste local authorities; the Berkshire waste LDF is in the process of being prepared. The Waste Core Strategy Preferred options document was subject to consultation in the autumn of 2007, together with the Waste Development Control Policies and Site Allocations Issues and Options documents. The appellant did not put forward any representations relating to this site. Were the development the subject of this application to be permitted, it would effectively by-pass the process.*

#### 6.4 **PPS1 Delivering Sustainable Development**

Paragraph 17 states that:

*The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to the most valued townscapes and landscapes, wildlife habitats and natural resources. ....*

Paragraph 19 of PPS1 states that: *Planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In line with the UK sustainable development strategy, environmental costs should fall on those who impose them - the "polluter pays" principle.*

Finally PPS1 in paragraph 20 refers to the need for development plan policies to take account of environmental issues such as:

*‘the management of waste in ways that protect the environment and human health, including producing less waste and using it as a resource wherever possible.’*

#### 6.5 **PPG2 – Green Belts**

PPG2 states that: *‘The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.’* (paragraph 1.4)

Paragraph 1.5 sets out the purposes of including land in the green belt; these include:



- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

There is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances.

Paragraph 3.2 states:

*Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

Paragraph 3.15 states that '*visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.*'

## 6.6 **PPS23 Planning and Pollution Control**

Paragraph 15 states: *Development control decisions can have a significant effect on the environment, in some cases not only locally but also over considerable distances. LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts.*

Paragraph 23 states: *In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990. Intending developers should be able to assure LPAs they have the expertise, or access to it, to make such assessments.*

Appendix A of PPS23 sets out matters to be taken into consideration when considering planning applications; such matters include:

- *the possible impact of potentially polluting development (both*

- direct and indirect) on land use, including effects on health, the natural environment or general amenity;
- the potential sensitivity of the area to adverse effects from pollution, in particular reflected in landscape, the quality of soil, air, and ground and surface waters, nature conservation (including Sites of Special Scientific Interest (SSSIs), National Parks, Areas of Outstanding Natural Beauty (AONBs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Wetland of International Importance (RAMSAR sites), agricultural land quality, water supply (Source Protection Zones), archaeological designations and the need to protect natural resources;
  - the need to ensure that land, after development, is not capable of being determined as contaminated land under Part IIA of the EPA 1990 and that all unacceptable risks have been addressed;
  - the possible adverse impacts on water quality and the impact of any possible discharge of effluent or leachates which may pose a threat to surface or underground water resources directly or indirectly through surrounding soils;
  - the need to make suitable provision for the drainage of surface water;
  - the possibility that (whether or not some aspects of the development are subject to pollution control), emissions of smoke, fumes, gases, dust, steam, smell, vibration or noise from the development might nevertheless be seriously detrimental to amenity in addition to constituting a statutory nuisance under Part III of the Environmental Protection Act 1990;
  - the objective perception of unacceptable risk to the health or safety of the public arising from the development;

Paragraph 2.17 in Annex 2 (Development on land affected by contamination) states:

*Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action. In particular, the developer should carry out an adequate investigation to inform a risk assessment to determine:*

- *whether the land in question is already affected by contamination through source - pathway - receptor pollutant linkages and how those linkages are represented in a conceptual model;*
- *whether the development proposed will create new linkages, e.g. new pathways by which existing contaminants might reach existing or proposed receptors and whether it will introduce new vulnerable receptors; and*
- *what action is needed to break those linkages and avoid new*

*ones, deal with any unacceptable risks and enable safe development and future occupancy of the site and neighbouring land*

## 6.7 **South East Plan**

The alterations to RPG9 Waste were published in June 2006. The draft South East Plan, which was subject to an EIP in 2006/2007, addresses waste issues in Chapter D6. The Panel's report on the EIP was published the end of August 2007; the Panel did not comment on the three policies referred to below relating to the recycling of household and commercial and industrial waste, and the location of waste management facilities.

The draft Plan identified the shortfall in waste recycling capacity in the South East for municipal, commercial and industrial, and construction and demolition wastes. Policies W5 -Targets For Diversion From Landfill and Policy W6 - Recycling And Composting Targets both set out targets for diverting waste from landfill and call upon waste planning authorities to ensure policies and proposals are in place to contribute to the delivery of these targets.

With respect to the location of waste management facilities, the relevant policy is very similar to that contained in RPG9 Waste and Minerals dated July 2006. Policy W17: Location of Waste Management Facilities, states that the suitability of sites should be assessed on the basis of the following characteristics:

- i Good accessibility from existing urban areas or major new or planned development*
- ii Good transport connections including, where possible, rail or water*
- iii Compatible land uses, namely*
  - Active mineral working sites; and*
  - Previous or existing industrial land use*
  - Contaminated or derelict land*
  - Land adjoining sewage treatment works*
  - Redundant farm buildings and their curtilages.*
- iv Be capable of meeting a range of locally based environmental and amenity criteria.*

The policy also addresses the issue of Green Belt, stating that: *Waste management facilities should not be precluded from the Green Belt where this is the nearest appropriate location, where there are no alternative sites, and provided that the development would not cause harm to the objectives of the designation.*



## 6.8 **Berkshire Structure Plan**

The Berkshire Structure Plan was approved in July 2005 and the policies are saved until July 2008. The following policies have been saved.

Policy EN5 (Air Pollution and Noise) states that developments should not give rise to unacceptable levels of noise, smells, dust or air pollution.

Policy EN7 (Development and Water Resources) provides that developments should not give rise to deterioration in the quality of groundwater or surface water or their amenity and biodiversity.

## 6.9 **Waste Local Plan for Berkshire**

Policy WLP1 states that local planning authorities need to take into account the adverse impacts of a proposed waste management development on humans and the natural environment.

Policy WLP16 relates to proposals for waste management developments outside of Preferred Areas, stating that such proposals would normally be permitted on sites within existing permanent waste management facilities or within industrial area subject to environmental impacts and being in accordance with other policies in the Waste Plan.

Policy WLP27 provides criteria for waste management facilities, including the proposed development not giving rise to unacceptable environmental impacts and that if there are adverse environmental impacts, these would be outweighed by a wider environmental benefit resulting from the development. This policy appears contradictory; however, the supporting text in paragraph 10.3 makes it very clear that 'Proposals which would give rise to any unacceptable adverse impacts on living conditions or in terms of pollution risk, danger to public health and safety and other detrimental effects will be refused.'

Policy WLP28 (Development Proposals not According with WLP Policies) provides criteria against which to judge development proposals which are unacceptable in some planning terms; however, one of the three criteria states that the proposals must overcome or accommodate all the constraints specified in other policies including WLP29 and 30.

Policy WLP29 lists those areas within which there would be a presumption against permission for waste management proposals. Such areas include the Metropolitan Green Belt and the aquatic environment where the proposed development would result in material adverse impacts.

Policy WLP30 sets the criteria to be used to assess the general environmental and other impacts of waste management proposals. It is useful to note some of these criteria:

- (i) the likely effects of the traffic and traffic-related impacts which the development would generate;
- (ii) the need to safeguard health and living conditions;
- (iii) the likely effects of the proposed development on the surrounding population and the environment, including the effect on living and working conditions; the effect on the air and water environment; the amenity and wider environmental implications of any emissions, or any changes in the nature, quality and quantity of watercourses and groundwater, and drainage and flooding impacts;
- (iv) the visual impact of the proposed development; its effect on the landscape; the need for additional on-site and off-site planting, screening, or other landscaped measures, including planting in advance of the development; and the need to safeguard and enhance areas of attractive landscape and local landscape character, individual landscapes features (woodlands, hedgerows, etc) the character and setting of rivers, canals and streams, and areas of nature conservation value;
- (v) the need to safeguard the character, setting and amenities of individual settlements and to safeguard important open gaps between settlements from development which would cause long-term harm to the function of the land;
- (vii) the need to safeguard and enhance site of ecological importance and protected species and their habitats and the need to safeguard sites of geological, archaeological, historic, architectural or scientific importance, and to safeguard those sites comprising best and most versatile agricultural land;

#### **6.10 Emerging Waste Local Development Framework for Berkshire**

The Minerals and Waste Core Strategy Preferred Options document was subject to consultation in the autumn of 2007, together with the Detailed Minerals and Waste Development Control and Preferred Areas Issues and Options. It is considered that both documents are at too early a stage for any reliance to be placed on them.

#### **6.11 The Local Plan for Slough**

Many of the policies in the Local Plan for Slough have not been saved as they essentially duplicate national planning guidance. These include policies relating to conservation areas and listed buildings, noise, contaminated land, air and water quality, Green

Belt, and safety of road users.

The three relevant policies which have been saved relate to design (Policy EN1), the Colne Valley Park (Policy CG1) and the Strategic Gap (Policy CG9).

Policy EN1 seeks to ensure that new development reflects a high standard of design and must be compatible with and/or improve their surroundings in terms of numerous design issues including scale, materials, visual impact and relationship to nearby properties. Details of the proposed fencing on the east and west boundaries to a height of 2.4m metres have not been provided. This height of fencing as opposed to soft landscaping is felt inappropriate.

Policy CG1 seeks, amongst other things, to maintain and enhance the landscape within the Colne Valley Park; where development is permitted, mitigation measures would be sought to reduce the visual impact, enhance nature conservation or provide access to the countryside.

Policy CG9 seeks to protect the Green Belt within the strategic gap and to prevent development which would affect the openness of this part of the Green Belt.

#### 6.12 **Emerging Local Development Framework for Slough**

The submission Core Strategy contains a number of relevant policies. Core Policy 2 (Green Belt and Open Spaces) states that the existing areas of Metropolitan Green Belt will be maintained, and development will be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park only if it is essential to be in that location.

Core Policy 7 (Transport) seeks to ensure that developments improve road safety. Core Policy 9 (Natural and Built Environment) seeks to protect and enhance the historic environment and the water environment, as well as natural habitats.

Core Policy 8 (Sustainability and The Environment) states new development shall not:

- (a) Give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting or noise;
- (b) Cause contamination or a deterioration in land, soil or water quality; ....

As for flooding, the policy states:

- (a) Development will only be permitted where it can be



demonstrated that there is no risk of flooding to the property and it will not impede the flow of floodwaters, increase the risk of flooding elsewhere or reduce the capacity of a floodplain; and

- (b) Development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding.

This document was submitted in November 2007 and the Examination took place in May 2008. The findings of the inspector are expected in August 2008. As it has been through the examination stage, some weight can be placed on the submission policies.

## **7.0 Environmental Impacts**

### **7.1 Planning Considerations**

The main land use planning considerations with respect to the application site relate to the whether the development is appropriate in the Green Belt and whether there are particular locational needs for the development which constitute very special circumstances; and whether the development complies with locational criteria for waste facilities, in particular the impact of the application site on:

- Green Belt/Strategic Gap/Colne Valley Park;
- Protection of surface and ground water quality;
- local amenity, including visual intrusion, dust, odours, vermin, and noise; and
- road network.

The application site has not been identified as a Preferred Area in the Waste Local Plan for Berkshire or in the recent Waste Site Allocations Issues and Options consultation document. The applicant did not put forward any representations relating to this site. Were the development the subject of this application to be permitted, it would effectively by-pass the process.

The most current guidance in PPS10 on assessing with sites which have not been previously identified as suitable for new waste management facilities states that such sites should be consistent with the criteria set out in paragraph 21 of PPS10. This paragraph states that the suitability of a development should be assessed against the locational criteria set out in Annex E. The following sections assess the site with respect to these criteria.

### **7.2 Green Belt/Strategic Gap/Colne Valley Park**

The application site falls within the Metropolitan Green Belt, the Strategic Gap, and the Colne Valley Park. The unauthorised

development on the site is inappropriate development which is, by definition, harmful to the Green Belt. The openness of the Green Belt has been harmed by the unauthorised buildings and structures, the stockpiles of waste and the nature and height of the boundary treatment, together with the increase level of activity on the site.

The development is contrary to Policy W17 in the draft South East Plan policy as the application has put forward no justification that the site is the nearest appropriate location and that there are no alternative sites. The development has also not contributed to any of the objectives of the Green Belt but on the contrary, has damaged the landscape through the loss of virtually all vegetation and has caused serious damage through contamination as a result of the uncontrolled importation of waste which has been directly placed on the ground. Any contaminants are simply washed off onto the adjoining land and watercourse as there is not an adequate surface water drainage system.

Paragraph 8.17 of the Companion Guide to PPS10 sets a stringent requirement that waste development in the Green Belt will be granted only in 'very special circumstances' in accordance with guidance in PPG2.

The applicants argument to setting aside Green Belt policy has centred around the need argument. Whilst it is accepted there is a need for more recycling facilities this needs to be set against the criteria detailed in PPS10 Annex E. The capacity which the site may contribute towards increasing recycling is not considered sufficient to represent very special circumstances given the extensive harm by reason of inappropriateness and other harm, therefore the proposal is contrary to PPS10.

This area of the Green Belt in Slough east of Langley has been designated as a strategic gap due to its fragmentation and vulnerability. Policy CG9 of the Local Plan for Slough and emerging Core Policy 2 of the Core Strategy submission document both seek to protect this area of the Green Belt from development unless it is essential that it be situated in this location. No such evidence has been submitted by the appellant. Similarly, Policy CG1 of the Local Plan for Slough and emerging Core Policy 2 of the Core Strategy submission document seek to protect the Colne Valley Park from development which would harm the landscape and result in urbanisation of the countryside. Whilst the site has an established use on the land as a filter media plant, this use ceased back in the 1990s and the existing use is considered to be very different to the previous use. The impact of this unauthorised development has cumulatively increased over the years through the unrestricted importation of more materials which has led to a significant visual impact. Therefore the proposal is contrary to Policy CG1 and CG9 of the Local Plan for Slough and emerging Core Policy 2 of the Core Strategy submission document.

Protection of surface and ground water quality

The site drains north and south. The proposed system includes silt traps for surface water to the south of the site. This will pass into a new oil receptor before the water is discharged to a surface drain.

PPS23 clearly states that the local planning authority needs to be satisfied *'that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks...'*

The guidance also states that developments must make suitable provision for the drainage of surface water. The Environment Agency considers the submitted surface water assessment is inadequate. The applicant has provided no information on permeability of the ground, ground conditions (in terms of contamination), the prevailing watertable levels, or calculations of the storage volume required.

