

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

DEVELOPMENT CONTROL PANEL

16 June 2021

Item: 1

Application No.:	16/03056/FULL
Location:	Storage Land Formerly Known As Waste Transfer Station Kimbers Lane Maidenhead
Proposal:	Expansion of existing permitted capacity at Kimbers Lane from 500 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste at Kimbers Lane, and the erection of waste transfer building, office building, weighbridge and surrounding bund.
Applicant:	John Horwood Skips
Agent:	Mr Nick Fellows
Parish/Ward:	Bray Parish/Bray Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development involves the expansion of existing permitted capacity at Kimbers Lane from 5000 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste, and the erection of a waste transfer building, office building, weighbridge and surrounding bund.
- 1.2 The site is located within the Green Belt and the proposal would represent inappropriate development in the Green Belt, would harm openness and be contrary to one of the purposes of the Green Belt, namely, to safeguard the countryside from encroachment. This is afforded substantial weight against the development. There would also be harm to landscape character, which is afforded moderate weight against the development. However, given the contribution towards addressing an identified shortfall in capacity for non-hazardous and inert waste management, in particular for recycling facilities, to meet need within the plan area and to move waste up the waste hierarchy in line with the Council's waste management strategy, and wider environmental and economic benefits, it is considered that a case for Very Special Circumstances has been demonstrated. Furthermore, having due regard to the tilted balance, it is not considered that the identified harm would significantly and demonstrably outweigh the benefits in this case.
- 1.3 In relation to ecology, this is currently assessed on the basis of no identified harm. Any updated VSC and planning balance following any ecology comments, if necessary, will be reported in an update.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.
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2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises of a plot of land measuring approximately 0.72ha at the end of a long access measuring approximately 324m in length which leads south-east from Kimbers Lane, adjacent to

the A404(M). Kimbers Lane leads south-west from Harvest Hill Road and was formally a through road until stopped off when the A404(M) was constructed.

- 3.2 The site has been used for processing inert waste materials since 1992 and has permission together with an environmental permit for the processing of 5000 tonnes per annum of inert waste. There are currently no buildings on the site. There is an existing bund around part of the site and fencing.
- 3.3 The surroundings mainly comprise of open agricultural land. The nearest residential properties are houses on the south side of Kimbers Lane, the closest of which is approximately 100m from the access and 230m from the main plot of land. The houses are accessed off Harvest Hill Road or via Spring Hill which leads off Manor Lane.

4. KEY CONSTRAINTS

- 4.1 The entire site lies within the Green Belt. The trees along the north-eastern, south-eastern and southern boundary are protected by group Tree Preservation Order, ref: 003/2018/TPO, which covers trees of all species.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The original description of development was relocation of existing waste transfer station from Green Lane, including expansion of existing permitted capacity at Kimbers Lane from 5000 tonnes of inert waste to 25000 tonnes (household, commercial and industrial) waste. To properly reflect the development proposed on the site, the description was amended to expansion of existing permitted capacity at Kimbers Lane from 5000 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste at Kimbers Lane, and the erection of waste transfer building, office building, weighbridge and surrounding bund.
- 5.2 With reference to the Council's Waste: Background Study, which defines principle waste categories (or streams), inert waste category is waste which does not normally undergo any significant physical, chemical or biological changes and is normally derived from construction, demolition and excavation activities. The non-hazardous waste category is waste which does not pose a threat to human health or the environment if properly regulated and includes general household, commercial and industrial wastes. Household waste is a legal definition relating to waste from domestic sources such as residential homes; commercial waste is a legal definition relating to waste from premises used for trade, business, sport, recreation or entertaining etc.; and industrial waste is a legal definition relating to waste from any factory, industrial process (excluding mines and quarries) or premises used for services such as public transport or utilities. Waste from building and civil engineering activities, such as construction and demolition waste are also classified as industrial waste.
- 5.3 An amended site layout and sections, and floorplans and elevations of the waste transfer building were received on the 30 September 2020. The amended layout was submitted to address flooding issues. The amended section, floorplans and elevations of the waste transfer building was submitted to address errors in the original plans. A further amended layout was submitted on 8 April 2021 to show an extended bund, re-siting of the parking and clean storage area to accommodate this. The bund to the south east corner of the site is also widened, resulting in a reduction in concrete area for the storage of skips in this area from approximately 75m² to 65m².
- 5.4 Based on the proposed plans and details set out in the application form, the transfer building would be sited to the south-east of the site, measuring approximately 30.2m by 15.3m with a height of 12.7m / 11.8m (ridge / eaves). The materials of the waste transfer building would comprise of a profile metal cladded roof and brick and profile metal cladded walls both with a green finish, and metal doors with a grey finish. The proposed weighbridge would be sited near to the entrance of the yard, measuring approximately 4m in width and 15.8 in length with 4m long ramps on either side. No elevations of the weighbridge have been submitted, but the applicant has confirmed that no element of the weighbridge would be more than 0.4m in height above ground level. The proposed flat-roof office building would be sited to the south of the weighbridge,

measuring approximately 7.2m in length, 3m in width and 2.7m in height. The materials of the office would comprise of a grey Hypalon single ply membrane roof, plastisol plastic coated steel walls, white PVCu frame windows and solid core paint grade plywood fire door. The bund would be approximately 3m high and would extend clockwise from the entrance of the yard along approximately 85% of the yard's boundary. The hard-surfacing across the site would comprise of compacted materials.

5.5 The relevant planning history for the site is as follows:

Reference	Description	Decision
12/00319/VAR	Variation of condition 5 (HGV movement restriction) and 8 (Time restriction) of planning permission 11/0421/VAR, variation of 10/02265/RLAX, for the continued use of the storage of topsoil without compliance to condition 1 (Personal consent) of planning permission granted under appeal ref: T/APP/C/92/U0300/618502 to allow an increase in one way movements to 80 over any period of 4 consecutive weeks and the removal of time constraints to make the permission permanent.	Approved on 16.03.2012
10/02265/RLAX	Continued use for the storage of topsoil without complying with Condition 1 (Personal consent) of planning permission granted under appeal ref: T/APP/C/92/U0300/618502.	Approved on 12.11.2010
424557 (Enforcement)	Change of use of a building and use of land for the importation, screening, storage and distribution of waste material	Notice quashed and personal and limited planning permission allowed on appeal on 16.09.1992
417350	Storage of topsoil on part of the site (1 acre)	5 year temporary permission and personal consent allowed on appeal on 13.03.1986
416269	Storage of topsoil	Temporary planning permission approved on 20.08.1984
415197	Storage of topsoil	Temporary planning permission approved on 16.07.1983

6. DEVELOPMENT PLAN

6.1 Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2
Community Facilities	CF1, CF2
Polluting Development	NAP3, NAP4
Character and Appearance	DG1
Highways	P4, T5
Trees and Hedgerows	N6, N7
Archaeology	ARCH3, ARCH4

