

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

DEVELOPMENT CONTROL PANEL

6 July 2023

Item: 1

Application No.:	22/02756/FULL
Location:	Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW
Proposal:	Replacement of hardstanding with concrete surfacing, maintenance access and drainage infrastructure associated with the lawful storage and processing of waste material in the north western area of the existing waste recycling facility.
Applicant:	Mr Fowles
Agent:	Guy Titman
Parish/Ward:	Wraysbury Parish/Datchet Horton And Wraysbury

If you have a question about this report, please contact: Jeffrey Ng on or at 01628 796213
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1. SUMMARY

- 1.1. This application seeks consent to construct a concrete surfacing and to install the associated surface water drainage infrastructure at the application site. The area of the proposed concrete surface would be approximately 5,175 square metres.
- 1.2. The Report sets out the relevant Development Plan, other relevant Policies and Guidance and other material planning considerations relevant to this planning application.
- 1.3. The proposed concrete surfacing is required to fulfil the requirement of the Environmental Permit, which requires certain waste including dredging waste taken from lakes and rivers and mixed waste derived from construction and demolition which is not hazardous, to be stored and treated on an impermeable surface with a sealed drainage system. Furthermore, the proposal would continue to support the wider waste recycling operation. However, the proposed surface water storage volume would only be sufficiently sized for the 1 in 100 years plus 40% climate change event if no materials are stored within the designated areas for surface water storage. Given the areas to be used for surface water storage will also be used for materials stockpiling, it will technically reduce the area available for surface water to be stored. In an absence of a proper surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 1.4. On this basis, it is therefore recommended that planning permission be refused.

It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):

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| 1. | The designated surface water storage area will be used for materials stockpiling which reduces the area available for surface water to be stored. In the absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan. |
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2. REASON FOR COMMITTEE DETERMINATION

- 2.1. The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is a major development; such decisions can only be made by the Committee.

3. THE SITE AND ITS SURROUNDINGS

- 3.1. Hythe End Farm lawfully operates as a waste transfer station and there are a variety of structures and stockpiles that are used in conjunction with the lawful use.
- 3.2. The application site comprises an area of land of approximately 0.52 hectare of the wider Hythe End Farm. The site entrance is located on Hythe End Road which is accessed from the B376 and Feathers Lane to the north of the site. The application site is within the Metropolitan Green Belt and Environment Agency Flood Zone 3B.
- 3.3. The site is not within any designated protected sites. However, it is in close proximity to a number of designated protected areas, including South-West London Waterbodies Special Protection Area (SPA), the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI), Windsor Forest and Great Park SSSI and Special Area of Conservation (SAC), Langham Pond SSSI, Staines Moore SSSI, Wraysbury Reservoir SSSI and Wraysbury No.1 Gravel Pit SSSI. The site is also in close proximity to other non-statutory designated sites, including Wraysbury II Gravel Pits Local Wildlife Site (LWS), Wraysbury I Gravel Pit LWS and Colne Brook LWS.

4. KEY CONSTRAINTS

- Metropolitan Green Belt
- Environment Agency Flood Zone 3B – Functional Floodplain

5. THE PROPOSAL

- 5.1. The application site is subject to an Environmental Permit, which requires certain waste including dredging waste taken from lakes and rivers and mixed waste derived from construction and demolition which is not hazardous, as set out in the Permit, to be stored and treated on an impermeable surface with sealed drainage system
- 5.2. The application site currently has a permeable surfacing and therefore it does not comply with the permit requirement. In order to allow the storage and treatment of certain wastes at the application site to fulfil the requirement of the Environmental Permit, this application therefore is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure at the application site.