The Environment Agency has also requested the submission of a Flood Risk Assessment. The results of this have concluded that the assessment does not adequately assess the following:

- a topographical survey has not been submitted; and
- model flood levels have not been compared to site levels onto a topographical survey, it is not therefore possible to assess the flood risk on the site;

Soil sampling has taken place across the site. The results reveal that the stockpiles are affected by contamination (in particular, asbestos, arsenic and chromium). Water sampling has also occurred within the sump in the middle of the site. The results will be reported at the meeting.

With the unauthorised waste still on site and 84,000 cubic metres proposed to remain, the surface run-off is likely to be contaminated giving rise to further potential contamination of the surrounding soil, ground water and surface water and in turn the adjacent water course.

The Environment Agency have commented that insufficient information has been submitted to justify locating this facility in Flood Zone 3, adjacent to the Poyle Channel. In the absence of suitable risk assessment with regard to controlled waters, including a conceptual model and source pathway receptor approach, the Environment Agency is not willing to remove its present objection.

The Environment Agency considers that the current assessment of the risk of pollution to controlled water is also inadequate. There



has been insufficient survey work carried out on the waste already on site to establish the extent and degree of any contamination. In the absence of this information it is considered there is the potential for ground contamination and the pollution of adjacent controlled waters.

The unrestricted acceptance of waste from sites in the area combined with no drainage provision has led to surface water runoff containing contaminated substances off site. There is the potential that the contamination to the surface water could cause harm to the Poyle Channel and further downstream.

The development and change of use are contrary to PPS10 and Annex E criteria, PPS23, PPS25, Policy WLP30 in the Waste Local Plan, and Policies EN7 in the Berkshire Structure Plan, and the emerging Core Policy 8 in the Council's Core Strategy submission document, all of which seek to protect groundwater and surface water quality, and reduce the risk of flooding.

#### 7.4 Effect of unauthorised development/change of use on the amenities of the occupiers of nearby residential properties

The criteria in Annex E of PPS10 include air pollution, odours, vermin, and noise and vibration. With respect to all of these, proximity to sensitive receptors is the key consideration. And PPS 23 identifies the need to take into account:

- *the possibility that (whether or not some aspects of the development are subject to pollution control), emissions of smoke, fumes, gases, dust, steam, smell, vibration or noise from the development might nevertheless be seriously detrimental to amenity in addition to constituting a statutory nuisance under Part III of the Environmental Protection Act 1990;*
- *the objective perception of unacceptable risk to the health or safety of the public arising from the development;*

Policy WLP30 states that the effect of a development on the surrounding population and environment, including the effect on living conditions, need to be assessed.

The site is located in a west of an existing industrial site in a prominent location next to Poyle Road. The nearest residents are located immediately north of the application site approximately 20 metres from the site. The importance of the impact on residential properties is not diminished by the number of units.

The Planning Statement which was submitted as part of the planning application included sections on noise and vibration, odour, vermin and birds and air emissions and visual intrusion. In summary the applicant considers the proposed use and buildings

are appropriate in this location and the potential impacts can either be mitigated or will not be significant to cause harm.

It is considered that insufficient information has been submitted to assess the risk from the above sources. It is claimed by the applicant that the proposed stockpiles of waste are a preferred alternative to "built development", and will not have an impact on the surrounding area. It is considered a number of 7.6 metre stockpiles comprising 84,000 cubic metres of waste will have an impact of the residents and surrounding land-uses. No assessment has been made of the noise impact, irrespective of the background noise levels.

The lack of environmental assessments submitted with this application and the unauthorised nature of this development are as such contrary to the locational criteria in Annex E of PPS10, PPS23, Policy W17 of the draft South East Plan, Policies EN5 of the Berkshire Structure Plan, Policies WLP16, WLP27, WLP29 and WLP30 of the Waste Local Plan for Berkshire, and Core Policy 8 of the emerging Core Strategy for Slough.

#### 7.5 Traffic and access

Policy WLP30 in the Waste Local Plan which state that the likely effects of traffic which the development generates are a key impact to be assessed. The supporting text states: Unless the proposed access to the site and the surrounding highway network is adequate in terms of strength, capacity, safety and environmental considerations ....then permission for a proposed development will be refused.'

It is proposed to close the existing access and open a new access to the north. The reason for this is given as improving highway safety. It is claimed due to the closure of the unauthorised caravan park adjacent to the application site will reduce the number of movements from the site.

The highways officer considers the proposed access to be adequate for the proposed purposes. This would mean, those using the turning lane for the proposed access and the industrial estate opposite would not be in conflict. In terms of the proposed vehicle movements, the highway officer would require to see the raw traffic data and a stage 1 safety audit for the junction layout submitted. It is anticipated that once this information is submitted the concerns can be removed.

The officer would recommend the imposition of conditions to any planning permission to cover the above points.

8.0 **Conclusion**

- 8.1 The Council accepts that the business being carried out at Poyle Manor Farm involves the recycling of waste and therefore is a facility which drives waste management up the waste hierarchy. This is in accordance with national and regional policy as set out in Section 6, including Waste Strategy 2007, PPS10, RPG9 – Waste and Minerals, and draft South East Plan (and the Panel's recommendations) which all seek to divert waste from landfill through higher rates of recycling (as well as re-use and composting). The site is also located just to the east of Slough and thus in close proximity to waste risings.
- 8.2 The site also meets one of the criteria in paragraph 21 of PPS10 which identifies the re-use of previously-developed land. Prior to the site being used on an unauthorised basis, the previous use of the land was for the processing of residual material (filter media) from the Slough coal fired power station. However, PPS10, RPG9, and the draft South East Plan all contain references to the need for waste management facilities to avoid significant adverse impacts on the environment and local amenity. This is also highlighted in Appendix A to PPS23 which states that 'the possible impact of potentially polluting development (both direct and indirect) on land use, including effects on health, the natural environment or general amenity' is a material consideration.
- 8.3 The proposal is for the continued use of the site for concrete crushing, screening and inert waste recycling. This use is considered inappropriate as it would mean the increase in number of buildings, storage materials and associated structures which would have an adverse impact on the openness of the Green Belt within the Strategic Gap and the Colne Valley Park. The materials and scale of the unauthorised development will also have an adverse visual impact on the occupiers of the residential properties which are located in close proximity to the application site.
- 8.4 The assessment of the risk of flooding and potential pollution to controlled waters combined with existing contaminated waste on site has been considered inadequate. In the absence of this information it is considered there is the potential for continued ground contamination and the pollution of adjacent controlled waters. This is not acceptable and is contrary to PPS10 and Annex E criteria, PPS23, PPS25, Policy WLP30 in the Waste Local Plan, and Policies EN7 in the Berkshire Structure Plan, and the emerging Core Policy 8 in the Council's Core Strategy submission document.
- 8.5 In conclusion the applicant has not demonstrated that the very special circumstances given are significant enough to outweigh the environmental harm which is being caused. This recommendation of refusal combined with the Council's pending prosecution relating

to breaches of the enforcement notice and the Environment Agency's pending prosecution for failure to comply with a Section 59 notice all aim to cease activities and remediate the site

## **PART C: RECOMMENDATION**

### **11.0 Recommendation**

11.1 To refuse planning permission.

### **12.0 PART D: LIST OF REFUSAL REASON(S)**

#### **Reason(s)**

1. The proposed development is contrary to PPS25, Policies EN7, W1 and W3 of the Berkshire Structure Plan, Policies WLP 29 and 30 of the Waste Local Plan for Berkshire, Policy EN24 of The Adopted Local Plan for Slough 2004 because it has not been demonstrated that there would be no flood risk, the details of the surface water drainage system are unacceptable, and no risk assessment has been carried out to determine what remediation is required and no assessment has been made of the potential impacts arising from the proposed operations.
2. The proposed development is contrary to PPG2 (Green Belts), Policies CG1 and CG9 of The Adopted Local Plan for Slough 2004, and Policies WLP29 and 30 in the Waste Local Plan for Berkshire due to the scale and irreversible harm it would have on the openness of the Green Belt, Strategic Gap and Colne Valley Park.
3. The proposed development is contrary to Core Policy 8 and 9 in the Council's Core Strategy submission document, Policy EN1 of The Adopted Local Plan for Slough 2004 and Policy WLP30 in the Waste Local Plan for Berkshire due to the harm caused to visual amenity and residential amenity in the vicinity of the site.
4. The proposed development is contrary to Core Policy 8 in the Council's Core Strategy submission document, Policy WLP30 in the Waste Local Plan for Berkshire, and Policies EN5 in the Berkshire Structure Plan due to insufficient information on the impact of noise and vibration of the proposed development has been submitted to determine the impact on the amenity of adjoining residential area.



## TOWN AND COUNTRY PLANNING ACT 1990

**Appeal by Wiggins Transport Ltd**

**Statement on behalf of the Local Planning  
Authority:**

### **SLOUGH BOROUGH COUNCIL**

**Appeal No.:** APP/J0350/A/09/2096331/NWF

**LPA Ref No.:** P/10076/006

**Description:** Use of land for concrete crushing, screening and inert waste recycling (b2 use) including retention and remodelling of existing stockpiles (limited by height and volume), creation of new access, provision of new vehicle and lorry parking and wheelwashing facilities, new plant workshop, lorry workshop, retention of existing fuel store and provision of new fuel store, a weighbridge and office accommodation, an aggregates yard, provision of toilet block, restroom, canteen and boundary treatment.

**Location:** Manor Farm, Poyle Road, Poyle, Slough, SL3 0BL

## **1.0. Introduction**

- 1.1. A planning application was received on 6 August 2007 and validated on 6 March 2008. This application sought retrospective planning permission for the use of the land for concrete crushing, screening and inert waste recycling (b2 use) including retention and remodelling of existing stockpiles (limited by height and volume), creation of new access, provision of new vehicle and lorry parking and wheelwashing facilities, new plant workshop, lorry workshop, retention of existing fuel store and provision of new fuel store, a weighbridge and office accommodation, an aggregates yard, provision of toilet block, restroom, canteen and boundary treatment. (Appendix A). After due consideration, the application was refused by the Council's Planning Committee on 25 June 2008, for the reasons given in the decision notice (Appendix K).
- 1.2. The officer's Committee report forms the basis of the Council's case. (Appendix J). This made a full assessment of the proposal against the policies contained within the Waste Strategy 2007, PPG2 – Green Belt, PPS1 Delivering Sustainable Development, PPS10 Planning for Sustainable Waste Management, PPS23 Planning and Pollution Control, South East Plan, , Waste Local Plan for Berkshire, , The Local Plan for Slough and the adopted Core Strategy for Slough.

## **2.0. Site Description**

- 2.1. To the east of the application site are two former caravan sites, now used as open land. To the west of the site is a large area of unauthorised waste storage. This is also subject to an enforcement notice which the applicant has been recently prosecuted and the agreed terms are pending compliance.
- 2.2. To the north of the Poyle Channel are located 3 residential properties (Riverside Bungalows) (twenty metres) and agricultural land on a restored landfill site. To the east of Poyle Road is Poyle Industrial Estate. To the south is Poyle poplar plantation. West of the Colne Brook is the recently restored (to lakes) Berkyn Manor gravel extraction site.
- 2.4. The application site encompasses all of the existing buildings on site, some of which already have planning permission by virtue of an inspector's decision in 1999 that permitted part of the site to be used as a filter media plant (Appendix I).

## **3.0. Site History**

- 3.1. The site gained planning permissions dated 20 October 1952 (Appendix B), dated 26<sup>th</sup> May 1959 (Appendix C), 18 January 1972 (Appendix D) and 10 April 1973 (Appendix E) for use of the site a filter media plant (processing of residual material from the Slough coal fired power station). This permitted the residual ash from Slough Coal fired power station to be stored and recycled on the site.
- 3.2. During the 1970s and 1980s the type of material being processed on the site changed from clinker to concrete. This change was subject at the time to a number of enforcement notices which were not complied with. (Appendix H).

- 3.3 Planning permission for importation, crushing, storage and export of concrete was permitted in 1995 (Appendix F). This was subject to the provisions of a Section 106 agreement in conjunction with a temporary planning permission granted in 1995 for the land immediately to the east for a concrete recycling facility. This temporary permission required the removal of all plant, machinery and materials (processed and otherwise), as well as the boundary bund, from the site at the end of the three years (by 1<sup>st</sup> April 1998); the site would however not be restored to agriculture as it benefited from a planning permission granted in October 1952 for the processing of filter media. The legal agreement attached to the permission required the removal of all surplus waste materials from the application with most of the area restored to grassland with the exception of the far north-eastern corner where tree planting was to be carried out. This was not complied with.
- 3.4 In July 1996 (Appendix G), the applicant applied for the permanent retention of the recycling centre; planning permission was refused (9<sup>th</sup> January 1997). The applicant did not cease the activity as required at the cessation of the temporary permission and thus an enforcement notice was served in 25 August 1999 (Appendix H). Following a public inquiry, the appeal lodged against the notice was dismissed in May 2000 (Appendix I). The applicant challenged the decision in the High Court but subsequently withdrew his appeal in April 2001. Following the withdrawal of this challenge, the revised timetable for complying with the enforcement notice required the land to the west to be cleared by the middle of January 2003.
- 3.5 In July 2005 (P/10076/3), the applicant applied for the change of use to B2 use, the planning application was withdrawn.
- 3.6 The planning appeal to which this appeal relates (see committee report (Appendix J) and decision notice (Appendix K)) was refused on 31<sup>st</sup> July 2008.
- 3.7 On 20th February 2009, Wiggins Transport Limited was prosecuted for continued breaches and non compliance with the extant enforcement notices on the site. The Environment Agency is also pursuing the company for breaches of other legislation. Waste is still contained within the appeal site and daily crushing and screening occurs without the benefit of planning permission.
- 3.8 Wiggins Transport Limited agreed as part of the guilty plea to remove all waste material from the site on or before 20<sup>th</sup> September 2011.
- 3.9 Since the refusal of planning permission was issued a number of the reasons for refusal have been resolved with the Local Authority. This relates to reason for refusal 1 – flood risk and surface water drainage. The Environment Agency has produced a response to the additional information submitted (Appendix L).