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

6.2 The Waste Plan for Berkshire (1998)

Issue	Policy
Sustainable location and form	WLP1, WLP12, WLP28
Waste management strategy and hierarchy of priorities	WLP2
Meeting need and consistency with waste management priorities; and harm to acknowledged importance	WLP4, WLP5, WLP27, WLP30
Waste minimisation, reuse; pollution potential of unavoidable waste; and disposal of unavoidable waste	WLP6
Minimising and reusing waste	WLP7
Waste management development outside of preferred areas	WLP16
Safeguarding Existing sites in Waste Management uses	WLP21
Environmental Improvement and other public benefit	WLP33

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/development-plan/minerals-and-waste-plans>

7. MATERIAL PLANNING CONSIDERATIONS

7.1 National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving Sustainable Development

Section 4 – Decision Making

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Place

Section 13 – Protecting Green Belt Land

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

7.2 National Planning Policy for Waste (NPPW) (2014)

Section 7 and 8 – Determining Planning Applications

7.3 Borough Local Plan: Submission Version (2017) and Submission Version Proposed Changes (2019)

Issue	BLPSV Policy	BLPSVPC Policy
Green Belt	SP1, SP4	SP1, QP5
Community Facilities	IF7	IF6
Polluting Development	EP1, EP3, EP4, EP5	EP1, EP3, EP4, EP5
Character and Appearance	SP2, SP3	QP1, QP3
Sustainable Transport	IF2	IF2
Trees, Woodlands and Hedgerows	NR2	NR3
Climate Change	-	SP2
Nature Conservation	NR3	NR2
Flood Risk	NR1	NR1
Historical Environment	HE1	HE1

Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.4 **Join Minerals and Waste Plan Submission Version (2020)**

RBWM are working in partnership with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council (collectively referred to the Central and Eastern Berkshire Authorities) to produce a Joint Minerals and Waste Plan based on up-to-date evidence of the current levels of provision for waste facilities in the Plan area to replace the adopted Waste Plan for Berkshire (1998).

Issue	Policy
Sustainable Development	DM1
Climate Change	DM2
Protection of Habitats and Species	DM3
Protection of the Countryside	DM5
Green Belt	DM6
Promoting Health, Safety and Amenity	DM9
Flood Risk	DM10
Water Resources	DM11
Sustainable Transport Movements	DM12
High Quality Design	DM13
Ancillary Development	DM14
Past Operator Performance	DM15
Sustainable Waste Development Strategy	W1
Safeguarding Waste Management Facilities	W2
Waste Capacity Requirements	W3
Locations and Sites for Waste Management	W4

In September 2020 the Central and Eastern Berkshire Authorities published the Proposed Submission version of the plan with public consultation running from 3 September 2020 to 15 October 2020 and subsequently submitted to the Secretary of State for examination by an independent Planning Inspector in February 2021. The emerging Join Minerals and Waste Plan is currently given limited weight.

7.5 Supplementary Planning Documents and Supplementary Planning Guidance

- Planning Obligations and Developer Contributions SPD
- Sustainable Design and Construction SPD
- Borough Wide Design Guide SPD
- Interpretation of Policy NAP4 SPG
- Landscape Character Assessment SPG

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

7.6 Other Local Strategies or Publications

- Waste: Background Study
- Waste: Proposals Report
- Minerals and Waste Safeguarding Study
- RBWM Parking Strategy

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site and the application was advertised in the Local Press. Re-consultation was undertaken in February and April 2021.

Around 21 letters were received objecting to the application. Additional letters received from the same author have not been included in this number, but any new issues raised in following correspondence have been reported. The objections can be summarised as:

Comment	Where in the report this is considered
Inappropriate development in the Green Belt, and harm to openness of the Green Belt. Very Special Circumstances has not been established.	Section 9(i) (x)
Detrimental impact to highway safety, including pedestrians and cyclists on Kimbers Lane and Spring Hill, from increase in traffic and narrowness of the roads and lack of pavements / footways. Proposed passing bay is inadequate to address passing issues of vehicles including lorries.	Section 9 (iv)
Development would be visible from surrounding roads and motorways and distract motorists from safe approach to roundabouts.	Section 9 (iv)
No assessment on impact to local highway network of Harvest Hill Road or wider local highway network to and from sources of waste or the disposal locations.	Section 9 (iv)
Generation of nuisances such as noise, dust and smell to the detriment of the health and amenity of existing and future local residents.	Section 9 (v)

Loss of privacy to neighbouring residents.	Section 9 (v)
Noise Survey and Transport Assessment are not credible. Council should carry out own surveys rather than relying on reports provided by the applicant.	No objection to methodology or robustness of the noise survey or transport assessment has been raised following consultation from Environmental Protection or Local Highway Authority officers.
Harm to semi-rural / residential character	Section 9 (iii)
Will prejudice ability to achieve high quality placemaking within the South West Maidenhead strategic allocation in the emerging Borough Local Plan.	Section 9 (i)
Impact to local wildlife, harm to wildlife from rubbish blowing into surrounding area.	Section 9 (vii) (v)
Harm to trees	Section 9 (vi)

Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	No comments received.	Noted.
Berkshire Archaeology	No objection subject to a condition relating to the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted to and approved by the local planning authority.	Section 9(ix)
Bray Parish Council	Objects to the proposal due to intensification of use / activity in the Green Belt contrary to Local Plan policy GB1.	Section 9(ii) (x)
Ecology Officer	No objection subject to conditions to secure a construction environmental management plan (CEMP: Biodiversity), a Herpetofauna (reptiles) Mitigation Strategy, and details of external lighting.	Section 9(vii). Comments apply to original scheme. A revised Ecology Appraisal has been submitted. At the time of writing, comments from the Council's ecologist are still outstanding. These will be reported in an update.
Environment Agency	Unable to provide a detailed response, but in general advises: <ul style="list-style-type: none"> - Infiltration drainage requires a minimum of 1m clearance between the base of the infiltration point and the peak seasonable groundwater level. - Any infiltration drainage greater than 3m below ground level is considered to be deep system and generally not unacceptable. - All SUDS need to meet criteria set out EA Groundwater Protection guidance and must not be constructed in ground affected by contamination. - Businesses have a duty of care to not cause or allow pollution. - This development may require an environmental permit under the 	Section 9(viii) . The proposed surface water drainage details, drawing ref: L2486-DR-D-0931 (rev. P.01) shows that the overall depth of the soakaway is 3m. Recommended informative advising on potential requirement for environmental permit and other legally required consents, and contact details to the EA.