6. RELEVANT PLANNING HISTORY

- 6.1. Hythe End Farm has a long planning history of sand and gravel extraction and waste operations through a series of planning permissions and certificate of lawfulness granted since 1998.
- 6.2. A certificate of lawfulness (97/75746) was granted in September 1998 for an existing use for the storage and processing of excavated/dredged / builders materials, timber and associated plant and machinery.
- 6.3. In 2005, planning permission (02/82412) was granted for the erection of 2.4m high compound fencing and retention of existing earth bund. Planning application (02/82413) for the erection of new gates and fence, wheel wash and weighbridge with widening of existing gateway and alterations to concrete hard surfacing (retrospective) was refused but was allowed on appeal.

- 6.4. In 2013, certificate of lawfulness (13/00828) to determine whether the existing use of parking and overnight parking of no more than ten 32 Tonne Heavy Goods Vehicles [A Heavy Goods Vehicle is defined as any vehicle with a gross combination mass of over 3500kg requiring a DVLA Class C1, C1, C1E or CE licence] which are road going and taxed vehicles used only in connection with the site as set out under Certificate of Lawfulness 97/75746 [Certificate of Lawfulness 97/75746 is for storage before and after processing and processing of excavated/dredged/builders materials, timber with associated plant and machinery on land east of Hythe End Road] in the area hatched on the attached plan on Hythe End Farm is lawful was refused.
- 6.5. In 2019, planning permission (16/01725/FULL) was granted for the replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)
- 6.6. In 2021, planning permission (16/02366/FULL) was granted for the detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is subject of a certificate of lawfulness dated 09 September 1998 (retrospective). The permission was subject to an appeal against the condition requiring the facility to be completed removed from the application site when it is no longer required for such purposes. The appeal was allowed, and the condition was varied to allow the use of the building in conjunction with the lawful use of the site as a waste processing facility or any other lawful use of the site.
- 6.7. In March 2023, a Section 96A non-material amendment application to planning permission 16/01725/FULL to amend the current Surface Water Drainage Scheme submitted under 19/03545/CONDIT was approved.

7. DEVELOPMENT PLAN

- 7.1. The main relevant policies are:

Adopted Borough Local Plan 2013-2033

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Development in Rural Areas and the Green Belt	QP5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Sustainable Transport	IF2
Rights of Way and Access to the Countryside	IF5

Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036

Issue	Policy
Sustainable Development	DM1
Climate Change – Mitigation and Adaptation	DM2
Protection of Habitats and Species	DM3
Protection of the Countryside	DM5
Green Belt	DM6
Protecting Health, Safety and Amenity	DM9
Flood Risk	DM10
Water Resources	DM11
Sustainable Transport Movements	DM12
High-Quality Design of Minerals and Waste Development	DM13
Ancillary Development	DM14
Site History	DM15
Sustainable waste development strategy	W1
Safeguarding waste management facilities	W2
Locations and sites for waste management	W4

Adopted Horton and Wraysbury Neighbourhood Plan 2018-2033

Issue	Policy
The presumption in favour of sustainable development	NP/SUSTDEV01
Management of the Water Environment	NP/SUSTDEV02
Landscape	NP/OE1
Ecology	NP/OE2
Public Rights of Way	NP/OE3

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 6 – Building a strong, competitive economy

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

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

National Planning Policy for Waste (October 2014)

- 8.1. The document can be found at: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>.

Supplementary Planning Documents

- Borough Wide Design Guide
- Planning Obligation and Developer Contributions SPD
- Sustainable Design and Construction SPD

Other Strategies or Publications

Other Strategies or publications material for the proposal are:

- DEFRA Waste Management Plan for England 2021
- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 9.1. 3 occupiers were notified directly of the application and 2 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Concerns over the flood risk of the proposed development as it is within Flood Zone 3	Flood risk section of this report
2.	Concerns over highway safety	Highways and Parking section of this report
3.	Concerns over the proposed development which is an inappropriate development within the Green Belt as the development would have an impact to the character of the surrounding countryside.	Green Belt section of this report
4.	Concerns over the existence of Japanese Knotweed at the site	The existence of Japanese Knotweed is not a material consideration of a planning application.
5.	Concerns over the existing bunds with no planning permission.	This application is for the replacement of surfacing and the lawfulness of the existing bunds is not considered to be relevant in this application.