Reason for refusal 5 – highways has also been resolved in to the additional information submitted (Appendix M).

- 3.10 The appellant has attempted to address all reasons for refusal. The Local Authority has been cooperative with the appellant and responded to all correspondence accordingly. This is detailed in the record of correspondence (Appendix N).

#### **4.0. Planning Policy**

- 4.1. *Planning Policy Statements 1 (Sustainable Development) and 10 Planning for Sustainable Waste Management and 23 Planning and Pollution Control. Guidance – PPG2 Green Belt*
- 4.2. *Waste Strategy for England 2007.*
- 4.3. *Regional Policy – South East Plan Schedule of Changes, July 2008 adopted 6 May 2009.*
- 4.4. *Waste Policy- Berkshire Waste Local Plan 1998 including the Secretary of States Direction letter dated 24 September 2007.  
Policies: 11, 29, 30 and 33.  
(Appendix O).*
- 4.4. *Local Policy- The Local Plan for Slough March 2004 including the Secretary of States Direction letter dated 25 September 2007.  
Policies: CG1 and CG9.  
(Appendix P).*
- 4.2. *Local Development Framework, Core Strategy 2006 – 2026, Submission Document, November. 2007 (Found Sound on 28 August 2008)  
Core Policy 1 and 9.  
(Appendix Q).*

#### **5.0. Amplification Of The Local Planning Authority's Case**

- 5.1. The appeal relates to an application for the continued use of the land for concrete crushing, screening and inert waste recycling (B2 use).
- 5.2. The site has a long and complicated history centring around the expiry of the three year temporary planning permission for importation, crushing, storage and export of concrete. This expired on 1 April 1998. Since this date the Council has been attempting via enforcement notices to cease this activity on the site including the remove the large quantities of imported waste material stored on site.
- 5.4. The main issues in respect of this appeal can be summarised as follows:
- the impact on the Green Belt;
  - the impact on the Strategic Gap;
  - the impact on the Colne Valley Park; and
  - the impact on the visual and residential amenity of the locality.



## 6.0. Impact on the Green Belt

- 6.1 The application site falls within the Metropolitan Green Belt. *PPG2 states that: 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.'* (paragraph 1.4)

*dev* 6.2 Paragraph 1.6 lists the uses of land within the Green Belt that are considered appropriate. The use of the land for concrete crushing, screening and inert waste recycling is not listed as an acceptable use and therefore the proposal represents inappropriate development in the Green Belt by definition.

- 6.3 There is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Paragraph 3.2 states:

*Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

- 6.3 Paragraph 3.4 covers new buildings in the Green Belt. It stated that the construction of new buildings inside a Green Belt is inappropriate unless it is for a number of listed uses. None of these uses include concrete crushing. The construction of a number of buildings without planning permission is and continues to have a negative effective on the openness of the Green Belt.

- 6.4 Policy WLP29 of the Waste Local plan states there is a strong presumption against allowing waste management development either within or adversely affecting land within the Green Belt (xii). Policy CP1 of the adopted Slough Core Strategy states development will take place within the built up area, predominantly on previously developed land, unless there are very special circumstances that would justify the use of Green Belt land.

- 6.5 It is worth noting the previous planning refusals on this site in 1997 by Berkshire County Council ( P/10076 / 519539) and Slough Borough Council in 1998 (P/10076/007) / 520722). (Appendix G). The 1997 decision refused planning permission for the erection of plant and vehicle maintenance building at the site. The reasons for refusal included:

"...the proposed development is contrary to policy .. in that that it is inappropriate development in the Green Belt and it is not considered to be solely ancillary to nor essential to the operation of the permitted activities on this site. The applicant has not demonstrated that any special circumstances exist whereby an exception should be made to development plan policy.

....the need for the development at this site has not been demonstrated, it is not solely associated with the waste recycling operations and there is no positive benefit in its location at the site."

The 1998 decision refused planning permission for the continued use as an inert waste (concrete) recycling centre. The following reasons for refusal included:

".....the proposal is inappropriate development within the Metropolitan Green Belt and is contrary to the aims and principles of including land within the Green Belt

The proposal --- would result in serious harm being caused to the character and appearance of this importance Green Belt landscape and would be contrary to its designation within the Colne Valley Regional Park."

6.6 The reasons for refusal in these two decisions are still relevant and are material considerations in this appeal. It is considered the main principles have not changed and the proposed use remains inappropriate in this location.

6.7 It is considered that this retrospective application and current use of the site has fundamentally changed from what was envisaged from the 1952, 1959, 1972 and 1973 planning permissions. It is considered "the use of the site was ~~previously very low key and involved mainly the washing and grading of power station clinker~~" (Appendix R Para 7.1 previous proof of evidence). The clinker/ash which supplied this site from coal fed power stations is now hard to come by due to there being few of these stations in the locality and it is therefore considered the ~~previous use of the site is unlikely to ever be operational~~. It is considered that the degree and nature of concrete crushing by virtue of its differing use has for a number of years impacted negatively on the openness of the Green Belt.

6.8 Harm to the Green Belt has been caused by the construction of unauthorised buildings and structures. The appearance and height of the stockpiles of waste, together with the increased level of activity on the site has all cumulatively impacted on the Green Belt. The exact throughput of the ~~previous use is unfortunately unknown. The throughput for the proposed use has not been stated.~~ All that can be gauged is that the applicant wishes to retain and in turn process the 84,000m<sup>3</sup> of waste material currently on the site. ~~It is impossible to make a full judgement of the appropriateness of this use without a full understanding of what is proposed.~~ It can however be assumed that if planning permission for the retention of the 84,000m<sup>3</sup> of material on the site was allowed, the applicant would import further material onto the site.

6.9 From the 2005 traffic survey the site generated 127 HGV movements which the applicant claims would not increase as a result of this appeal being allowed. In spite of the acceptance of highways that the proposed access would be acceptable it is considered the ~~proposed intensification of this different use would significantly increase the scale and activity on this site and therefore cause harm to the Green Belt.~~

6.10 The site has been subject to the public inquiry into the Waste Local Plan in 1996. (Appendix S). In his report, on the issue of green belt criteria and making a change of use to the land or the carrying out of operations, the Inspector stated "The use of the site for the recycling of inert waste fails, in my view, to meet either of these criteria. Such a use is usually accompanied by the storage of concrete and other materials requiring crushing and grading...such storage invariably takes place in open land. The stockpiles associated with the current recycling operations cover much of the site and

are between nine and ten metres in height. The openness in the Green Belt is affected by the stockpiles of waste, interrupting views across this flat and open expanse of countryside from a number of public vantage points. This use conflicts with one the purposes of including land in the Green Belt, namely, to safeguard the countryside from encroachment." The opinion given by inspectors report still remains valid.

6.11 The development has not contributed to any of the objectives of the Green Belt but on the contrary, has damaged the landscape through the loss of virtually all vegetation and has caused serious damage as a result of the uncontrolled importation of waste which has been directly placed on the ground.

6.12 Paragraph 8.17 of the Companion Guide to PPS10 sets a stringent requirement that waste development in the Green Belt will be granted only in 'very special circumstances' in accordance with guidance in PPG2 and Policy CG1 of the ~~Core Strategy~~. *Saved Local Plan*

6.13 The applicant's argument to setting aside Green Belt policy centres on their being a general need for these facilities. Whilst it is accepted there is a strategic need for more recycling facilities within Berkshire, and that part of the land has previously been developed, it is considered that this alone does not constitute a very special circumstance that would outweigh the harm caused to the openness of the Green Belt.

6.14 Moreover, when considered against the criteria detailed in PPS10 Annex E, the capacity which the site may contribute towards increasing recycling is itself not considered to be sufficient to represent a very special circumstance that would outweigh the extensive harm caused by the development. The proposal is therefore contrary to the guidance in PPG2, PPS10 and policy WLP30 of the Waste Local Plan and policy CG1 of the Core Strategy.

## **7.0 The impact on the Strategic Gap**

7.1 Policy CG9 of the Local Plan states that any proposal which threatens the clear separation or the role of open land within the Strategic Green Belt gap between the Slough urban area and Greater London will not be permitted. Policy CP1 of the Core Strategy states a strategic gap will be maintained between Slough and Greater London.

7.2 The site is located to the west of the Poyle industrial estate. From a visual perspective looking west from Poyle Road, ignoring the current illegal piles of waste material, the appearance of open grassed land inter-dispersed with lakes prevails. When the original planning permission for concrete crushing was granted in 1995, this use was granted on a temporary basis. It is considered this site represents an important start of the Slough strategic gap and this proposal threatens the clear separation of the industrial uses to the east and the open countryside to the west. This proposal is considered contrary to Policy CG9 of the Local Plan, Policy CP1 of the Core Strategy.

## **8.0 The Impact on the Colne Valley Park**

8.1 Policy CG1 of the Local Plan states that any proposal will not be permitted unless they "b) Resist urbanisation of existing areas of countryside." Policy

CP2 of the Core Strategy states that development will only be permitted in open areas of the Colne Valley Park if it is essential to be in that location.

- 8.2 It is considered that this form of development would constitute an urbanisation of this piece of land which would not fit with the objectives of the Colne Valley Park. It is also considered that this use is not essential in this location and justification should be provided. As this has not been provided the proposal is considered to be contrary to Policy CG1 of the Local Plan and Policy CP2 of the Core Strategy.

**9.0 Impact caused by the impact on the visual and residential amenity of the locality**

- 9.1 Paragraph 3.15 of PPG2 states the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.
- 9.2 Policy EN1 of the Local Plan seeks to protect the visual impact of development. Policies CS8 and CS9 of the Core Strategy both seek to maintain and improve the quality of the environment and the amenities of adjoining occupiers.
- 9.3 Policy WLP30 of the Waste Local Plan states that the effect of a development on the surrounding population and environment, including the effect on living conditions, need to be assessed.
- 9.4 The site is located in a west of an existing industrial site in a prominent location next to Poyle Road. The nearest residents are located immediately north of the application site approximately 20 metres from the site. The importance of the impact on residential properties is not diminished by the number of units.
- 9.5 The Planning Statement which was submitted as part of the planning application included sections on noise and vibration, odour, vermin and birds and air emissions and visual intrusion. In summary the applicant considers the proposed use and buildings are appropriate in this location and the potential impacts can either be mitigated or will not be significant to cause harm.
- 9.6 It is considered that insufficient information has been submitted to assess the risk from the above sources. It is opined by the applicant that the proposed stockpiles of waste are a preferred alternative to "built development", and will not have an impact on the surrounding area. It is considered a number of 7.6 metre stockpiles comprising 84,000 cubic metres of waste will have a serious impact on the residents and surrounding land-uses.
- 9.7 The issue of visual impact was an issue which the inspector at the Waste Local Plan Inquiry considered. In his report he commented as follows:
- "the site lies in a flat open landscape alongside the Poyle Channel to the north and not far away from the Colne Brook to the west. With little in the way of cover to interrupt views from Poyle Road to the east and from Stanwell Road to the south, the mounds of waste form a large and obtrusive feature in

the landscape. Given the openness of this stretch of countryside, I find it difficult to see how inert waste recycling activities within the site could be effectively concealed. "

In terms of a permanent permission helping to secure improvements to the site, the inspector at the Inquiry went onto say that "even if the height of the stockpiles were to be reduced, they would still, in my assessment, impinge on the openness and visual amenity of the Green Belt. The four metre high mound placed around much of the perimeter of the site as a result of the 1995 planning permission does little to lessen the visual impact of the much high mounds waste. (Appendix S).

- 9.8 The comments made by the Inspector in his report are still relevant and should taken into consideration as part of this determination.
- 9.9 A landscaping plan has been submitted recently to the Local Authority. This has not given the Local Authority sufficient time to consider these proposals. It is noted that the landscape proposals rely heavily on planting. This would have little impact on screening the site for a number of years and therefore leave exposed mounds of waste material exposed to long reaching views.
- 9.10 In terms of noise, a late assessment has been made of the noise impact. This proposes a 5.0m noise barrier to be constructed next to the concrete crusher. It is my opinion that the additional noise cause by concrete crushing in such close proximity to residents is a material change which this application contributes additional harm to the local environment.
- 9.11 It is considered the retention of 84,000 cubic metres of waste and the supposed 7.6 metre stockpiles have and will continue to have a negative impact on the surrounding landscape. It is considered that any landscape proposals would have limited impact on screening the large stockpiles and therefore can not be relied upon to mitigate this harm.
- 9.12 It is considered the site creates a visual intrusion into the surrounding landscape and impacts upon those residents in immediate proximity to the site and to those who also travel past the site. It is considered the amenity of residents have been seriously affected since the temporary planning permission expired in 1998. This has had a serious detriment to the amenity of these residents who have had to live in close proximity to this unauthorised use without any mitigating controls for over 10 years. The fact that no complaints from residents have been substantiated is not conclusive evidence to demonstrate the absence of harm. As such the proposal is contrary to PPG2, Policy EN1 of the Local Plan, Policies CS8 and CS9 of the Core Strategy and Policy WLP30 of the Waste Local Plan.

#### **10.0 Further information to support the reasons for refusal**

- 10.1 The appeal site is not currently a Waste Preferred Area in the adopted Berkshire Waste Local Plan. The initial consultation of the candidate site for inclusion into the forthcoming Minerals and Waste Development Control Policies and Sites Development Plan Document commenced on 24<sup>th</sup> September 2007. This consultation closed on 5<sup>th</sup> November 2007. The site has not been put forward by the appellant as a candidate site for inclusion.



- 10.2 Policy WLP28 of the Waste Local Plan states Local Authorities will take account of whether there is a need to develop land outside of Preferred Areas and whether this need could be more acceptably be met elsewhere than on the application site. Policy W17 in the draft South East Plan also seeks suitable demonstration whether the site is the nearest appropriate location and that there are no alternative sites. No assessment has been submitted to consider whether the stated need could be met elsewhere. It is therefore considered the proposals do not meet the objectives of either policy.
- 10.3 In summary the appeal site is not a waste preferred area and therefore from a strategic perspective there is no presumption in favour of a waste management facility in this location. The need to develop land outside Preferred Areas needs to be considered firstly in terms of Policy WLP27 of the Waste Local Plan. This policy sets the context for the plan's subsequent policies. It states that waste management development will only be permitted if there is a wider environmental benefit resulting from the development which outweighs any adverse environmental and other effects resulting from it. It is considered that because the proposal does not satisfy the considerations of this policy in respect of Policy WLP30 which specifically relates to the impact on the need to safeguard health and living conditions, the weight afforded to the need argument must be limited.
- 10.4 Details of the Environment Agency comments are contained within Appendix J. Although their objection has been withdrawn, exhaustive conditions are suggested to be attached to any consent. The detail of these conditions is based on the removal of all waste material prior to the commencement of development on site. The reason for this is the fact this application is retrospective and large quantities of un-tested waste has been imported onto the site without planning permission.