	<p>Environmental Permitted (England and Wales) Regulations 2016.</p> <p>The EA, in their regulatory role have not assessed whether consent will be required nor does this consultation response indicate that permission will be given for the any legally required consents, permits or licences for activities. The applicant should contact the EA for further information and advice.</p>	
Environmental Protection	<p>No objection subject to conditions relating to commercial movements, deliveries, operational hours, odour control, bunding of tanks, mitigation measures for the protection of controlled waters, and an informative on dust control.</p> <p>Requirement for the site at Green Lane to cease to operate and close has been retracted as authority lies with relevant licencing authorities and beyond the Local Planning Authority's remit under the determination of this application.</p>	<p>Section 9(v). Conditions restriction on commercial movements within the site and deliveries can be included in a condition restricting hours of operation. Condition on hours of operation (as set out in the application form and the noise survey), odour/dust control, bunding of any tanks agreed and protection of controlled waters are agreed and recommended as passes the 6 tests for conditions set out in the NPPG.</p>
Highways	<p>No objection subject to a condition securing a legal agreement under Section 278 of the Highways Act 1980 to cover the construction of the passing bay in line with approved details.</p>	<p>Section 9(iv)</p>
Lead Local Flood Authority	<p>No objection subject to condition securing the implementation and maintenance of a sustainable urban drainage system in accordance with approved details.</p>	<p>Section 9(viii)</p>
Natural England	<p>No objection. The site is in close proximity to Bray Meadows SSSI and Great Thrift wood SSSI but satisfied that the proposed development being carried out in accordance with the details submitted will not damage or destroy the interest features for which the site has been notified. In relation to protected species, the Local Planning Authority are referred to standing advice and if minded to approve the Local Planning Authority should consider securing biodiversity enhancement opportunities.</p>	<p>Section 9(vii)</p>
Planning Policy	<p>Supportive in principle to expansion in capacity as there will be a large shortfall in capacity of waste management facilities in the plan period, but we would not want this to risk housing delivery on the AL13 site, the most important allocation in the emerging Borough Local Plan.</p>	<p>Section 9 (i)</p>

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Green Belt
- iii Character and Appearance
- iv Highway Safety and Parking
- v Neighbouring Amenity
- vi Trees
- vii Ecology
- viii Sustainable Drainage
- ix Archaeology
- x The Case for Very Special Circumstances

i Principle of Development

9.2 Waste Local Plan policy WLP2 states that in considering all proposals for waste management development regard should be had to the extent to which the development contributes positively to the waste management strategy and its hierarchy of priorities. The waste hierarchy sets out minimisation being the most preferred waste management method followed by re-use; recycling; quantity reduction by processing; use for the production of energy; disposal by landfill; and lastly disposal by land raising. This accords with national policy within the NPPW and National Waste Management Plan referring to key ambitions of delivering sustainable development through driving waste management up the hierarchy.

9.3 A waste transfer site (WTS) is commonly defined as a location where waste is temporarily stored, separated and bulked before being delivered to other locations. By its nature of use for sorting and preparing waste for reuse and recycling, and thereby minimising disposal by landfill and land raising, a WTS is a facility that contributes positively to the Borough's waste management strategy and thereby the national aim of delivering sustainable development. For this reason, the Council's Waste: Background Study (2020) puts 'collection' facilities such as waste transfer sites into the recycling category in the hierarchy. Therefore, with policy support from the Waste Local Plan policy WLP2 there is support in principle for this proposed WTS.

9.4 Waste Local Plan policy WLP4 states that the Council will seek to make provision for meeting waste management needs. The policy refers to meeting the need in the county area, which is now out-dated. However, the principle of planning provision is considered to be applicable as unmanaged waste can have a number of undesirable environmental, amenity and health impacts. In terms of the plan area for the purposes of this assessment, in line with the NPPW and the NPPG which expects a collaborative approach between authorities, RBWM is currently working in collaboration with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council to ensure the delivery of waste infrastructure is provided to meet the needs of the community across these local boundaries. This plan area is referred to as Central and Eastern Berkshire.

9.5 The Waste: Background Study also sets out how much waste management capacity is required up to the year 2036 and the need for new facilities in Central and Eastern Berkshire. The evidence indicates that there is a significant gap between predicted waste arising and predicted treatment capacity in the Central and Eastern Berkshire area of 571,815 – 573,841 tonnes per annum (2022-2036) for inert waste and 430,207 – 543,311 tonnes per annum (2022-2036) for non-hazardous waste. Therefore, there is a shortfall in capacity for both waste streams. It should

be noted that the capacity requirements identified are what is considered to be the minimum needed within Central and Eastern Berkshire. Furthermore, to move waste up the waste hierarchy, for non-hazardous waste there is an aim to provide more recycling capacity of around 300,000 tonnes per annum by 2036; and recycling (or recovery) capacity for inert waste of around 575,000 tonnes per annum by 2036. On this basis there is support in principle for the retention and increase in capacity as a result of the proposed WTS.

- 9.6 Waste Local Plan policy WLP4 goes on to confirm acceptability would be subject to consideration of harm, while policy WLP13 goes on to state that the Local Planning Authority will normally permit proposals for establishing source separation and storage facilities for waste generated in dwellings and industrial and commercial premises provided that the requirement of policies WLP27 and WLP29, and all other relevant policies of the plan are satisfied. Policies WLP27 and WLP29 sets out a wide range of planning and environmental issues to be considered. Further assessment of relevant issues is carried out below.
- 9.7 Reaffirming the aims of Waste Local Plan policies WLP2 and WLP4, policy WLP5 states that the Council will make an appropriate contribution to meeting regional waste management needs in line with approved waste management priorities. In line with the assessment against Waste Local Plan policies WLP2 and WLP4, there are no objections to the proposal in this respect.

Adjacent Site Allocation

- 9.8 The emerging BLPSVPC includes a site allocation, AL13: Desborough, Shoppenhangers and Harvest Hill Roads, South West Maidenhead. The application site is located outside of, but adjacent to the allocation to the south-west. AL13 measures approximately 89.93ha and is allocated for approximately 2600 residential units, educational facilities, strategic open space including formal play provision, and community hub as part of a local centre. The allocation is linked to BLPSVPC policy QP1b and HO1 which seeks to ensure that the identified site and development as a whole comes forward in a strategic and comprehensive manner. Currently allocation AL13 is given moderate weight, and the issue of prematurity should be considered.
- 9.9 Paragraph 50 of the NPPF states that where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process. In this case, it is considered that the impact as assessed in section 9(v) would not be so significant that the grant of planning permission for the proposal would prejudice the development of AL13 or the BLPSVPC as a whole and thereby undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that is central to AL13.

ii Green Belt

Whether the Development is Appropriate Development in the Green Belt

- 9.10 The entire site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Local Plan policy GB1 sets out forms of appropriate development in the Green Belt but was prepared in accordance with the cancelled PPG2: Green Belts which has since been replaced by the NPPF. While broadly reflective of current national Green Belt policy at a strategic level, it is more prescriptive and therefore policy GB1 is given less weight. Waste Plan policy WLP29 states that in cases outside of preferred areas there will be a strong presumption against allowing waste management development within Green Belt with exceptions for certain purposes. As with Local Plan policy GB1, Waste Plan policy WLP29 is not in accordance with current national Green Belt policy and so in this respect is given limited weight. The NPPF is a material consideration of significant weight, and therefore greater weight, and it sets out what comprises appropriate development in the Green Belt in paragraphs 145 and 146. As a further material consideration of significant weight, BLPSVPC policy SP1 states that the Green Belt would be protected from inappropriate development in line with Government Policy.