- 9.2. The planning officer posted a notice advertising the application at the site on 14.06.2022 and the application was advertised in the Local Press on 30.06.2022

Statutory Consultees

Consultees	Comments	Where in the report this is considered
Environment Agency	No objection to the proposed development subject to conditions.	Flood Risk and Environmental Health sections of this report
Natural England	No objection subject to appropriate mitigation being secured.	Ecology and Biodiversity section of this report
RBWM Lead Local Flood Authority	Recommends refusal. The area to be used for water storage will contain stockpiling, which will reduce the area available for water to be stored.	Flood Risk section of this report

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Ecology	No objection subject to conditions requiring the submission of a construction environmental management plan and an external lighting scheme.	Ecology and Biodiversity section of this report
RBWM Highways	No highways objection but the CEMP stated within the planning statement has not been provided to support this application.	Highways and Parking section of this report
RBWM Environmental Protection	No objection subject to a condition related to construction working hours	Other Matters section of this report

Others (e.g. Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Wraysbury Parish Council	Objecting on the grounds of creating a major flood risk to the surrounding area; Flood Zone 3.	Flood Risk Section of this Report.

10. EXPLANATION OF RECOMMENDATION

10.1. The key issues for consideration are:

- i) Principle of Development
- ii) Green Belt
- iii) Climate Change and Sustainability
- iv) Flood Risk
- v) Environmental Health
- vi) Highway and Parking
- vii) Ecology and Biodiversity
- viii) Other Matters

i) Principle of Development

- 10.2. Policy DM14 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that proposals for buildings and/or structures ancillary to minerals processing or manufacturing, or for structures ancillary to the existing minerals or waste operation, will be supported where they are appropriate and located within the development footprint of the existing site. Proposals will need to demonstrate how the ancillary development will benefit the site and ensure a sustainable operation. Development permitted in accordance with this policy will be subject to a requirement that:
- a) it is used only as ancillary to the primary permission of the site; and
 - b) it will only be permitted for the life of the primary permission.
- 10.3. The types of wastes to be handled are regulated by the Environment Agency under the Environmental Permitting regime. Notwithstanding, the site is within the remit of an extant certificate of lawfulness (97/75746), which only allows the processing of certain waste set out in the certificate, including excavated/dredged/builders materials and timber. The certificate was granted prior to the issue of an Environmental Permit (formerly known as Waste Management Licence WML) before 2008. The definition of wastes set out in the certificate is not consistent with the definition of wastes set out under the current EWC code. Notwithstanding, it is considered that the site can only process the type of wastes which is set out in the extant certificate.
- 10.4. This application is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure as the current surface is a permeable surfacing. It is considered that the proposed surfacing will allow certain waste to be processed at the application site, which is currently restricted by the Environmental Permit, to ensure a sustainable waste operation of the wider site.

ii) Green Belt

- 10.5. The application site lies within the designated Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.6. Paragraph 149 of the National Planning Policy Framework (NPPF) sets out that the construction of new buildings is inappropriate in the Green Belt unless it falls into one of the specified exceptions. Paragraph 150 also sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including (b) engineering operations.
- 10.7. The proposed development is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure. The formation of surfacing and its associated drainage facility is considered to be an engineering operation in this regard.
- 10.8. Regarding whether the proposed development would preserve the openness of the Green Belt. The proposed development is entailing the formation of a new hard surface at ground level with only level changes being those required to facilitate the drainage of surface water as part of the required sealed drainage infrastructure. The construction of the new hard surfacing and the associated drainage infrastructure will have some impacts to the openness of the Green Belt, but those works will only be temporary. As the application site already comprises an area of surfacing, it is not considered that the proposed new hard surfacing will have any further impact to the openness of the Green Belt.
- 10.9. Regarding whether the proposed development would not conflict with the purposes of including of land within it, the proposed concrete surfacing and the associated drainage infrastructure is within the existing operational waste site. The proposed development does not involve the construction of any new buildings/structures outside of the existing waste site and it is not considered that the proposed development would result in the sprawl of built-up areas.