#### **11.0. Conclusion**

- 11.1. The proposed retrospective application seeks the retention of 84,000 cubic metres of waste material on site. It also seeks the creation of a new access and in summary the retention of associated related buildings. The site has been operating a concrete importation, crushing and exportation business without planning consent since 1998. This has had a serious detrimental impact on the area for over 10 years.
- 11.2. The proposal is considered to be an incompatible use of this land which is within the Green Belt, Strategic Gap and the Colne Valley Park. The proposed development is inappropriate development in the Green Belt and represents a material intensification of activity on this site. The appellant has failed to put forward very special circumstances which would override the harm which this use continues to cause to residents and others in the surrounding environment. The appellant has also not demonstrated that any assessment of alternative sites has been carried out.
- 11.3. Given the above considerations and the continued impact caused to visual and residential amenity by this development, the Inspector is therefore respectfully requested to dismiss the appeal.

## Appendix 6

### Planning History

1. As explained in Section 6 of this rebuttal, the Appeal does not turn on the precise nature of the lawful uses/development on the Appeal.
2. Mr Murphy's and Mr Webster's PoE explain that it is accepted that parts of the Appeal Site are not PDL for the purposes of the NPPF. As a result, the Grey Belt case that is made by the Appellant demonstrates that the land does not fulfil a 'strong' contribution to Green Belt purposes a), b) and d). This is freestanding and does not rely on the areas of disagreement in the planning history.
3. Therefore, whilst parts of the Appeal Site clearly have a long history of commercial/industrial activities, the precision of the planning history will not materially affect the Inspector's/Secretary of State's overall judgment on the Appeal.
4. However, for completeness this appendix provides a response to the Planning History PoE prepared by Mr Ray which is attached at Appendix T to his PoE [CD 11.1 T].
5. Plan 1 ([CD 11.1 T1] (which is replicated in CD 11.1 Appendix U)) graphically depicts what Mr Ray considers to be the relevant planning history. To assist the Inspector/Secretary of State, Table 1 below summarises the decisions referred to in Plan 1 and highlights specific errors:

SBC Plan 1 [CD 11.1 T1] Colour Reference	SBC Plan 1 [CD 11.1 T1] Decision Reference (RAG colouring identifying those in error)	Corrected Reference Number	Notes
Yellow Line	EN 262 Area A	EN 262 Area A	-
Shaded Yellow	EN 262 Area B	EN 262 Area B	-
Shaded Purple	EN 343	EN 343	-
Black Line	P/10076/005	P/11442/005	-
Lime Green Line	P/10076/006	P/11442/006	-
Orange Line	P/10076/007	P/11442/007	Corresponding error within paragraph 3.6 of Mr Ray's Planning History PoE
Dark Green Line	P/10076/008	P/11442/008	Spatial extent of the

			certificate incorrectly drawn - please refer to the plan at Appendix 8. Error within paragraph 3.9 of Mr Ray's Planning History PoE – P/10076/005 should be P/11442/005
Turquoise Line	P/10076/009	P/10076/009	Spatial extent of the certificate incorrectly drawn - please refer to the plan at Appendix 9
Purple Line	P/10076/010	P/10076/011	-
Brown Line	P/10076/011	P/10076/012	-
Green Shaded Area	P/10076/006	P/10076/006	-

**Table 1: Analysis of SBC Plan 1 [CD11.1 T1]**

6. The section below identifies the specific areas of agreement and disagreement regarding lawful activity on the Appeal Site. Within the summary below reference is made to Plan 1 attached to Mr Ray's Planning History PoE [CD 11.1 T1] and Document 6 attached to Mr Murphy's PoE [CD 11.13, Document 6] which are reattached at Appendix 10 for ease of reference..

#### Areas of Agreement

7. Parcel A & Link Road Parcel
- (a) Enforcement Notice 262: Area A (yellow line on Plan 1 [CD 11.1 T1]) – The requirements of the enforcement notice (issued in August 1999, with an appeal dismissed in 2000) expressly exclude the main access route into Parcel A from Poyle Road, as well as areas of hardstanding, workshops, a toilet block and store [as shown on plans on pages 10 and 11 of CD 11.1 T4a]. The requirements of the enforcement notice have been superseded by the 2009 Appeal [CD 7.6].
- (b) Enforcement Notice 262: Area B (yellow shading on Plan 1 [CD 11.1 T1]) – The large earth mounds to the west of the Appeal Site (i.e. outside of the Appeal Site) remain in place which suggests that the requirements of the enforcement notice remain unactioned following the pre-action protocol letter in 2008 [CD 11.1 T6].
- (c) Certificate Ref No: P/11442/005 (black line on Plan 1 [CD 11.1 T1] and Plot

55 on Document 6 **[CD 11.13]**) – Section 191 certificate for residential use adjacent to the main access route from Poyle Road (July 2009).

- (d) Certificate Ref No: P/11442/006 (lime green line on Plan 1 **[CD 11.1 T1]** and Plot 56 on Document 6 **[CD 11.13]**) – Section 191 certificate for two storey detached building as a house in multiple occupation at the junction of the main access route and Poyle Road (July 2009).
- (e) Certificate Ref No: P/11442/007 (orange line on Plan 1 **[CD 11.1 T1]** and Plot 57 on Document 6 **[CD 11.13]**) – Section 191 certificate for use of land to the east of Parcel A, along the Poyle Road frontage, for commercial car parking and retention of hardstanding (July 2009).
- (f) Certificate Ref No: P/11442/008 (dark green line on Plan 1 **[CD 11.1 T1]** and Plot 60 on Document 6 **[CD 11.13]**) – Section 191 certificate for warehouse distribution unit, ground and first floor office unit, associated operational development, and parking and turning areas (August 2009). The spatial extent of the certificate is inaccurately drawn in Plan 1, but accurately drawn on Plot 60 on Document 6 – see the certificate plan at Appendix 8 (with the certificate number documented in the bottom right hand corner and its date reflecting the same as the certificate approval).
- (g) Certificate Ref No: P/10076/012 (brown line on Plan 1 **[CD 11.1 T1]** and Plot 67 on Document 6 **[CD 11.13]**) – Section 192 certificate confirming the proposed Class B2 use of the building to be lawful (October 2010). The Officer's Report to Committee confirms the proposed use to be part of that consented in the 2009 Appeal and as a result the requirements of Condition 28 apply regarding conversion to agricultural land. This is consistent with the approach adopted in Mr Webster's evidence where he has assumed the land is converted to agriculture.

## 8. Parcel B

- (a) It is agreed that Parcel B should be treated as an open grassed field with no relevant extant permissions or certificates.

### Areas of Disagreement

9. All areas of disagreement relate to Parcel A & the Link Road Parcel:

- (a) Enforcement Notice 343 (purple shading on Plan 1 [CD 11.1 T1]) – The enforcement notice was dated August 2003. Historic aerial photography provided at Document 5 of Mr Murphy's PoE [CD 11.13] shows that the caravans were removed post October 2008, which followed the Council's pre action protocol letter earlier that year [CD 11.1 T6]. As Mr Murphy explains in his PoE, the aerial photography at Document 5 shows progressive greening of the land between c.2013 and 2017 consistent with what appears to be attempts to seed the land for agricultural use, presumably reflecting the enforcement notice requirements. From c.2018 it appears that hardstanding was installed on the land [CD 11.13, Document 5], and it was used for commercial parking. It does not appear that planning permission was secured for the use/activity, and we are not aware enforcement action was taken by the Council. Notwithstanding this, Mr Webster's evidence has adopted the conservative approach of assuming the land is converted to agriculture.
- (b) Certificate Ref No: P/10076/011 (purple line on Plan 1 [CD 11.1 T1] and Plot 66 on Document 6 [CD 11.13]) – Section 191 certificate for retention of existing use of open land for the importation, open storage and distribution of primary aggregates at a height of 5 metres, in addition to operational development including a perimeter wall and partition walls (May 2010). The certificate was granted post the determination of the 2009 Appeal on the basis that the use already existed. It is arguably not subject to the requirements of Condition 29 regarding conversion to agricultural land. The background context is described in the statutory declaration by Cecil Wiggins submitted in support of the certificate of lawfulness application (Appendix 11). Notwithstanding this, Mr Webster's evidence has adopted the conservative approach of assuming the land is converted to agriculture.
- (c) Certificate Ref No: P/10076/009 (turquoise line on Plan 1 [CD 11.1 T1] and Plot 63 on Document 6 [CD 11.13]) – Section 191 certificate for retention of existing use on open land for importation, open storage, and distribution of non-perishable/salvage and/or reclaimed materials (May 2010). The spatial extent of the certificate is inaccurately drawn in Plan 1, but accurately drawn on Plot 63 on Document 6 – see the certificate plan at Appendix 9 (the 'C'



shaped section should bound the north, west and southern extents of the unit it surrounds). Paragraph 3.11 of Mr Ray's Planning History PoE suggests that the changes have occurred to the use of the land such that the certificate is no longer lawful. Section 191 states that the lawfulness of any use, operation or other matter for which a certificate is in force shall be conclusively presumed. We are not aware that the certificate has been revoked. The certificate was granted post the determination of the 2009 Appeal [**CD 7.6**] on the basis that the use already existed – unlike certificate P/10076/012, no reference is made to the 2009 Appeal in the Officer's Report. It is arguably not subject to the requirements of Condition 29 regarding conversion to agricultural land.




- (d) Certificate Ref No: P/10076/007 [**Plot 58 on Document 6 of CD 11.13**] – Section 191 certificate for retention of operational development including a single storey warehouse building (August 2009) to the north of the Link Road Parcel (Appendix 12). The Council's planning history records fail to identify this lawful certificate.
  
- (e) Certificate Ref No: P/11442/009 [**Plot 59 on Document 6 of CD 11.13**] – Section 191 certificate for retention of operational development including a single storey warehouse building (August 2009) to the north of the main access route into Parcel A (Appendix 13). The certificate confirms that the use was lawful prior to the grant of the 2009 Appeal, – unlike certificate P/10076/012, no reference is made to the 2009 Appeal in the Officer's Report. It is arguably not subject to the requirements of Condition 29 regarding conversion to agricultural land. Notwithstanding this, Mr Webster's evidence has adopted the conservative approach of assuming the land is converted to agriculture.
  
- (f) Certificate Ref No: P/10076/008 [**Plot 61 on Document 6 of CD 11.13**] – Section 191 certificate for retention of operational development including a 3-sided barn with dual pitched and sand menage bound by post and rail fence (November 2009) to the north of the Link Road Parcel (Appendix 14). Part of the area covered by the certificate is superseded Ref No: P/10076/009 as shown on Document 6 [**CD 11.13**]. The Council's planning history records fail to identify this lawful certificate.

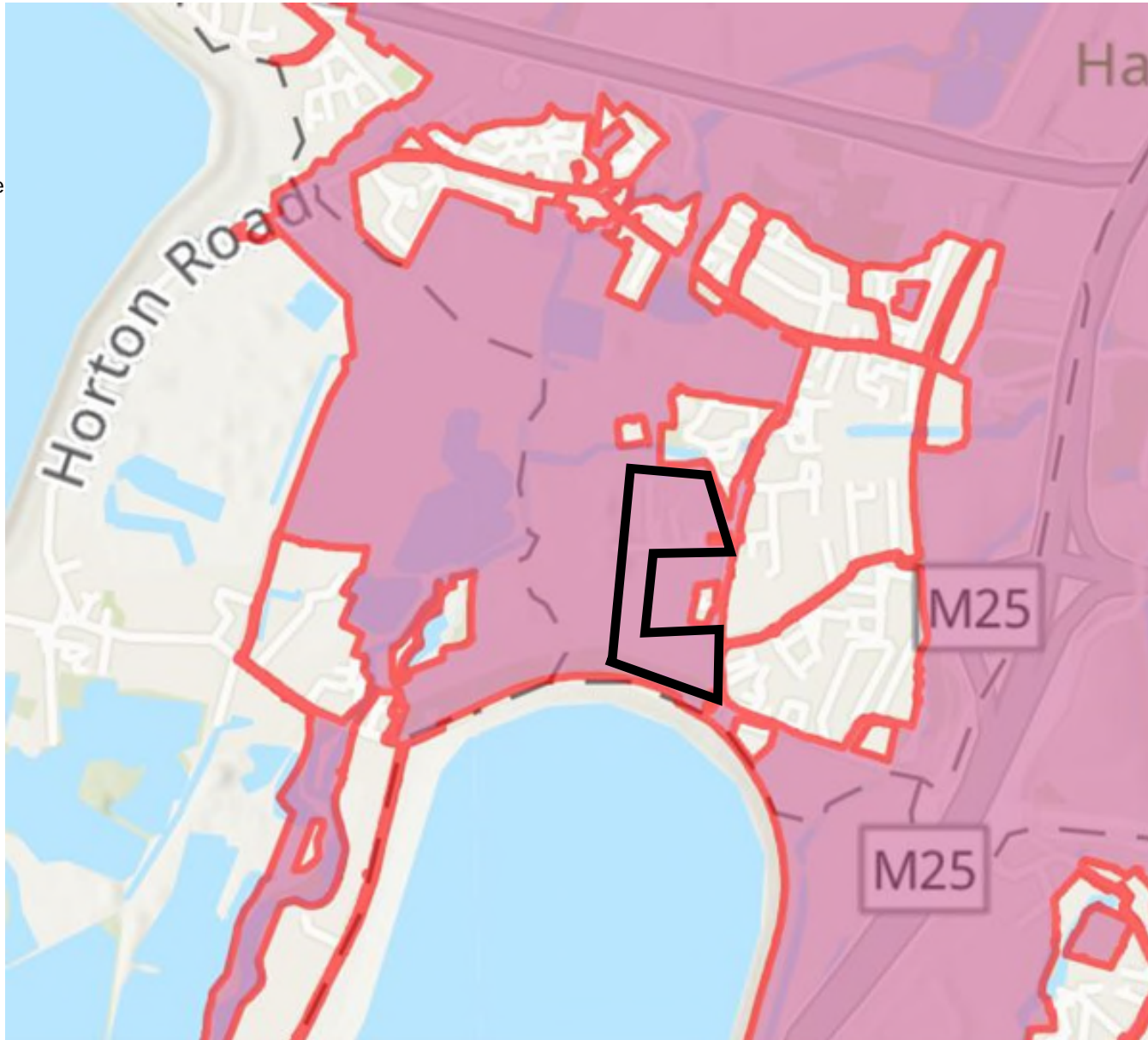
- (g) Certificate Ref No: P/11442/10 [**Plot 68 on Document 6 of CD 11.13**] – Section 191 certificate for retention of existing land as hard standing (February 2011) adjacent to the access route into Parcel A off Poyle Road (Appendix 15). The Council's planning history records fail to identify this lawful certificate.
- (h) Planning Permission Ref No: P/10076/006 (Appeal Ref No: 2096331) (green shaded area on Plan 1 [**CD 11.1 T1**] and Plot 54 on Document 6 [**CD 11.13**]) – The permission was granted having regard to those elements of the use that were accepted to be immune from enforcement action following Enforcement Notice 262 (ie main access route into Parcel A from Poyle Road, as well as areas of hardstanding, workshops, a toilet block and store [**as shown on plans on pages 10 and 11 of CD 11.1 T4a**], which in turn influenced the certificates that have been granted (as referred to above). Condition 29 requires buildings and structures to be removed and the site to be converted to agriculture (save where certificates exist as described above).