- 9.11 BLPSVPC policy QP5 also states that permission will not be given for inappropriate development (as defined in the NPPF) unless very special circumstances are demonstrated, but due to unresolved objections this policy is currently given limited weight for the purposes of this assessment.
- 9.12 With reference to paragraphs 145 and 146 of the NPPF, the proposed development would not fall under any of the exceptions listed as appropriate development in the Green Belt. This is common ground with the applicant who acknowledges the same in paragraph 5.2 of the submitted Planning Statement.
- 9.13 Paragraph 144 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). A case for VSC has been put forward by the applicant in a Supplementary Statement, which is considered in section 9(x) of this report.

Other Harm to the Green Belt

- 9.14 Paragraph 133 of the NPPF makes it clear that the essential characteristics of Green Belt are their openness and their permanence, and paragraph 134 sets out the 5 purposes of the Green Belt, while Local Plan policy GB2(a) states that permission will not be granted for new development which would have a greater impact on openness of the Green Belt or the purposes of including land within it than existing development on the site.
- 9.15 In terms of openness, the NPPG advises that development should be assessed by taking into account both its spatial and visual impact, degree of activity likely to be generated, and permanence. The proposal includes a new permanent waste transfer building and office building, which is described in Section 5 of this report. Given the height, scale and form of the buildings and their location where there are currently no buildings, the proposed buildings would inevitably result in a permanent loss of spatial openness. The 3m high permanent bund would be extended, and the increase in this physical structure would also permanently reduce spatial openness. The weighbridge would have a more limited impact on openness with a height of no more than 0.4m above ground level but would still have a physical presence that would contribute towards the permanent spatial loss of openness of the Green Belt.
- 9.16 Views of the waste transfer building, office building, bund and weighbridge would mainly be limited to within the site and immediate surrounds, but this would not negate the spatial loss of openness it would just reduce the extent to which the decrease in the site's openness can be seen and experienced from. There would also be a greater impact on openness with the intensification of use within the existing site and associated increase in activity, which has an urbanising effect and thereby reduces the openness of the Green Belt in this respect. Overall, the proposal would have a greater impact on openness of the Green Belt than the existing development.
- 9.17 In terms of purposes of the Green Belt, as inappropriate development, the proposal would conflict with one of the purposes of the Green Belt, namely assisting in safeguarding the countryside from encroachment.
- 9.18 With reference to its inappropriateness, harm to openness and conflict with one of the purposes, paragraph 144 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight against the development is given to any harm to the Green Belt.

iii Character and Appearance

- 9.19 Local Plan policy DG1 resists development which is cramped, or which results in the loss of important features which contribute to local character. Waste Local Plan policy WLP30 states that for waste management development an assessment should have regard to the visual impact of the proposed development including local landscape character, and the need to safeguard the character and setting of settlements. As a material consideration of significant weight, BLPSVPC

policy QP3 states that new development will be expected to contribute towards achieving sustainable high-quality design in the Borough and sets out design principles for new development to achieve this. The principles include respecting and enhancing the local character of the environment. As a further material consideration of significant weight, paragraphs 124 and 130 of the NPPF advise that high quality buildings and places is fundamental to what planning should achieve and planning permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area.

- 9.20 The application site does not fall within any formal landscape designation; however, the landscape character is identified as a Type 8: Settled Farmed Sands and Clays landscape, falling into a sub-character area identified as '8b: Oakwell'. In general, key characteristics of the Settled Farmed Sands and Clays landscape include a mosaic of rural villages and farmsteads set in a flat to gently undulating rural landscape of mixed farmland and remnant woodland areas, and the overall strength of character is moderate. However, the Landscape Character Assessment also notes that the Oakwell character area is a damaged tract, primarily due to the influence of Junction 8/9 of the M4, and blight from edge of town uses including extraction and waste industries, which should be taken into account.
- 9.21 The site currently comprises of a waste facility, which is an existing discordant feature in the landscape character. The proposal lies within the existing boundary of the waste facility and so the main impact on character as a result of the proposed development and activity would be contained within the site. However, notwithstanding the boundary screening from trees and hedgerows, the waste transfer building would be apparent and would appear as an incongruous structure within the wider surrounds due to its height, mass and bulk, and utilitarian appearance and would therefore be considered to be an additional discordant feature within the landscape. There would also be an increase in traffic movements within the site and to and from the site, including HGVs, which would detract from the semi-rural character of the locality although it is acknowledged that Junction 8/9 of the M4 and associated traffic is more dominating and detracting in this respect.
- 9.22 Overall, it is considered that the proposal would result in harm to landscape character. Given that the site is located in a landscape character area of moderate quality and condition due to existing development and influences, the impact of the existing facility, and extent of harm as a result of the proposal, it is considered that this harm should be attributed moderate weight against the development.

iv Highway Safety and Parking

Sustainable Location

- 9.23 Waste Local Plan policy WLP1 states that Local Planning Authorities should have regard to the extent to which the development is in a sustainable location, and helps minimise travel distances, while paragraph 6.4 of the Waste Local Plan states that waste facilities should be as close to the waste source as possible. As a material consideration of significant weight, BLPSVPC policy IF2 reiterates the requirement for a sustainable location and to minimise travel distance. While currently given limited weight, the emerging Joint Minerals and Waste Plan reiterates that the spatial approach aims to site waste management capacity as close to the source of waste as possible.
- 9.24 In this case, the site lies outside of the boundary of Maidenhead but is near to the urban settlement. Therefore, on balance, the sustainability of the location is considered to be acceptable.

Traffic Generation and Impact on Local Highway Network

- 9.25 Waste Local Plan policy WLP27 states that planning applications for waste management development will only be permitted if the development and its associated traffic would not give rise to any unacceptable environmental impacts and satisfactory arrangements are made to secure any necessary infrastructure, while policy WLP30 states that assessment of waste

management development proposals will have regard to the likely effects of traffic and traffic related impacts which the development will generate.