10.10. In summary, the proposed concrete surfacing and the associated drainage infrastructure is considered to be an engineering operation which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, and is therefore appropriate development within the Green Belt.

iii) Climate Change and Sustainability

10.11. The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated infrastructure. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.

10.12. In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. It is a material consideration in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.

10.13. While a Sustainability Supplementary Planning Document will be produced, the changes to national and local climate policy are material considerations that should be considered in the assessment of planning applications and the achievement of the trajectory in the Environment and Climate Strategy will require a swift response. The Council has adopted an Interim Sustainability Position Statement (ISPS) to clarify the Council's approach to these matters. According to the ISPS, it sets out that all development except householder residential extensions and non-residential development with a floor space of below 100 square metres should be net-zero carbon.

10.14. Policy SP2 of the Borough Local Plan 2013-2033 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development proposals will be supported by a Climate Change Assessment. The Assessment should include how the development proposal encourages the wider sustainable use of resources and how the development itself makes efficient use of resources.

10.15. In this case, the proposed development is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure. The proposal is not seeking to introduce any buildings containing floorspace; therefore, it is not considered that the proposed development would fall within the parameters of the ISPS.

10.16. No climate change assessment has been provided as set out in Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan to support this application. Notwithstanding, the wider existing site is for waste recycling, which is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill. The proposed development would help support the wider waste site the sustainable use of resources and has a positive contribution towards the aims of Policy DM2.

10.17. Therefore, the proposed development complies with aims and objectives of Policy SP2 of the Borough Local Plan 2013-2033 and Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

iv) Flood Risk

10.18. Paragraph 159 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 10.19. Policy NR1 of the Borough Local Plan 2013-2033 sets out that development will only be supported within designated Flood Zones 2 and 3, where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. Development proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development so that future flood risk is needed to be considered.
- 10.20. Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste developments should not result in an increased flood risk overall and the development is safe from flooding for its lifetime including an assessment of climate change impacts.
- 10.21. Policy NP/SUSTDEV02 of the Horton and Wraysbury Neighbourhood Plan 2018-2033 sets out that development proposals for residential or non-residential development within the areas shown within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Maps will not be supported apart from the one for one replacement of houses and extensions to existing houses up to the limit allowable under the permitted development rights granted by Parts A and E of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or such secondary legislation that replaces it. The design and construction of new buildings should have regard to national flood resilience guidance and other relevant policies in the development plan. Additionally, action should be taken where appropriate to improve and reduce the overall flood risk.
- 10.22. This application is accompanied by a Flood Risk Assessment (FRA), which is prepared by JBA Consulting, on behalf of the applicant. The FRA sets out that the application site is subject to a certificate of lawfulness for storage and processing of excavated / dredged building materials, timber and associated plant and machinery and the lawful use of the storage of skips and other containers and therefore it is not compatible with the definition of functional floodplain.

Fluvial flooding

- 10.23. According to paragraph 078 of the Planning Practice Guidance (PPG)¹, functional floodplain comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:
- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or
 - land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding).
- 10.24. The application site is subject to a certificate of lawfulness for various waste storage and processing activities. However, the existing lawful waste operation would not fundamentally alter the functional floodplain designation of the application site. The proposed development is a waste treatment, which is considered to be less vulnerable under the flood risk vulnerability classification. Less vulnerable development should normally not be permitted under Zone 3b.
- 10.25. The Environment Agency has been formally consulted on this application and has raised no objection to the proposed development in terms of fluvial flood risk. The Environment Agency considers that the proposed concrete surfacing would not have a detrimental impact on flood water levels with the current ground levels. The proposed development also will not result in net loss in floodplain storage, and flow paths will also not be impacted.