# Appendix 7








**Figures from Heathrow Airport Limited's EIA Scoping Report – Expanded to show the Appeal Site**

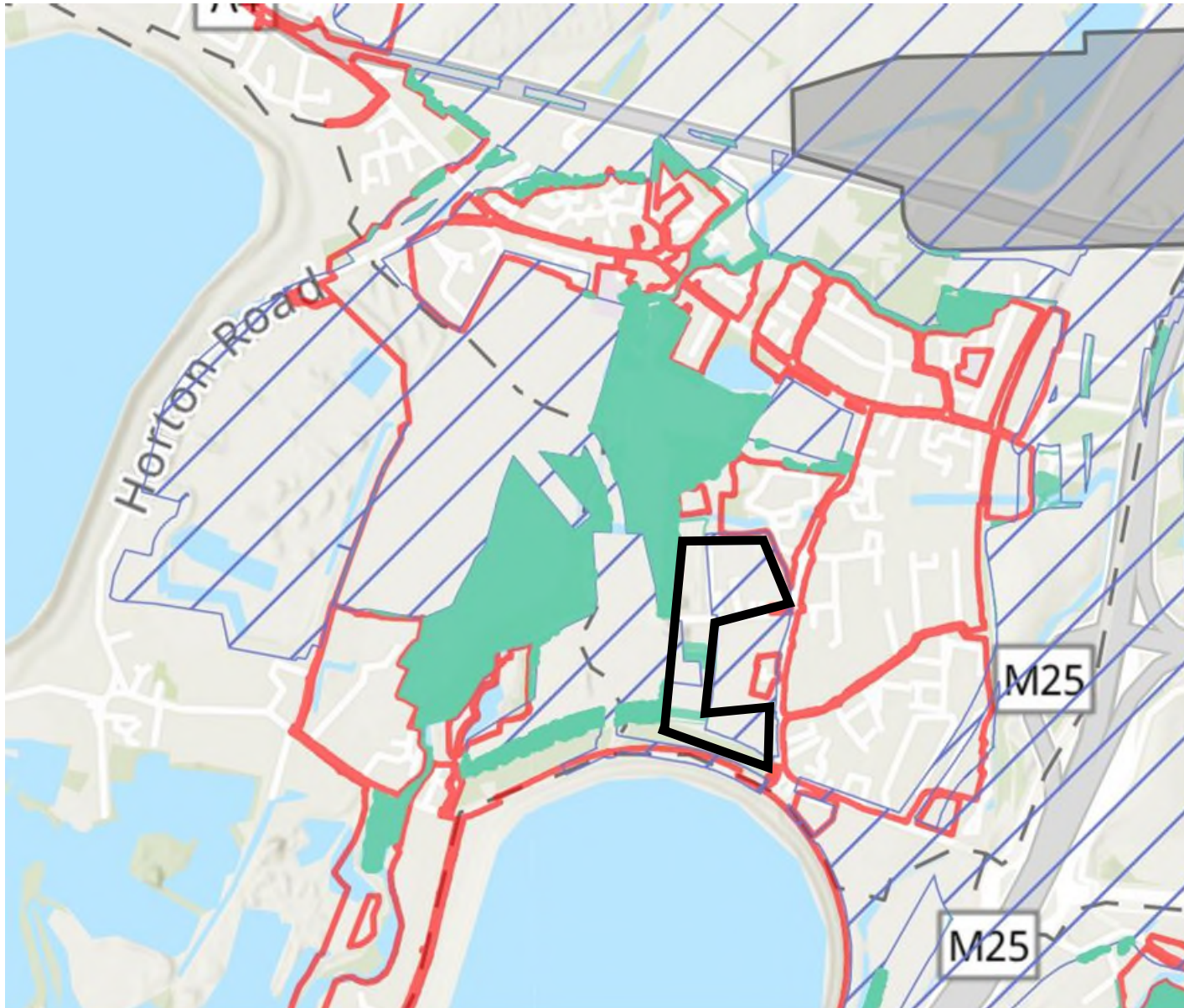
**Figure 3.1**

-  Draft Order Limits (EIA Scoping Addendum)
-  Administrative Boundaries
-  Approximate boundary of the Appeal Site










**Figure 3.2A**

-  2018 EIA Scoping Boundary
-  Draft Order Limits (EIA Scoping Addendum)
-  Additional Land Beyond the 2018 EIA Scoping Boundary Being Considered for Green Infrastructure (Indicative)
-  Heathrow Planning Boundary
-  Land Considered as Part of Expanded Airfield
-  Administrative Boundaries
-  Approximate boundary of the Appeal Site












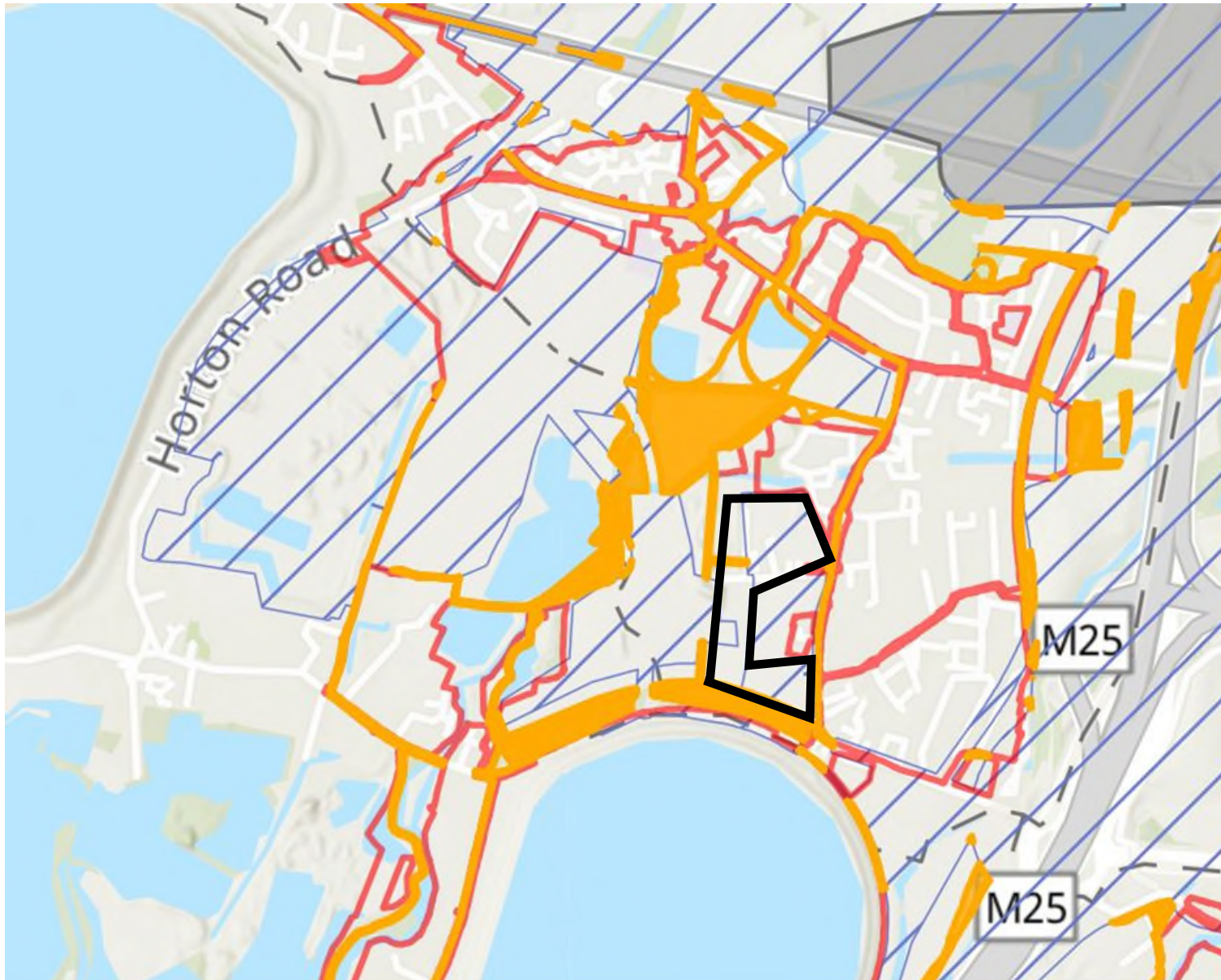
**Figure 3.3A**

-  2018 EIA Scoping Boundary
-  Draft Order Limits (EIA Scoping Addendum)
-  Additional Land Beyond the 2018 EIA Scoping Boundary Being Considered for Utilities Infrastructure (Indicative)
-  Heathrow Planning Boundary
-  Land Considered as Part of Expanded Airfield
-  Administrative Boundaries
-  Approximate boundary of the Appeal Site









**Figure 3.5A**

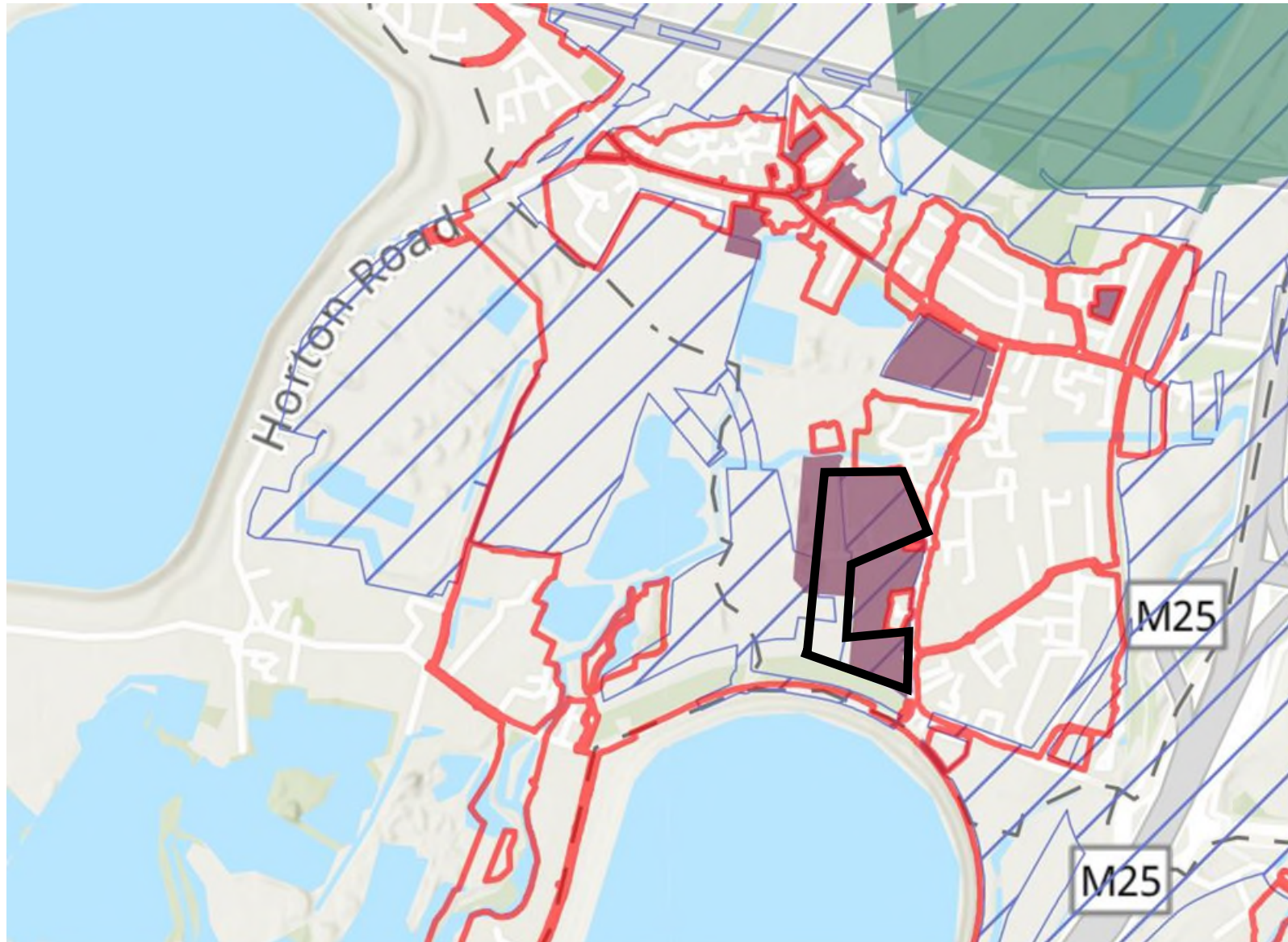
-  2018 EIA Scoping Boundary
-  Draft Order Limits (EIA Scoping Addendum)
-  Additional Land Beyond the 2018 EIA Scoping Boundary Being Considered for Upgraded Transport Infrastructure (Indicative)
-  Heathrow Planning Boundary
-  Land Considered as Part of Expanded Airfield
-  Administrative Boundaries
-  Approximate boundary of the Appeal Site





**Figure 3.7**

-  2018 EIA Scoping Boundary
-  Draft Order Limits (EIA Scoping Addendum)
-  Airport and Operational Infrastructure (e.g. Terminal and Satellite Infrastructure, Runway, Taxiways, Airfield Infrastructure, Aprons, Airside Roads, New Terminals and Satellites, Stands) (Indicative)
-  Airport Supporting Development (e.g. Maintenance, Parking, Hotel and Office, Cargo and Industrial) (Indicative)
-  Administrative Boundaries
-  Approximate boundary of the Appeal Site



# Appendix 8

P/11442/010

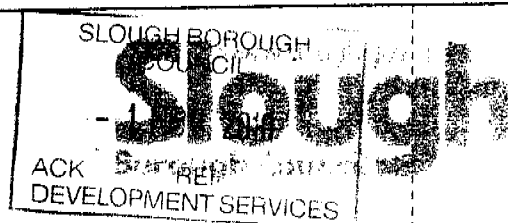


Slough

Slough  
Borough Council

Slough  
Borough Council

Manor Farm



TOWN & COUNTRY PLANNING ACT 1990 (as amended)

Certificate of Lawful Use

Application No.