- 9.26 The site currently has consent to generate no more than 80 one-way movements either into or out of the site by HGVs in any period of 3 consecutive weeks, and no more than 6 such movements on any one day. It is predicted that the proposed development would generate 30 to 50 movements per day, which is a significant uplift in the number of movements. In a letter ref: MHC/2025, dated 27 August 2020, the applicant's highway consultant states that with reference to the operational hours of 07.30 – 18.00 Monday to Friday and 08.00 – 12.00 Saturday, this would typically be between 3 to 4 lorry movements per hours on Kimbers Lane. However, the increase in vehicle movement to and from the site would not automatically result in harm or render the scheme unacceptable. As a material consideration of significant weight, paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 9.27 Adverse highway impacts in relation to highway safety and the local highway network could be mitigated through a restriction in the number of HGV and lorry movements per hour, and a vehicle routing agreement to require that vehicles be routed so as to avoid certain roads and times, the details of which can be secured by a condition (condition 4). As sources of waste and destination of waste after sorting may change, it is acknowledged that routes may also have to change and so it is recommended a clause is included to keep the routing agreement up to date. However, traffic will inevitably have to utilise Kimbers Lane, which the site is accessed off. Kimbers Lane is a rural road with varying widths with 2-way traffic flow. Figure 7.1 of Manual for Streets advises that for a car and an HGV to pass, the carriageway width should be at least 4.8m wide while for 2 HGVs to pass there needs to be carriageway width of at least 5.5m. While the majority of Kimbers Lane measures above 5.5m in width, plan ref: FE173/004 which illustrates the carriageway widths from Harvest Hill Road to the site access, identifies a section of road below 4.8m wide of around 90m in length just after Harvest Hill Road. For this stretch, the applicant proposes to create a passing bay within the adopted highway as shown in drawing ref: FE173/005 to allow for 2 HGVs to pass. The location, size and form of the passing bay is in accordance with the Borough's Highway Design Guide and so is considered to be acceptable. The highway works would need to be secured through a Section 278 Agreement (Highways Act 1980), and if minded to approve a satisfactory S278 Agreement can be secured by condition (condition 3). Therefore, subject to the passing bay there is no highway objection to the predicted increase in traffic movements on Kimbers Lane.
- 9.28 There is also a potential route to and from Kimbers Lane via Spring Hill, which joins Manor Lane and Harvest Hill Road / Shoppenhangers Road. Spring Hill is effectively a single-track road with reduced visibility splays in both directions. For this reason, it is considered that traffic should be restricted from using Spring Hill. This can also be secured through a routing agreement.

Vehicle and Cycle Parking

- 9.29 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, while policy P4 requires all development proposals to accord with adopted car parking standards. As a further material consideration of significant weight, BLPSVPC policy IF2 states that development should provide cycle and vehicle parking in accordance with the current parking strategy.
- 9.30 For commercial use the Council's adopted parking standards sets out a maximum parking standard of 1 car parking space and 1 lorry parking space per 90 square metres plus 1 car parking space and 1 lorry space per every 200 square metres. However, as a material consideration of significant weight, paragraph 106 of the NPPF states that maximum parking standards for non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Therefore, based on the type and size of development, and predicted staffing levels the 3 car parking spaces and 5 on-site lorry parking spaces proposed is considered to be acceptable.

9.31 Paragraph 6.5 of the Council's parking strategy sets out a requirement for cycle parking in town centre, villages, public interchanges and other key locations, and for certain forms of residential development. In this case, given the location and type of development it is not considered that cycle parking provision is appropriate.

v Neighbouring Amenity

9.32 Paragraph 7 of the NPPW states that when determining waste planning applications the material consideration should be the implementation of the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities, such as Environmental Health, the Environment Agency or Health and Safety Executive and there should be an assumption that the relevant pollution control regime will be properly applied and enforced.

9.33 In this context, Local Plan policy NAP3 states that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells or fumes beyond the site boundaries and Waste Local Plan policy WLP30 states that the merits of waste management development proposals will be assessed having regard to the need to safeguard health and living conditions. As a material consideration of significant weight, paragraph 127 of the NPPF states that planning decisions should create places with a high standard of amenity for existing and future users while BLPSVPC policy EP1 states that residential amenity should not be harmed by reason of noise, smell or other nuisance.

9.34 In terms of human health, the proposal is to process inert waste, which does not undergo any significant physical, chemical or biological changes, and non-hazardous waste which is waste that does not pose a threat to human health if properly regulated. As such, there is no objection in this respect.

9.35 A Noise Assessment was submitted to support the application. In simplified terms, the estimate of impacts of sound at the nearest properties is calculated by subtracting the background sound level from the rating sound level. The rating sound level is the noise level attributed to the operation with 'acoustic feature' penalties added for any noise sources which give rise to tonal, impulsive, intermittent or other characteristics readily distinctive against the residual acoustic environment.

9.36 Following a noise survey, the range average of existing background sound level is established as being 62-65 L_{Aeq} (dB) (logarithmic averaged) or 59-63 L_{A90} (dB) (arithmetic averaged) with the main source of noise being from traffic on the A404. The Council's Environmental Protection officer has raised no objections to the methodology for the noise survey and have subsequently confirmed that it is unlikely that there has been a significant alteration in the noise environment since the survey was undertaken.

9.37 In calculating the rating sound level, the Noise Assessment considered the operational sound levels for the different noise generating activities proposed. As most of the sound sources are mobile, the calculations have been carried out from a central location on the proposed site which is considered to be reasonable. A +6dB penalty has been added when considering the tonality and impulsiveness of sound, but it is also noted that the proposed bund would screen sound levels by approximately 5db. On this basis, the rating sound level of the proposed waste transfer site is calculated to be 43 dB L_{Ar} 1hr daytime.

9.38 Therefore, taking the lowest measured background sound (59 dB $L_{A90,1hr}$), which is more onerous than advised in BS:4142:2014, and the predicted rating sound level of the proposed waste transfer site at the nearest residential property (43 dB L_{Ar}) the initial estimated impact of specific sound at the nearest residential properties is calculated to be around -16dB. In accordance with BS:4142 where the rating level does not exceed the background sound level, this is an indication of the specific sound having a low impact.

9.39 The Noise Assessment was based on an assumption that the facility would be following hours of operating, which is also set out in the application form: 07.30 – 18.00 Monday to Friday and

08.00 – 12.00 Saturday. If minded to approve, a condition is recommended which restricts operation to these hours (condition 5).

- 9.40 The licencing process would normally ensure the provision of appropriate storage and processing areas for odorous waste and use of appropriate measures to prevent emissions including dust and litter. However, a scheme for the minimisation of odour to nearby properties and dust can be secured by condition (condition 6). Processing is proposed to take place within the waste transfer building and when activity is enclosed, potential nuisances such as smell and dust can reasonably be mitigated with appropriate measures to secure good practice.
- 9.41 In paragraph 10.5 of the Council's Waste Background Study, it notes that HGV traffic is often regarded as one of the most visible features associated with waste facilities and may include issues relating to intimidation from large vehicles, dust, spillage, mud from wheels, vibration and noise. The Waste Background Study goes on to state that a routing agreement and conditions relating to operating hours or odour / dust minimisation measures can mitigate some of these impacts, which are recommended.
- 9.42 Given the distance between the proposed buildings and nearest residential properties of over 250m there are no significant concerns in relation to visual intrusion, loss of light or loss of privacy. Concerns have also been raised by interested parties regarding loss of privacy to future residents as part of the nearby allocation in the emerging local plan, but there would be a 3m high bund along the shared boundary, and the proposed waste transfer building and office are ground floor only. As such, there is unlikely to be any elevated views from the site.