Sequential Test

¹ Paragraph: 078 Reference ID: 7-078-20220825

10.26. A sequential test is required for development in Flood Zone 2 or 3 and no sequential test is provided to support this application. The application site is subject to an extant certificate of lawfulness which allows the site to be operated as a waste processing and storage site. The proposed surfacing with sealed drainage infrastructure is required in conjunction with the lawful use of the wider site as it is to fulfil the requirement of the Environmental Permit. Therefore, it is not reasonable to consider that the proposed surfacing can be located elsewhere, as it is not feasible to seek for an alternative location as it is linked to the planning unit in this regard.

Sustainable Drainage

10.27. The Council's Lead Local Flood Authority (LLFA) has concluded that the proposed storage volume will be sufficiently sized for the 1 in 100 years plus 40% climate change event, where there is **no** material stored within the area designated to store surface water. However, the submitted drawing sets out that the area identified for surface water storage will also be used to stockpile materials.

10.28. Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan requires waste development in areas at risk of flooding should include site drainage systems designed to manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change. Given the areas to be used for surface water storage will also be used for materials stockpiling, it will technically reduce the area available for surface water to be stored.

10.29. In order to make sure that the proposed water storage volume can be sufficiently sized, no materials should be stored within the designated water storage area. However, the imposition of a planning condition to restrict the storage of materials within the designated water storage areas would not be enforceable and reasonable in this regard as the only purpose of the proposed surfacing is for materials stockpiling. Therefore, in the absence of a proper surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

10.30. The Environment Agency has raised concerns that some of the engineering solutions of the proposed development are insufficiently robust or durable for the anticipated design life to provide a sealed drainage system. There is a concern over the proposed impermeable sealed drainage system will become continuous with surrounding areas of surfacing. As only a small part of the north-western area of the wider site will be equipped with the impermeable surface and sealed drainage system, it will also be challenging to demonstrate compliance with the requirement for certain waste types to be stored and treated on specified site surfacing. Both the engineering works and the impermeable sealed drainage system of the proposed development should be sensitively designed to ensure that the system is practically functional for its purposes. However, it is considered that the surface water management of the proposed development is regularised under the Environmental Permitting regime. The efficiency of the engineering solutions and the compliance to the Environmental Permit are not material considerations of this planning application.

10.31. The Environment Agency sets out that a reasonable timeframe for installation of the associated surface water drainage infrastructure that forms part of this application should be set out and this should be secured by a planning condition. If the above surface water objection was not outstanding and planning permission were being granted, a pre-operation condition could be used to ensure that the associated sealed surface water drainage infrastructure is installed prior to the operation of the proposed concrete surfacing.

v) Environmental Health

10.32. Policy EP1 of the Borough Local Plan 2013-2033 sets out that new development will only be supported where it would not have an unacceptable effect on environmental quality both during the construction phase and when completed. Details of remedial or preventative measures and any supporting environmental assessments will be required and will be secured by planning conditions to ensure that the development will be acceptable. Policy DM9 of the Central and

Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development should not cause unacceptable noise, dust, lighting, vibration, or odour.

Unexpected Contamination

10.33. Environment Agency welcomes the proposed development to extend the impermeable surfacing within the north-western section of the site to allow the storage and processing of imported mixed construction and demolition wastes in an area that benefits from impermeable surfacing and dedicated drainage. The previous use of the site as a landfill and for secondary aggregate processing means that soils and groundwater may be contaminated and contamination could be mobilised during construction, potentially polluting controlled waters. It is considered that the issue of any unexpected contamination can be secured by a planning condition.

Landfill Gas

10.34. Environment Agency sets out that the proposed development is on top of a historic landfill and the proposed changes could result in the nearby community being exposed to odour and landfill gas, where the gas can be toxic and can give rise to long- and short-term health risks. The Agency considers that the changes to the site surfacing will block surface emissions and any landfill gas will migrate towards the perimeter of the new concrete area.

10.35. It is considered that appropriate landfill gas assessments should be carried out to identify any potential risks and relevant measures should be fully implemented to address the identified risks. The landfill gas should also be fully monitored regularly. Such details and monitoring plan could be secured by a planning condition and a planning obligation, if planning permission were being granted.