P/11442/008

The Site

**Slough**  
Borough Council

Department of the Green and Built Environment  
Town Hall,  
Bath Road,  
Slough, SL1 3UQ

Unit 1, Manor Farm, Poyle Road, Slough, SL3 0BL

Existing use & operation development and  
retention of ground and first floor units

Scale : 1:500

Date : 21 Aug 2009

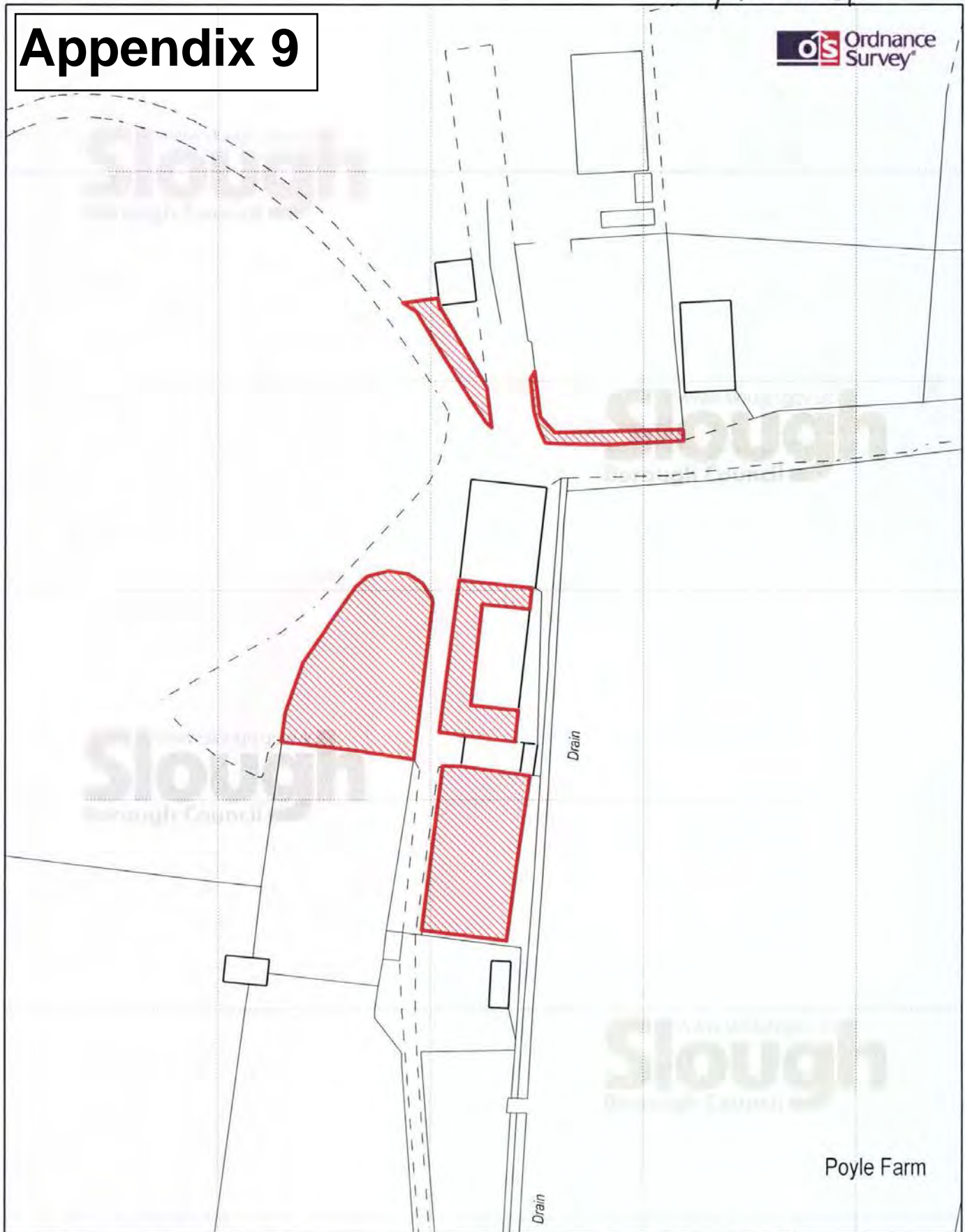
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P/10076/9

# Appendix 9



Poyle Farm

TOWN &amp; COUNTRY PLANNING ACT 1990 (as amended)

Certificate of Lawfulness

Application No.

P/10076/009

The Site

**Slough**  
Borough Council

Department of the Green and Built Environment  
St. Martins Place,  
51, Bath Road,  
Slough, SL1 3UF

Manor Farm, Poyle Road, Poyle, Colnbrook  
Retention of existing use comprising import,  
storage & distribution of materials

Scale : 1:1250

Date : 4 May 2010

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# Appendix 10



## Plan 1 - SoCG Planning History

\*approximate boundaries

Red Line = Application Boundary  
Blue Line = Wider Ownership  
Yellow Line = EN 262 Area A  
Shaded Yellow = EN 262 Area B  
Shaded Purple = EN 343  
Black Line = P/10076/005  
Lime Green Line = P/10076/006  
Orange Line = P/10076/007  
Dark Green Line = P/10076/008  
Turquoise Line = P/10076/009  
Purple Line = P/10076/010  
Brown Line = P/10076/011

100 m









IN THE MATTER OF LAND USED FOR THE STORAGE AND SALE OF  
PRIMARY AGGREGATES AT MANOR FARM, POYLE ROAD, COLNBROOK,  
BERKSHIRE SL3 0BL

AND

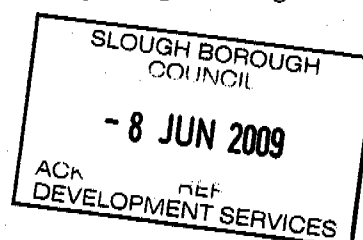
IN THE MATTER OF AN APPLICATION UNDER SECTION 191 OF  
THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

STATUTORY DECLARATION BY CECIL WIGGINS

I, CECIL WIGGINS, of 166 Hithermoor Road, Stanwell Moor, Staines, Middlesex  
TW19 6BB do SOLEMNLY AND SINCERELY DECLARE as follows:-

1. I make this Statutory Declaration in support of an application under Section 191 of the Town & Country Planning Act 1990 (As Amended) for a Certificate of Existing Lawful Use or Development concerning land used for the storage and sale of primary aggregates on land at Manor Farm, Poyle Road, Colnbrook, Berkshire SL3 0BL (Sui Generis Use).

The basis of this Certificate of Existing Lawful Use or Development application (hereinafter referred to as a CLEUD) is that (i) the land edged in red on Location Plan Scale 1:1250 comprising Drawing No. TN1 found at page 1 of Exhibit "CW 10", has been used continuously for a period in excess of ten years preceding the date of this CLEUD application for the storage and sale of primary aggregates; and (ii) the outside perimeter sleeper walls and internal partition walls situated within the area edged in red on Location Plan Scale 1:1250 comprising Drawing No. TN1 and more particularly shown on the Block Plan Scale 1:500 comprising Drawing No. TN10 found at page 2 of Exhibit "CW 10" were substantially completed in excess of four years preceding the date of this CLEUD application.



P/10076/11

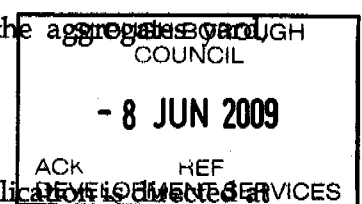


I do so from my own knowledge of the facts deposed to herein, which I declare and confirm to be true. Where I rely in this Statutory Declaration on information provided to me by third parties or contained in documents, then I verily believe the same to be true.

2. There is now produced and shown to me marked "CW 10" a paginated bundle of documents to which I will refer in this Statutory Declaration.
3. Drawing No. TN10 found at Page 2 of Exhibit "CW 10" comprises a Block Plan Scale 1:500 of the land which is the subject of this CLEUD application. The area edged in red shown on the Block Plan Scale 1:500 comprising Drawing No. TN10 coincides with the same delineated areas shown on Location Plan Scale 1:1250 comprising Drawing No. TN1 referred to in paragraph 1 of this my Statutory Declaration. A series of photographs showing the land the subject of this CLEUD application are found at pages 3 and 4 of Exhibit "CW 10".

Introduction

4. I am 71 years old and I am currently the Managing Director of The Wiggins Group of Companies, which includes Wiggins Transport Ltd; Wiggins Building Supplies Ltd; Staines Demolition Ltd, and Amber Builders Ltd. The land on which the storage and sale of primary aggregates takes place is referred to throughout this Statutory Declaration as the aggregates yard, being on land owned by myself.

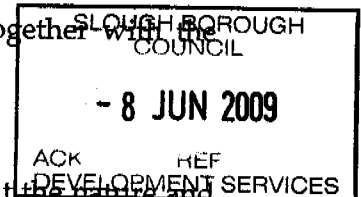


5. It is important to state at the outset that this CLEUD application is for the storage and sale of primary minerals comprising primary aggregates, stored in and sold from the aggregates yard, and are not derived from, nor are they the result of any process associated with the use of land at Manor Farm, Poyle Road, Colnbrook, Berkshire SL3 0BL for the recycling or reclamation of waste materials. In this way, this CLEUD application is not seeking permission for the storage and sale of secondary aggregates, and as such, the materials stored in and sold from the aggregates yard do not constitute waste, but more particularly are minerals which are transported from their source to the

application site, before being sold to various businesses, amongst which are garden centres, those associated with the construction industry and various individuals.

Documentary Evidence

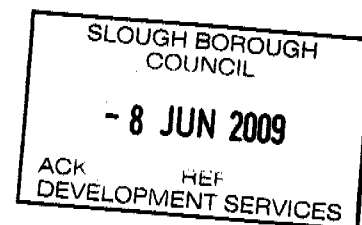
6. I have provided at pages 5 to 370 of Exhibit "CW 10" information in landscape format covering a continuous period from 1<sup>st</sup> May 1998 up until 31<sup>st</sup> March 2009, setting out the date; the purchaser; the address to which the mineral was delivered by Wiggins Transport Ltd, together with the registration number of the particular vehicle used, and the name of my driver, for each and every transaction during this 11 year period, involved in the storage and sale of primary aggregates. I am in a position to confirm that the same use commenced before 1<sup>st</sup> May 1998, some time late 1993.
7. This information contained in pages 5 to 370 of Exhibit "CW 10" should be cross referenced against the individual weighbridge tickets for each transaction between 1<sup>st</sup> May 1998 continuously up until 31<sup>st</sup> March 2009 found at pages 371 to 7895 of Exhibit "CW 10". Each weighbridge ticket has its own security number, and sets out the time and date of the order; the weight of the lorry before and after loading of the particular mineral, as well as the net weight; the description of the mineral supplied; the purchaser or buyer of the mineral; the address or place of delivery, together with the individual driver's signature.
8. Table 1 reproduced at page 7896 of Exhibit "CW 10" sets out the name and manufacturers name of those vehicles owned and operated by Wiggins Transport Ltd to deliver primary aggregates to customers, along with the date of the individual vehicle's manufacture; the gross vehicle weight and registration number at 1<sup>st</sup> April 1998. In a similar manner, Table 2 found at page 7896 of Exhibit "CW 10" provides the same information at the time of submission of this CLEUD application. The same vehicles have also been used in conjunction with the separate business concerning the storage and sale of salvaged/ reclaimed materials arising from a demolition contractors



use made of other land at Manor Farm, Poyle Road, Colnbrook, Berkshire SL3 0BL.

9. The vehicles used in the transportation of primary aggregates to customers by Wiggins Transport Ltd are usually retained by the Wiggins Group of Companies for a period of approximately ten years. More recently, due to the low emission regulations relating to Greater London, I have had to purchase five replacement vehicles, comprising a 4-wheel hiab having a gross vehicle weight of 18 tonnes; a 6-wheeler lorry having a gross vehicle weight of 26 tonnes; and 3 x 8-wheeler vehicles having a gross vehicle weight of 32-tonnes. This information reveals that the nature of the business has not intensified throughout the ten year period preceding the date of this CLEUD application.
  