vi Trees

- 9.43 Local Plan policy N6 requires that new development should allow for the retention of existing suitable trees wherever practicable, should include protection measures necessary to protect trees during development, and where the amenity value of trees outweigh the justification for development then planning permission may be refused. As a material consideration of significant weight, paragraph 170 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the trees. As a further material consideration BLPSVPC policy NR3 states that development proposals would consider the individual and cumulative impact of proposed development on existing trees and hedgerows, and where the amenity value of the trees and hedgerows outweighs the justification for development then planning permission may be refused, but this policy is currently given limited weight.
- 9.44 There are existing trees sited around the perimeter of the site with all trees along the north-eastern, south-eastern and southern boundary protected by group Tree Preservation Order, ref: 003/2018/TPO. An Arboriculture Impact Assessment (November 2020) was submitted to support the application. To take into account subsequent revisions to the proposed development, a revised Arboricultural Impact Assessment was submitted in April 2021. To ensure robustness the Arboriculture Impact Assessment (April 2021) confirms that the relevant trees were surveyed and categorised, and the calculation of their Root Protection area (RPA) has been carried out in accordance with BS: 5837 by a qualified arboriculturist.
- 9.45 To accommodate an informal passing area along the access it is proposed to remove part of G5 (group of common hawthorn) equating to approximately 13sqm of canopy cover. While subject to 003/2018/TPO, the trees proposed for removal are classified as Category C. Category C trees are normally those that are young and/or of low quality, and BS: 5837 advises that Category C trees should not impose a significant constraint on development but should be replaced. Therefore, to accord with this, the Arboriculture Impact Assessment advises that replacement planting of common hawthorn equating to at least circa 26sqm canopy cover or circa 10m of infill hedgerow planting adjacent to the access road should be implemented. If minded to approve, details and implementation of replacement planting can be secured by condition (conditions 10 and 11).

- 9.46 The extended bund would intrude through the Root Protection Area (RPA) of G8, a group of around 100-150 trees comprising of butterfly bush species, common hawthorn, blackthorn and pedunculate oak. While the trees are subject to 003/2018/TPO, the trees are classified as Category C. On balance, given the extent of intrusion into the RPA and potential use of construction methods that minimise impact on tree roots (e.g. 'no dig' construction', air spading, hand digging), the details and acceptability of which can be secured by condition, it is considered the proposal would not have an undue impact on the health and longevity of these trees and therefore acceptable. Furthermore, if minded to approve, if these retained tree are uprooted or die within 5 years of first permitted use, a replacement tree of the same size and species in the immediate vicinity can be secured by condition (condition 11).
- 9.47 The proposed office would also be sited within the RPA of G4, a group of around 40-75 trees comprising of field maple, common hazel, common hawthorn, common ash, elder and English elm, which are classified Category C. These trees are not subject to 003/2018/TPO and classified as Category C trees. Given that that the office would be raised off the ground, thereby minimising the level of underground intrusion and, that the potential impact on tree roots (e.g. through air spading) can also be secured by condition, the impact on trees in this respect is considered to be acceptable. As with the assessment on the impact on G8, if these retained tree are uprooted or die within 5 years of first permitted use, a replacement tree of the same size and species in the immediate vicinity can be secured by condition.

vii Ecology

Special Area of Conservation

- 9.48 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park Special Area of Conservation (SAC), which is a European Designated site. The Joint Nature Conservation Committee (JNCC) data form states that the primary reason for selection of this site as a SAC is the old acidophilous oak which has the largest number of veteran oaks in Britain (and possibly Europe), diversity of saproxylic invertebrates including rare species (e.g. the beetle *Lacon quereus*), rich fungal assemblages, and saproxylic invertebrate fauna. The JNCC data form for Windsor Forest and Great Park goes on to report that the main threats are air pollution, invasive non-native species, interspecies floral relations, and forest and plantation management and use. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an Appropriate Assessment to be made in view of that site's conservation objectives. As material considerations of significant weight, the location criteria set out in Appendix B of the NPPW states in determining planning applications consideration should be given to any adverse effect on a site of international importance for nature conservation including SACs, while paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case due to the type and scale of development, together with the distance from the SAC, the proposal either alone or in combination with other development is not considered to contribute to the identified threats and therefore is not considered to have a significant effect on Windsor Forest and Great Park SAC. As such, an Appropriate Assessment is not required.

Other Designations

- 9.49 The proposal site is also in close proximity to Bray Meadows Site of Special Scientific Interest (SSSI) and Great Thrift Wood SSSI. Waste Local Plan policy WLP30 states that the assessment of waste proposals shall have regard to the need to safeguard and enhance the sites of ecological importance and protected species and their habitats, while paragraph 175 of the NPPF states that when determining planning application, development on land within or outside of an SSSI and likely to have an adverse effect on it should not normally be permitted. As a statutory consultee under the provision of Article 20 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 28 of the Wildlife and Countryside Act 1981 (as amended), Natural England have confirmed that they are satisfied that the proposed

development will not damage or destroy the interest features for which the sites have been notified.

- 9.50 In terms of biodiversity in general, paragraph 170 of the NPPF states that planning decisions should recognise the wider benefits from natural capital and ecosystem services and minimise impacts on and provide net gains for biodiversity. Paragraph 175(a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. As a further material consideration of significant weight BLPSVPC policy QP1 states that development proposals should foster biodiversity. BLPSVPC NR2, which expects development proposals to demonstrate how they maintain, protect and enhance the biodiversity of sites, is currently given limited weight.
- 9.51 The Ecology Report (Ecus, April 2020) is of an appropriate standard, and it details the results of a preliminary ecological appraisal. The report indicates that existing earth bund and line of trees along the boundary of the site could host reptiles, amphibians including Great Crested Newts in the terrestrial phases of its life, nesting birds, hedgehogs and has the potential for sett building for badgers. The tree lines are also likely to be used by foraging and commuting bats. The report concludes that as there are no changes to the existing earth bunds and tree line, these species will remain unaffected by the proposal. However, with reference to the submitted plans there would be some reprofiling and extension of parts of the bund, while drawing ref: D8525.002 in the submitted Arboricultural Impact Assessment (TEP, November 2020) shows the removal of G8, which is group of Pedunculate oak, Blackthorn, Common hawthorn and Butterfly bush species, in addition to section of hedgerow identified as G3 (Common hawthorn, Common ash, Elder, English elm) and G5 (Common hawthorn).
- 9.52 Therefore, to address concerns over robustness and to take into account the revised layout and other changes, a revised Ecology Appraisal was been submitted in April 2021. At the time of writing, comments from the Council's Ecologist are still outstanding. These will be reported in an update.
- 9.53 Given the development and use of the site, it is considered that opportunities for biodiversity enhancements would be limited and therefore not appropriate in this particular case.

viii Sustainable Drainage

- 9.54 Local Plan policy NAP4 states that the Council will not grant planning permission for the development which poses an unacceptable risk to the quality of groundwater and/or which would have detrimental effect on the quality of surface water. Waste Local Plan policy WLP30 states that the assessment of waste proposals will have regard to likely flooding impacts on the surrounding population and the environment. As a material consideration of significant weight, paragraph 165 of the NPPF states that major developments, such as the proposal, should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. As a material consideration of moderate weight, BLPSVPC policy NR1 also requires development proposals to incorporate sustainable drainage systems in order to restrict or reduce surface water run-off.
- 9.55 With reference to the revised sustainable drainage scheme submitted in April 2021, to take into account the revised layout, it is proposed that surface water from the roof of the proposed waste transfer building will be disposed of via downpipes and discharged into an underground drainage network. For additional impermeable areas this would be drained separately to the roof-surface water into a storage tank. The current design is for a monthly disposal based on worst case winter months. A perforated concrete manhole soakaway has been proposed for the discharge of surface water from the site. Soakaway tests have been carried out on site, and the worst-case infiltration rate was calculated to be 1.46×10^{-4} m/s which represents permeable soil that is suitable for soakaways. The elements have been designed to accommodate any exceedance flows for return periods up to and including the 1 in 100 year event plus appropriate climate change allowance without surface flooding. A catchpit manhole has been proposed upstream of the soakaway to prevent silt and debris from entering the soakaway structure and blockage that may occur over time. The proposed scheme is considered to be acceptable.