Noise

10.36. This application is accompanied by a Technical Note, which is prepared by Walker Beak Mason Limited, on behalf of the applicant. The Note identifies that there will be a short-term noise impact during the resurfacing works, but the level of noise generated would be at an acceptable level.

10.37. The Council's Environmental Protection Officer has been consulted in this application and raised no objection to the proposed development.

vi) Highways and Parking

10.38. Policy DM12 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development will be permitted where good connectivity for the movement of waste can be demonstrated. A transport assessment will be required to support the application. The application should be considered the following matters:

- The acceptability of routing to the site and the impacts on the surrounding road network in relation to capacity and demand, with consideration of committed developments and cumulative impact
- Road safety
- Sustainability accessibility
- Appropriate hours of working
- Mitigation as appropriate

10.39. The Council's Highways Authority has been formally consulted in this application. The Highways Authority has raised no objection to the proposed development subject to a Construction and Environmental Management Plan being provided to support this application.

vii) Ecology and Biodiversity

- 10.40. Policy NR2 of the Borough Local Plan 2013-2033 sets out that development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid the assessment of the proposal. Neighbourhood Plan Policy NP/OE2 of the Horton and Wraysbury Neighbourhood Plan 2018-2033 sets out that development proposals that conserve and enhance biodiversity and comply with other relevant policies will be supported.
- 10.41. The application site is in close proximity to a number of designated protected areas, including South-West London Waterbodies Special Protection Area (SPA), the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI), Windsor Forest and Great Park SSSI and Special Area of Conservation (SAC), Langham Pond SSSI, Staines Moore SSSI, Wraysbury Reservoir SSSI and Wraysbury No.1 Gravel Pit SSSI. The site is also in close proximity to other non-statutory designated sites, including Wraysbury II Gravel Pits Local Wildlife Site (LWS), Wraysbury I Gravel Pit LWS and Colne Brook LWS.
- 10.42. The application site consists of a plot of surfacing with piles of crushed concrete set within a wider waste management site which, according to the ecology report (ESL Ecological Services, October 2022), contains a variety of habitats including woodland (a priority habitat), including standing and fallen deadwood (partly on the lower slopes of screening bunds), scrub (wholly on screening bunds), ruderal (wasteland-type) vegetation, a wet ditch, a small area of rough grassland and strips of bare earth/ surfacing (within the active works area). It is surrounded by woodland (including wet woodland), the River Thames (on the western boundary), grassland, and residential properties.
- 10.43. Otter, bats, birds, and stag beetle have all been previously recorded within close proximity to the site. The wider waste management site contains habitats considered to be suitable for use by stag beetle (and other invertebrates), nesting birds, roosting, foraging, and commuting bats, and European eel. There were also signs of use by rabbit, brown rat, fox and muntjac deer (though these are not of conservation concern). The application site itself (within the red line boundary) has negligible ecological value and, as such, it is considered highly unlikely that the proposals would result in any direct impacts to protected or priority species, priority and/or sensitive habitats, or designated areas.
- 10.44. Both Natural England and the Council's Ecology Officer have been consulted on this application. Natural England has raised no objection to the proposed development subject to appropriate mitigation being secured. The Council's Ecology Officer has also raised no objection to the proposed development subject to conditions securing the submission of a construction environmental management plan (CEMP: Ecology) and an external lighting scheme.

viii) Other Matters

- 10.45. The Environment Agency has raised concerns about the viability of operating the proposed concrete surfacing. The Agency considers that there is no information provided in this application to clarify why the proposed surfacing is limited to the red-line boundary instead of the whole north-western area of the site, which is consistent with the Environmental Permit. The Environment Agency sets out that further restrictions may be required to account for the design, the practicality and maintenance that will need to be in place before it can operate within the currently proposed area. It is considered that the viability of operating the proposed surfacing is not a material consideration of a planning application.