10. The names of the drivers who have been most frequently involved in the transportation of primary aggregates from the application site to customers are the same drivers who have also been involved in the demolition contractors use and separate waste recycling use taking place on the same land, and are as follows:-

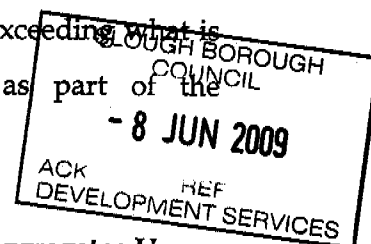
Tom Moroney (48 yrs)	Andrew Ford (12 yrs)
Ronald Stone (37 yrs)	Terry Brown (35 yrs)
Arthur Synes (34 yrs)	Raymond Rose (8 yrs)
John Marks (7 yrs)	Jim Snook (since left)
Michael Jarvis (since left)	Robert Jameson (5 yrs)



The storage and sale of primary aggregates from what I have referred to as the aggregates yard has taken place from the application site between the hours of 0700 to 1800 Monday to Friday, and from 0700 to 1300 hrs on Saturdays, and at no time on Sundays and Bank Holidays, for a continuous period in excess of ten years up to the date of submission of this CLEUD application.



11. I have provided on pages 7897 to 7980 of Exhibit "CW 10" further information also in a landscape format covering the period from 08 May 1998 continuously through to 31<sup>st</sup> March 2009, of those minerals which were collected from the application site by the purchaser, as opposed to the situation where the particular mineral was being delivered by Wiggins Transport Ltd using our own fleet of lorries. This information sets out the date, name of the customer and the nature of the mineral purchased; and should be read in association with the individual weighbridge tickets for each transaction over the same 11 year period which are found at pages 7981 to 10984 of Exhibit "CW 10".
12. In the same way as the weighbridge tickets relating to the delivery of minerals by Wiggins Transport Ltd, each ticket has its own security number indicating the time and date of the order; the weight of the lorry before and after loading of the particular mineral, including the net weight; the description of the mineral supplied, and the purchaser or buyer of the mineral.
13. In my view the information provided in pages 5 to 10984 of Exhibit "CW 10" of itself provides a comprehensive record of the nature of the primary aggregates business conducted from the aggregates yard, exceeding what is required to satisfy the balance of probabilities test as part of the determination of this CLEUD application.



**The Nature of the Materials Forming Part of the Primary Aggregates Use**

14. The minerals which have been, and continue to be stored in and sold from the aggregates yard over a continuous period of more than ten years up to the present day comprise scalplings; Type 1 limestone; Type 2 limestone; together with shingle, sand and ballast. During the 11 year period preceding this CLEUD application and continuously up to the present day, the same minerals have been stored up to a height of 5 metres, although this height has varied, depending on delivery times of the mineral, as well as demand for the particular primary aggregate.

15. Scalpings and Type 2 limestone are similar products comprising crushed limestone varying in size from dust to 40mm in size. Type 1 Limestone is a purer product, with the size of material being anything up to 40mm. Shingle is gauged according to its stone size, varying between 10, 20, 40 and 75 mm, with the smallest grains being pea shingle. For a continuous period in excess of ten years up to the present day, I have imported to the application site two varieties of sand, consisting of sharp sand and building sand; both of which are used in the construction industry, with the latter used in brick laying. Ballast comprises a mixture of stones of up to 40mm in size which, along with sharp sand, is used to produce concrete.

16. The scalpings, Type 1 and Type 2 limestone have been, and continue to be transported by Mid Hants Bulk Haulage Ltd from their original source in the Mendips in Somerset to the application site, and I have used the same company to transport these materials ever since 1997. I have enclosed at page 10985 a copy of the letter from Mid Hants Bulk Haulage Ltd confirming this fact. Shingle, sand and ballast have been obtained from a variety of companies over the past 10 years, dependent on the availability of the base mineral. Initially I obtained Runfold sand from Ebenezer Mears and Sita's from their sand pit at Runfold in south west Surrey. As this source of sand expired, I then purchased building sand from Sita's at Albury, also in south west Surrey, before this source also ran out, and I now obtain what is called building sand from J & J Frank's at Betchworth, situated between Redhill and Dorking, Surrey. A primary source of sharp sand, shingle and ballast was Summerleaze at Maidenhead, but as with the case relating to building sand, a new source was sought once the mineral supply had been exhausted. With the Summerleaze deposit no longer being available, I switched to mineral deposits extracted by RMC, whose sharp sand, shingle and ballast was sourced from Laleham and Shepperton. I then changed to Henry Streeter, whose primary aggregate supply of sharp sand, single and ballast was derived from Sipson near Heathrow Airport, before moving to Cemex who sourced the same minerals from land at Wraybury, Stanwell and Shepperton. Cemex had previously taken over RMC. I have, however, in the past ten

SLOUGH BOROUGH  
COUNCIL  
- 8 JUN 2009  
REF  
DEVELOPMENT SERVICE

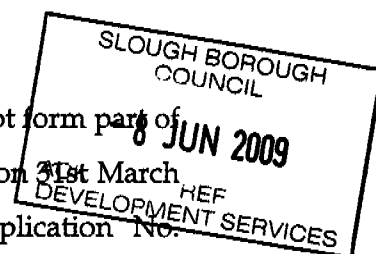


years also used Bretts and Tarmac Southern Limited for supplies of sharp sand, shingle and ballast.

17. I have provided at pages 10986 to 11060 of Exhibit "CW 10" extracts of various advertisements placed in Yellow Pages which confirm that aside from the use comprising the storage and sale of salvaged/reclaimed materials arising from a demolition contractors use, I have been involved in the storage and sale of "all aggregates". The same advertisements reveal that my various businesses have been and continue to be placed under the classification headings "Sand and Gravel Suppliers" and "Builders Merchants". It is into these categories that the storage and sale of primary aggregates falls, a use which now forms the subject of this CLEUD application.
18. I have provided at pages 11061 to 12064 of Exhibit "CW 10" a sample of invoices from those companies named in paragraph 16 above, confirming that throughout the ten year period primary aggregates in the form of scalpings, Type 1 limestone, Type 2 limestone, sharp sand, building sand, shingle and ballast, were delivered to Manor Farm, Poyle Road, Colnbrook, Berkshire SL3 0BL from a number of sources. The invoices were always sent to my main office at Horton Road, Stanwell Moor, Nr. Staines, Middlesex TW19 6AQ or 6BT.

**Other Relevant Information**

19. The minerals stored in and sold from the aggregates yard do not form part of a previous use granted a limited three year period permission on 31st March 1995 in accordance with the details forming part of Application No. SP91/0701, namely for *"the importation, crushing, storage and export of concrete with: the erection of crushing and screening plant and a building of about 390 sq.m. for storage purposes; the installation of a weighbridge and wheelcleaner; the use of existing buildings for a control and weighbridge office; the construction of hardstanding, car parking areas and a perimeter bund with landscaping, all for a temporary period"* on land at Poyle Manor Farm, Poyle Road, Poyle, Nr. Staines". I have inserted at pages 12065 to 12080 of Exhibit "CW 10" a copy of

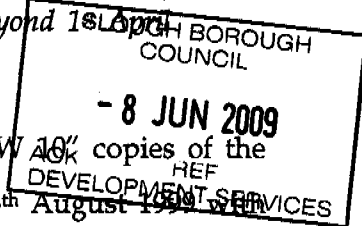




the decision notice and related Section 106 Planning Obligation as it concerns this temporary three year period permission.

20. It is accepted that the land the subject of this CLEUD application known as the aggregates yard or primary aggregates storage area, is encompassed within the land covered by an earlier enforcement notice issued by Slough BC on 25<sup>th</sup> August 1999, In this regard it is important to be aware of the circumstances surrounding this earlier enforcement notice and the resultant appeal which ensued.
21. This earlier enforcement notice served by Slough Borough Council on 25<sup>th</sup> August 1999, was the subject of appeals dealt with at a Local Public Inquiry which took place on 28<sup>th</sup> to 30<sup>th</sup> March 2000. The Inspector, Mr. B.C Wilkinson BEng (Hons) DipTP MRTPI, dismissed the appeals on 8<sup>th</sup> May 2000 and corrected and varied the enforcement notice, so that the breach of planning control read as follows:-

*"The breach of planning control alleged in the notice is the failure to comply with Condition 2 of the planning permission granted on 31<sup>st</sup> March 1995 (Ref. No. SP91/0701) by using the land for the depositing, stockpiling, recycling and processing of waste materials, and the storage of waste and processed materials beyond 1<sup>st</sup> April 1998 in contravention of Condition 2."*



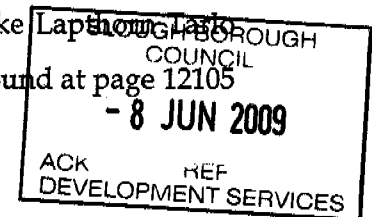
I have inserted at pages 12081 to 12104 of Exhibit "CW 10" copies of the original enforcement notice issued by Slough BC on 25<sup>th</sup> August 1999 with attached drawings, together with The Planning Inspectorate's decision notice dated 8<sup>th</sup> May 2000 with corrected schedules and drawings.

22. It is important to state that the minerals in the form of primary aggregates stored in and sold from the aggregates yard do not comprise part of a use of land for the "depositing, stockpiling, recycling and processing of waste materials"; nor do they constitute secondary aggregates derived from waste or processed materials.

23. More recently, an application (Slough BC Ref. No. P/10076/006) was submitted to the Local Planning Authority on 24<sup>th</sup> July 2007 by Blake Lapthorn Tarlo Lyons of Seacourt Tower, Westway, Oxford OX2 0FB acting on behalf of Wiggins Transport Ltd. The description of the proposed development was amended on more than one occasion, with the latest amendment occurring on 18<sup>th</sup> December 2007 by e-mail from the agents to the Case Officer, Mr Philip Taylor, at which time it read as follows:-

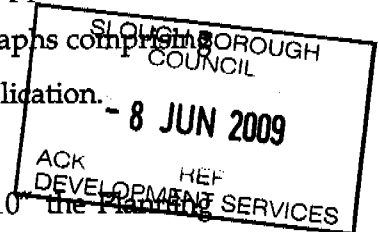
*"Use of land for concrete crushing/screening and inert waste recycling (B2 use) including retention and remodelling of existing stockpiles (limited by height and volume), creation of new access, provision of new vehicle and lorry parking and wheel washing facilities, new plant workshop, a lorry workshop, retention of existing fuel store and provision of a new fuel store, a weighbridge and office accommodation, an aggregates yard, provision of toilet block and restroom and canteen and boundary treatment."*

A copy of the e-mail dated 18<sup>th</sup> December 2007 from Blake Lapthorn Tarlo Lyons to Mr. Philip Taylor at Slough Borough Council is found at page 12105 of Exhibit "CW 10".



24. It is relevant to state that I was not copied in on the e-mail of 18<sup>th</sup> December 2007. I have read the Case Officer's report on Application No. P/10076/006 presented to Slough BC's Planning Committee meeting held on Thursday 31<sup>st</sup> July 2008, at which time planning permission was refused. The reference in the latest amended description to a "lorry workshop" and to "an aggregates yard" as part of the particulars comprising part of Application No. P/10076/006 should be deleted. This is because both the operational development in the form of what is described as the lorry workshop, and the use taking place in the aggregates yard are both lawful through the efflux of time, and consequently do not require planning permission.
25. A separate CLEUD Application 'G' relates to what I have described as the industrial workshop, which is the same building as that shown on the drawings accompanying Application No. P/10076/006 as the "lorry workshop". The industrial workshop was, as a matter of fact and degree,

substantially reconstructed following the departure of Mitchellson Plant Hire Ltd, the previous tenant, on Friday 2<sup>nd</sup> March 2001, as the contents of my Statutory Declaration and Exhibit "CW 9" forming part of CLEUD Application 'G' confirm. I have also indicated in a supplementary Statutory Declaration to the CLEUD Application 'G' that the nature of those building operations undertaken to the reconstructed industrial workshop means that the same building could not have been granted planning permission by Surrey County Council on 17<sup>th</sup> April 1972 under Application No. STA.P.14284, a factor plainly evident from copies of photographs comprising part of Exhibit "CW 9" forming part of the same CLEUD application.

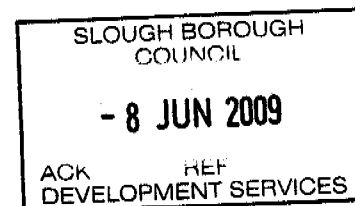


26. I have enclosed at pages 12106 to 12157a of Exhibit "CW 10" the Planning Statement relating to Application No. P/10076/006 prepared by Blake Lapthorn Tarlo Lyons, from which it can be seen that reference is made to the aggregates yard at paragraph 5.5 under the title "Current Site Facilities". It is said "... *There is also an aggregate storage facility, which stores materials brought on site to compliment the range of materials provided as part of the recycling facility.*" This statement is factually correct in that the materials seen in the two photographs taken from the bundle of photographs accompanying Application No. P/100076/006 found at page 12158 of Exhibit "CW 10" described as the "aggregate storage yard", are those minerals brought onto the site which form the subject of this CLEUD application. The materials stored in the aggregates yard are minerals comprising primary aggregates, and are not derived from any industrial process associated with the Class B2 waste recycling use for which retrospective permission was refused on 31<sup>st</sup> July 2008 by the LPA. Application No. P/10076/006 is the subject of an outstanding appeal due to be heard by a Local Public Inquiry in late July 2009.
  
27. I have enclosed at pages 12159 to 12161 of Exhibit "CW 10" three aerial photographs taken in 1998, 2002 and 2003 respectively. These aerial photographs, whilst comprising a snapshot in time, indicate that the storage of primary aggregates is evident in what I have referred to as the aggregates yard

edged in red on Location Plan Scale 1:1250 comprising part of Drawing No. TN1, which itself coincides with the same area delineated on the Block Plan forming part of Drawing No. TN10 found at page 2 of Exhibit "CW 10".

Conclusion

28. I can confirm that the land edged in red on both the Location Plan Scale 1:1250 comprising Drawing No. TN1 and the Block Plan Scale 1:500 forming part of Drawing No. TN10 have been used for the storage and sale of primary aggregates comprising scalplings; Type 1 limestone; Type 2 limestone, sharp sand; building sand, shingle and ballast for a continuous period in excess of ten years preceding the date of this CLEUD application.
29. The substantial body of evidence comprising Exhibit "CW 10" proves beyond the balance of probabilities test that the storage and sale of the same minerals has taken place for a continuous period in excess of ten years preceding the date of this CLEUD application. Furthermore, this use is not only lawful through the efflux of time, but is wholly unrelated to the "*depositing, stockpiling, recycling and processing of waste materials*" and does not constitute secondary aggregates derived from waste or processed materials.
30. I depose to the above from my own knowledge and belief, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.