- 9.56 The site is located over a principal aquifer. As a material consideration of significant weight, the location criteria set out in Appendix B of the NPPW states that consideration should be given to the proximity of waste proposals to aquifers and the management of potential risk from waste contamination. In this case, to reduce pollution to water sources on and off site due to diffuse pollution, all foul water is to be collected from the hardstanding area and stored in the tank with regular disposal.
- 9.57 If minded to approve a condition is recommended to secure implementation of the surface water drainage system in accordance with the submitted details, and submission and approval of a maintenance regime (condition 15).

ix Archaeology

- 9.58 The site falls within an area of high archaeological potential. Important prehistoric sites, which include the nationally important Scheduled Mesolithic (8,000 – 4,000 BC) site at Moor Farm, the Neolithic (4,000 – 1,800 BC) site at Cannon Hill and prehistoric flint scatters at Willow Drive and at J8/9 of the M4.
- 9.59 While there is an existing waste facility operating at the site it is unclear what, if any below ground impacts have occurred. The current proposals provide for a more formal and substantive facility, including a waste transfer building, and office building, weighbridge, earthen bunds and hardstanding, so there is potential for the proposal to impact on important buried archaeological remains.
- 9.60 Local Plan policy ARCH3 states that planning permission will not be granted for proposals which appear to adversely affect archaeology sites of high potential unless adequate evaluation enabling the full implications of the development of matters of archaeology interest prior to the determination of the application have been secured. The applicant has submitted no substantive information to enable assessment of the potential impact on below ground deposits if the proposed development is implemented. However, as Local Plan policy ARCH3 is not in full accordance with the NPPF, it should not be given full weight. BLPCSV policy HE1, which requires applications for works within archeologically sensitive areas to include a desk-top archaeological assessment is currently given limited weight.
- 9.61 Waste Local Plan policy WLP30 states that the assessment of waste proposals will have regard to the need to safeguard sites of archaeological importance. As a material consideration of significant weight, paragraph 141 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Therefore, to accord and if minded to approve, a condition is recommended to secure the implementation of a programme of archaeological works, in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority (condition 16).

x The Case of Very Special Circumstances

- 9.62 As inappropriate development, paragraph 143 of the NPPF states that such development should not be approved except in Very Special Circumstances (VSC). Paragraph 144 of the NPPF states that Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special.
- 9.63 As set out in section 9(ii) of this report, the proposal is considered to be inappropriate development in the Green Belt, would result in a significant reduction in openness, and be

contrary to the one of the purposes of the Green Belt, namely safeguarding the countryside from encroachment. In accordance with Paragraph 144 of the NPPF this should be given substantial weight against the development in the balance. As set out in section 9(iii) the proposal would result in harm to landscape character, which is afforded moderate weight against the development. In relation to ecology, this is currently assessed on the basis of no identified harm. Any updated VSC balance following any ecology comments, if necessary, will be reported in an update.

Need and Sustainable Waste Management

- 9.64 Turning to benefits, the need for the proposed facility to meet need has been put forward. As set out in Section (i) there is a significant shortfall in the predicted waste treatment capacity for inert and non-hazardous waste and, to move waste up the waste hierarchy to meet the aims of the Council's waste management strategy and priorities, there is a particular need for more recycling capacity for both waste streams. While currently of limited weight, the emerging Joint Minerals and Waste Plan indicates that there is an expectation and reliance that this shortfall in waste management facilities will be partly met through market-led sites, such as the proposed development.
- 9.65 The proposal is to increase capacity of the existing WTS, which falls into one of the most preferred methods of waste management, from 5000 tonnes of inert waste to 25000 tonnes of inert, household, commercial and industrial waste. Given the identified shortfall in capacity for these waste streams, both in general and for recycling facilities, and the contribution in addressing the shortfall, it is considered that the proposal would represent a benefit which is afforded significant weight in favour of the development as part of the case for VSC.

Sites Outside of the Green Belt and Close to Source of Waste

- 9.66 When considering a case for VSC, it is also necessary to consider whether there are suitable and available sites outside of the Green Belt.
- 9.67 In terms of identifying sites outside of the Green Belt, the Sequential Assessment (August 2020) submitted by the applicant has confined their search to sites measuring a minimum of 0.25ha. The main factor is the waste processing area required to effectively manage the segregation process and ancillary areas (weighbridge, skip and container storage, office, parking etc) for the proposed tonnage. On this basis, the minimum size criteria is considered to be reasonable. The applicant has also confined their search for sites to within a radius of 5 miles from Maidenhead Town Centre. Given the policy aim that sites should be as close to the source of waste as possible and that the main source of waste that the business services is from Maidenhead, the search area is also considered to be reasonable.
- 9.68 Sites that fall within the criteria were identified using the Waste Local Plan, local commercial agents, and desktop review, which is considered to be robust. No available sites outside of the Green Belt were identified. This is a material consideration that should be given significant weight in favour of the development and as part of the case for VSC.
- 9.69 While currently of limited weight, this is corroborated by the emerging Joint Minerals and Waste Plan which proposes to allocate waste management infrastructure within the Green Belt following consideration first to locating waste management facilities on sites outside of the Green Belt (Policy W4 2/a). As justification, it goes on to state that the lack of available sites outside of the Green Belt also needs to be taken into consideration as part of the exceptional circumstances.

Wider Economic and Environmental Benefits

- 9.70 An increase in recycling capacity results in wider environmental and economic benefits. In addition to reducing landfill and land-rising requirements, which generates environmental issues,

it provides a stable supply of recyclable waste materials and thereby market stability for recyclable waste materials, and helps minimise illegal waste crime including illegal dumps and waste exports. This benefit is unquantified but should be afforded moderate weight in favour of the development and as part of the case for VSC.

9.71 Therefore, in balancing these matters, it is considered that the identified harms are outweighed by other considerations and therefore VSC exists which justify the development in the Green Belt.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 In accordance with the Council's adopted CIL charging schedule, the development is CIL liable but the CIL is set at £0 per square metre of chargeable floor space.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 6.51 of the Waste Local Plan acknowledges that there are no ideal sites for waste management facilities, and that all facilities will have some environmental impact and a balance has to be struck.