11. PLANNING BALANCE AND CONCLUSION

- 11.1. The application site is within Flood Zone 3b the functional floodplain, which is designed to store water from rivers or the sea in times of flood. The proposed development requires sufficient water storage for the 1 in 100 years plus 40% climate change event.

- 11.2. The proposed storage volume would be sufficiently sized for the 1 in 100 years plus 40% climate change event but only if no materials are stored within the designated areas for surface water storage. Given the areas to be used for surface water storage will also be used for materials stockpiling, it will technically reduce the area available for surface water to be stored. The imposition of a planning condition to prevent the designated water storage areas to be used for materials stockpiling would not be enforceable and reasonable in this regard as the only purpose of the proposed surfacing is for materials stockpiling. In an absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 11.3. To conclude, the proposed development is seeking to introduce an impermeable concrete surfacing with sealed drainage infrastructure to comply with the requirement of the Environmental Permit to handle and store certain waste. Though the proposed development will continue to support the wider site, which is for waste recycling and is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill, the weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other harms that are set out above. On this basis of the foregoing, it is therefore recommended that planning permission be refused.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

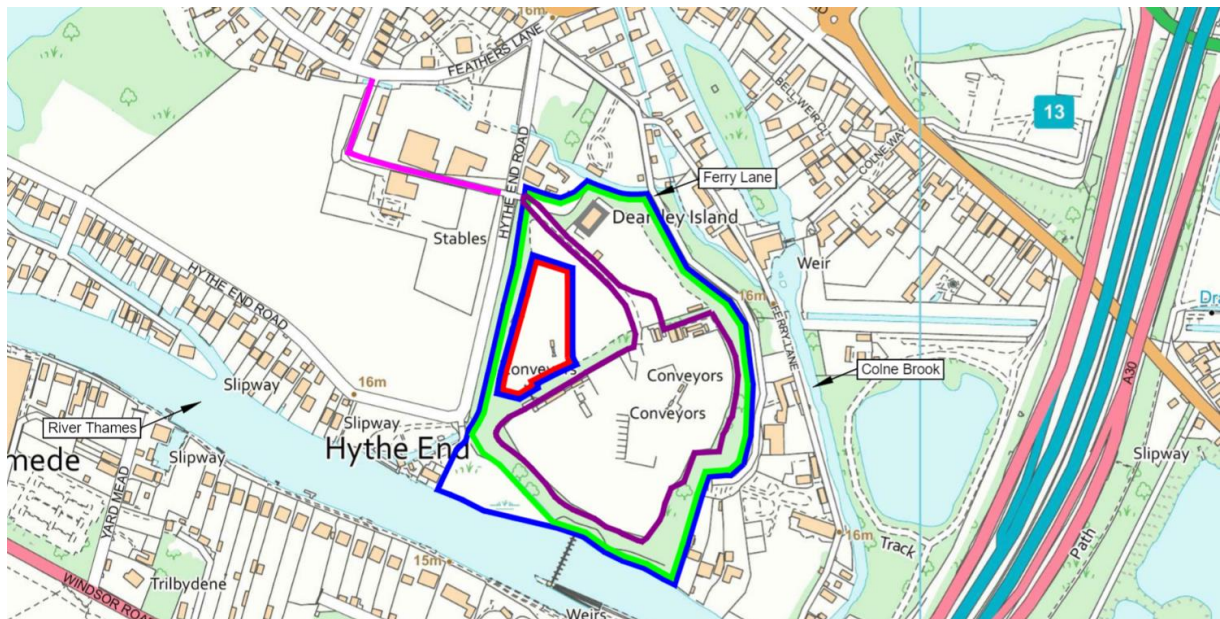
- 1 The designated surface water storage area will be used for materials stockpiling which reduces the area available for surface water to be stored. In an absence of a proper surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

22/02756/FULL - Fowles Crushed Concrete, Hythe End Farm, Hythe End Road, Wraysbury TW19 5AW

Appendices

Appendix A - Site Location Plan and Site Layout

Site Location Plan



Site Layout