Mr. Tim North,  
Tim North & Associates Ltd  
17a, Reading Road  
Pangbourne  
Berkshire  
RG8 7LR

**TOWN & COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192 (AS  
AMENDED BY SECTION 10 OF THE PLANNING & COMPENSATION ACT 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995: ARTICLE 24**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (EXISTING)**

Slough Borough Council hereby certify that on the **17th August 2009** the use, operational development or activity described in the First Schedule to this certificate in respect of the land specified in the Second Schedule and edged red on the plan attached to this Certificate, **was lawful** within the meaning of section 191 of the Town & Country Planning Act 1990 (as amended) for the following reason(s):-

On the basis of the evidence submitted; the Local Planning Authority is satisfied that the operational development, having been present on the said land for the requisite period, has not been subject to formal enforcement action. It is therefore immune from any such future proceedings and is thus, lawful.

**INFORMATIVE(S)**

The applicant is advised that any material alteration(s) to the appearance, or increase to the existing provision of floorspace / ground area of the development hereby approved shall be subject to planning control, requiring an expressed determination from the Local Planning Authority.

The applicant is reminded that the issuance of this certificate relates to the carrying out of building operations on the land and does not provide a determination for any material change(s) of use therein, which would require an expressed determination from the Local Planning Authority.



**RETENTION OF OPERATIONAL DEVELOPMENT  
SITUATED IMMEDIATELY SOUTH OFF THE MAIN  
ACCESS ROAD COMPRISING A SINGLE STOREY  
BUILDING WITH A POLYCARBONATE GABLED  
PITCHED ROOF INCORPORATING 10 NO. ROOF  
LIGHTS AND PARTIALLY CLAD WALLING;  
MEASURED EXTERNALLY AT 434 SQ.M. AND  
APPORTIONED INTERNALLY FORMING TWO  
SEPARATE UNITS MEASURING 80 SQ.M. AND 318  
SQ.M.; 2 NO. AND 1 NO. ROLLER SHUTTER DOORS  
APPLIED TO NORTH AND WEST ELEVATIONS  
RESPECTIVELY; 1 NO. AND 1 NO. EXTERNAL  
DOORS APPLIED TO NORTH AND SOUTH  
ELEVATIONS RESPECTIVELY; FENESTRATION,  
INCLUDING 1 NO. AND 2 NO. WINDOWS APPLIED TO  
NORTH AND EAST ELEVATIONS RESPECTIVELY.**

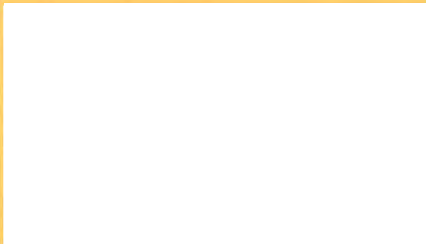
Second Schedule:

**THE LAND REFERRED TO AS, THE STORAGE  
BUILDING, MANOR FARM, POYLE ROAD, SLOUGH,  
BERKSHIRE, SL3 0BL**

**Dated this 17th August 2009**



Your attention is drawn to the attached notes.



.....  
Wesley McCarthy  
On behalf of

*DEC1certexli*

Head of Planning Policy and Projects

Notes:

- |    |   |
|----|---|
| 1. | This certificate is issued solely for the purpose of Section 191 & 192 of the Town and Country Planning Act 1990 (as amended).  |
| 2. | It certifies that the use / operational development / activities specified in the First Schedule taking place on the land described in the Second Schedule was lawful or would be lawful on the specified date and thus would not have been or would be liable to enforcement action under Section 172 of the 1990 Act on that date.  |
| 3. | This certificate applies only to the extent of the use / operational developments/ activities described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use / operational developments/ activities which are materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action. |



TOWN & COUNTRY PLANNING ACT 1990 (as amended)

*Certificate of Lawful Use*

Application No.

P/10076/007

The Site

Slough Borough Council  
Licence No. 100019446



**Slough**  
Borough Council

Department of the Green and Built Environment  
Town Hall,  
Bath Road,  
Slough, SL1 3UQ

The Storage Building, Manor Farm, Poyle Road  
Retention of operational development  
comprising a single storey building

Scale : 1:1250

Date : 17 Aug 2009

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Mr. Tim North  
17a, Reading Road  
Pangbourne  
Berkshire  
RG8 7LR

**TOWN & COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192 (AS AMENDED BY SECTION 10 OF THE PLANNING & COMPENSATION ACT 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (EXISTING)**

Slough Borough Council hereby certify that on the **20th August 2009** the use, operational development or activity described in the First Schedule to this certificate in respect of the land specified in the Second Schedule and edged red on the plan attached to this Certificate, **was lawful** within the meaning of section 191 of the Town & Country Planning Act 1990 (as amended) for the following reason(s):-

On the basis of the evidence submitted, the Local Planning Authority is satisfied that the operational development, having been present on the said land for the requisite period, has not been subject to formal enforcement action. It is therefore immune from any such future proceedings and is thus, lawful.

**INFORMATIVE(S)**

The applicant is advised that any material alteration(s) to the appearance, or increase to the existing provision of floorspace/ground area of the development hereby approved shall be subject to planning control, requiring an expressed determination from this Council. For further advice please contact the Council's Planning Services.

The applicant is reminded that the issuance of this certificate relates to the carrying out of building operations on the land and does not provide a determination for any material change(s) of use therein, which would require an expressed determination from this Council. For further advice please contact the Council's Planning Services.



**RETENTION OF OPERATIONAL DEVELOPMENT  
SITUATED IMMEDIATELY NORTH OFF THE MAIN  
ACCESS ROAD COMPRISING A SINGLE STOREY  
BUILDING WITH DUAL PITCHED, CORRUGATED  
ROOF INCORPORATING 10 NO. TRANSLUCENT  
CORRUGATED ROOFLIGHTS AND PART CLAD,  
PART CONCRETE BLOCK WALL MEASURED  
EXTERNALLY AT 275 SQ.M., GARAGE INSPECTION  
PIT (11 SQ.M) AND TWO ROLLER SHUTTER DOORS  
TO SOUTH ELEVATION AND ENTRANCE DOOR TO  
REAR, NORTH ELEVATION; SINGLE STOREY LEAN-  
TO STRUCTURE, ATTACHED ALONG THE ENTIRE  
WEST ELEVATION MEASURING 51 SQ.M.  
COMPRISING CORRUGATED ROOF, ENTRANCE  
DOOR TO SOUTH ELEVATION.**

**Second Schedule: THE LAND REFERRED TO AS THE INDUSTRIAL  
WORKSHOP, MANOR FARM, POYLE ROAD,  
SLOUGH, BERKSHIRE, SL3 0BL**

**Dated this 20th August 2009**

Your attention is drawn to the attached notes.



.....  
Wesley McCarthy  
On behalf of

*DEC1certexli*

Head of Planning Policy and Projects

Notes:

- |    |   |
|----|---|
| 1. | This certificate is issued solely for the purpose of Section 191 & 192 of the Town and Country Planning Act 1990 (as amended).  |
| 2. | It certifies that the use / operational development / activities specified in the First Schedule taking place on the land described in the Second Schedule was lawful or would be lawful on the specified date and thus would not have been or would be liable to enforcement action under Section 172 of the 1990 Act on that date.  |
| 3. | This certificate applies only to the extent of the use / operational developments/ activities described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use / operational developments/ activities which are materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action. |





TOWN & COUNTRY PLANNING ACT 1990 (as amended)

Certificate of Lawful Use

Application No.

P/11442/009

The Site

Slough Borough Council  
Licence No. 100019446



[www.slough.gov.uk](http://www.slough.gov.uk)  
**Slough**  
Borough Council

Department of the Green and Built Environment  
Town Hall,  
Bath Road,  
Slough, SL1 3UQ

Industrial Workshop, Manor Farm, Poyle Road  
Slough, Berkshire, SL3 0BL  
Retention of operations development

Scale : 1:1250

Date : 20 Aug 2009

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Mr. Tim North,  
Tim North & Associates  
17a, Reading Road  
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**TOWN & COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192 (AS  
AMENDED BY SECTION 10 OF THE PLANNING & COMPENSATION ACT 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995: ARTICLE 24**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (EXISTING)**

Slough Borough Council hereby certify that on the **19th November 2009** the use, operational development or activity described in the First Schedule to this certificate in respect of the land specified in the Second Schedule and edged red on the plan attached to this Certificate, **was lawful** within the meaning of section 191 of the Town & Country Planning Act 1990 (as amended) for the following reason(s):-

On the basis of the evidence submitted, the Local Planning Authority is satisfied that the operational development, having been present on the said land for the requisite period, has not been subject to formal enforcement action and is therefore immune from any such future proceedings.

**INFORMATIVE(S)**

The applicant is advised that any material alteration(s) to the appearance, or increase to the existing provision of floorspace/ground area of the development hereby approved shall be subject to planning control, requiring an expressed determination from this Council.

The applicant is reminded that the issuance of this certificate relates to the carrying out of building operations on the land and does not provide a determination for any material change(s) of use therein, which would require an expressed determination from this Council. For further advice please contact the Council's Planning Services.

First Schedule:	<b>CERTIFICATE OF LAWFULNESS OF EXISTING OPERATIONAL DEVELOPMENT COMPRISING THE RETENTION OF:</b>
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**(a) The erection of 1 no., three-sided, open-fronted pole barn with gable, corrugated steel, dual-pitched roof, built of a timber frame and clad in timber and corrugated steel. Guttering at eaves. Lean-to shed to eastern flank wall made of timber frame and clad in corrugated steel. Total footprint measuring 102.4 sq m and 25 sq m respectively (GEA).**

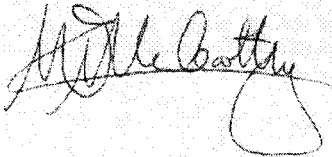
**(b) The formation of an 'equestrian style' sand menage bounded by timber 'post and rail' fencing, covering 793.3 sq m. (GEA).**

**(c) Non-compliance with condition no. 2 of planning permission ref: W/85/523 dated 25/08/1985, concerning the erection of 1 no. stable block building comprised of 12 no. loose boxes, each including their respective stable door and fenestration. On raft foundation forming surround hardstanding and sheltered by gable dual-pitched, concrete tile roofing with 1.4 m overhanging eaves with guttering. Total footprint measuring 234.1 sq m (GEA).**

**Second Schedule: THE LAND REFERRED TO AS THE STABLE BLOCK, POLE BARN AND SAND MENAGE, MANOR FARM, POYLE ROAD, SLOUGH, BERKSHIRE, SL3 0BL**

**Dated this 19th November 2009**

Your attention is drawn to the attached notes.



.....  
Wesley McCarthy  
On behalf of

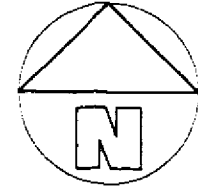
DEC1certexli

Head of Planning Policy and Projects

Notes:

1. This certificate is issued solely for the purpose of Section 191 & 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use / operational development / activities specified in the First Schedule taking place on the land described in the Second Schedule was lawful or would be lawful on the specified date and thus would not have been or would be liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use / operational developments/ activities described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use / operational developments/ activities which are materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

P/10076/008		
Revisions		
18 MAY 2000		
Project		
POYLE ROAD COLNBROOK		
Title		
LOCATION PLAN		
Date	Drawn	Checked
MAR 2009	CB	
Scales		
1:1250@A1		
Drawing No		Rev
TN1		





Mr. Tim North,  
Tim North & Associates Ltd  
17a, Reading Road  
Pangbourne  
Berkshire  
RG8 7LR

**TOWN & COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192 (AS  
AMENDED BY SECTION 10 OF THE PLANNING & COMPENSATION ACT 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995: ARTICLE 24**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (EXISTING)**

Slough Borough Council hereby certify that on the **2nd February 2011** the use, operational development or activity described in the First Schedule to this certificate in respect of the land specified in the Second Schedule and edged red on the plan attached to this Certificate, **was lawful** within the meaning of section 191 of the Town & Country Planning Act 1990 (as amended) for the following reason(s):-

On the basis of the evidence submitted, the Local Planning Authority is satisfied that the operational development has been present on the said land for the requisite period and not been subject to formal enforcement action and therefore immune from any such future enforcement proceedings and is thus , lawful.

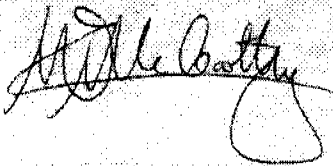
**INFORMATIVE(S)**

The applicant is reminded that the issuance of this certificate relates to the carrying out of operations on the said land and does not provide a determination for any material change(s) of use or inappropriate use within its Green Belt location. Such uses would require expressed determination from this authority. For further advice, please contact the Council's Planning Services.

First Schedule:	<b>CERTIFICATE OF LAWFULNESS OF EXISTING LAND AS HARD SURFACING</b>
Second Schedule:	<b>PART OF THE LAND KNOWN AS MANOR FARM, POYLE ROAD, SLOUGH, BERKSHIRE, SL3 0BL</b>

**Dated this 2nd February 2011**

Your attention is drawn to the attached notes.



.....  
Wesley McCarthy  
On behalf of

DEC3certexli

Head of Planning Policy and Projects

Notes:

1. This certificate is issued solely for the purpose of Section 191 & 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use / operational development / activities specified in the First Schedule taking place on the land described in the Second Schedule was lawful or would be lawful on the specified date and thus would not have been or would be liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use / operational developments/ activities described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use / operational developments/ activities which are materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.



TOWN & COUNTRY PLANNING ACT 1990 (as amended)

*Certificate of Lawful Development*

Application No.

P/11442/010

The Site

**Slough**  
Borough Council

Department of the Green and Built Environment

St. Martins Place,  
51, Bath Road,  
Slough, SL1 3UF

Land known as Poyle Manor Form, Poyle Road  
Existing development of land as hard surfacing

Scale : 1:500

Date : 2 Feb 2011

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