11.2 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

11.3 For the purpose of this application and in the context of paragraph 11 of the NPPF including footnote 7, the so-called 'tilted balance' is engaged. The LPA acknowledges that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.4 As set out in section 9(iii) the proposal would result in harm to landscape character, which is afforded moderate weight against the development. However, it is considered that this harm would not outweigh the contribution towards addressing an identified shortfall in capacity for non-hazardous and inert waste management, in particular for recycling facilities, to meet need within the plan area and to move waste up the waste hierarchy in line with the Council's waste management strategy, which is afforded significant weight. Together with the moderate weight in favour of the development for the wider environmental and economic benefits, overall and having due regard for the tilted balance, it is not considered that the identified harm would significantly and demonstrably outweigh the benefits in this case.

11.5 In relation to ecology, this is currently assessed on the basis of no identified harm. Any updated planning balance following any ecology comments, if necessary, will be reported in an update.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan and Proposed Site Layout

- Appendix B – Proposed Plans and Elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Waste accepted at the site shall not exceed 25,000 tonnes per calendar year. A date log shall be kept of the number of Heavy Goods Vehicles importing waste to the site. The date log shall be provided to the Local Planning Authority within one month of a written request from the Local Planning Authority.
Reason: To ensure that the development is in accordance with the application details and in the interest of protecting the amenities of nearby residents.
- 3 Prior to the commencement of development a Section 278 (of the Highways Act 1980) Agreement shall be submitted to the Highways Authority for the construction of a passing bay on Kimber's Lane, the full details of which are to be agreed with the Highway Authority. The development hereby approved shall not be brought into use until the works to provide the passing bay on Kimber's Lane, as approved through the Section 278 Agreement, have been implemented in full.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 4 Prior to commencement of development, a HGV and Lorry Routing Strategy, including but not limited to defined routes to be adhered to by all HGVs and lorries accessing the site and delivery schedule, shall be submitted to and approved in writing by the Local Planning Authority. Defined routes shall exclude the use of Spring Hill as a route for HGVs and lorries, and there shall be no more than 4 HGV or lorry movements per hour between 07.30 - 18.00 Monday to Friday and 08.00 - 12.00 Saturday. The approved HGV and Lorry Routing Strategy shall be implemented and maintained in accordance with the approved details. For any proposed changes to the approved routes or delivery schedule, an updated HGV and Lorry Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority and implemented and maintained in accordance with the approved details.
Reason: In the interest of highway safety and to minimise unacceptable environmental and amenity impacts. Local Plan policy T5 and Waste Local Plan policy WLP27 and WLP30.
- 5 No HGVs or lorries shall enter or leave the site and no waste operations shall be undertaken within the site except between the following hours: Monday to Friday - 07:30 to 18.00; Saturday 08:00 to 12.00. No HGVs or lorries shall enter or leave the site and no waste operations shall be undertaken outside these hours or on Public and Bank Holidays.
Reason: To ensure that the development is in accordance with the application details and to minimise unacceptable environmental and amenity impacts.
- 6 Prior to first use of the development hereby approved, measures for the control of odours and dust emissions from site operations and a complaints procedure setting out how the operator will record, address and respond to complaints from local residents relating to environmental matters including odours and dust shall be submitted to and agreed in writing by the Local Planning Authority. The approved control measures and complaints procedure shall thereafter be implemented and maintained.
Reason: To protect residential amenities of the area and for the prevention of nuisance to the occupiers of dwellings in the vicinity by reason of odour and related nuisance and to accord with the Local Plan Policy NAP3.
- 7 Any oil or chemical storage tanks shall be surrounded by an impervious oil or watertight bund. The volume of the bund shall be at least 10 percent greater than the capacity of the largest tank or the combined capacity of interconnected tanks plus 10 percent. At filling points, vents, gauges and site glasses shall be located within the bund. The drainage system to the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
Reason: To prevent pollution of the environment and to accord with the Local Plan Policies NAP3 and 4.

- 8 Prior to first use of the development hereby approved, details of mitigation measures to prevent pollution of controlled waters from operations at the site including surface and ground water through either direct or diffused pollution pathways shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented and maintained thereafter.
Reason: To prevent the potential for the pollution of controlled waters. Local Plan policy NAP3.
- 9 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not limited to details of measures taken to protect existing trees and hedges during construction, demolition, and delivery of materials / machinery, including a Tree Protection Plan; details of construction and installations including methodologies within a root protection area or that may impact on retained trees including details of no dig specification and extent of the areas to be constructed using no dig surfacing.; location and installation of services/utilities/drainage; and all arboricultural site monitoring and supervision required for the duration of the development. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 10 Details of tree planting to mitigate for the removal of the trees as shown on drawing ref: D8525.002 within the Arboricultural Impact Assessment, dated April 2021, shall be submitted to and approved in writing by the Local Planning Authority. This includes but is not limited to the number, species, size and location of the replacement trees. The tree must be planted in accordance with good horticultural practice, maintained to ensure establishment and planted within the first planting season from the removal of the original tree. If the replacement tree should die, is found dying or becomes diseased within 3 years of being planted, it must be replaced.
Reason: To ensure the continuation of the tree cover in the locality.
- 11 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 12 No development shall commence until details of site levels in relation to ground level have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed final external site levels, proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development should then be carried out in relation to these details and retained thereafter. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 13 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 14 The weighbridge hereby approved shall be no larger than 4m in width, 15.8m in length and 0.4m in height above ground level.
Reason: To ensure that the development is in accordance with the application details and in the interest of proper planning.
- 15 Prior to first use of the development hereby approved, the surface water drainage system shall

be implemented in accordance with drawings ref: 'Proposed Surface Water Drainage Layout' L2486-DR-D-0921 P.04 and 'Proposed Surface Water Drainage Details' L2486-DR-D-0931 P.01, and details of the maintenance arrangements relating to the surface water drainage system, including confirmation of a maintenance regime and who will be responsible for its maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage system shall be maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and not does increase flood risk elsewhere.

16 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site lies within an area of archaeological potential, specifically within a wider area where significant prehistoric remains are known and recorded. The Condition will ensure the satisfactory mitigation of any impacts upon buried archaeological remains through a programme of work to record any surviving remains so as to advance our understanding of their significance in accordance with paragraph 141 of the NPPF and local plan policy.

17 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

1 This development may require an environmental permit under the Environmental Permitted (England and Wales) Regulations 2016. As part of the consultation response from the Environment Agency they have not, in their regulatory role, assessed whether consent will be required nor does this consultation response indicate that permission will be given for any legally required consents, permits or licenses. The applicant should contact 03708 506 506 or consult the Environment Agency website to establish if consent will be required for the works they are proposing and for any further advice. Please see <http://www.environmentagency.gov.uk/business/topics/permitting/default.aspx>.

