Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
153172	11/13	Wargrave	Remenham, Wargrave and Ruscombe	Councillor Halsall

Applicant	Grundon Waste Management Limited
Location	Star Works, Star Lane, Knowl Hill **Postcode** RG10 9XY
Proposal	**153172:** Variation application to condition 7 of planning consent 340429 (Wokingham Borough Council) and 426466 (The Royal Borough of Windsor and Maidenhead)(granted on appeal on 05/09/1994) in order to extend the time for the deposit of non-inert waste from 17 years from the date upon which the deposit operations commenced to 20 years, to extend the time for the deposit of engineering/restoration materials (inert waste) from 17 years from the date upon which the deposit operations commenced to 21 years, and to extend the time for the completion of the site's restoration from 19 years from the date upon which the deposit operations commenced to 22 years.
Type	Major – Other developments
PS Category	6
Officer	Graham Vaughan

FOR CONSIDERATION BY	Planning Committee on 3rd February 2016
REPORT PREPARED BY	Head of Development Management and Regulatory Services

SUMMARY

The application requests further time for landfill operations to take place on the site as it has not yet been fully filled. The main reasons for this are the reduction in the amount of waste being sent to landfill (through Government initiatives) and the restrictions on the amount of waste that can be sent to the site (e.g. through the limits on vehicle movements). As such, the site would not be fully filled in time with the original constraints placed on the permission and therefore appropriate restoration would not be able to take place.

Residential properties are located near the site primarily on Star Lane and these would be impacted by the proposal. It should be noted however, that only the time period for landfill operations would be altered by the proposal and that all other constraints from conditions would remain in effect (e.g. the number of vehicle movements or the time of day in which operations take place). As such, and given that the site is already a major developed site in the Green Belt having been used for landfill for a long period of time, it is considered the benefits of completing the landfill operation and allowing full restoration of the site are significant and outweigh the harm on residential amenity arising from allowing operations to carry on for longer. It is considered all other aspects would be satisfactorily mitigated through the use of conditions already in place and therefore the proposal is compliant with the development plan and recommended for conditional approval.

PLANNING STATUS

- Green Belt
- Countryside
- Ancient Woodland consultation zone

- Archaeological Interest
- Contaminated land consultation zone
- Footpaths
- Wind turbine consultation zone
- Farnborough Aerodrome consultation zone
- Landfill consultation zone
- Groundwater protection zone
- Tree Preservation Order
- Local Wildlife site
- Protected species consultation zone

RECOMMENDATION

153172: That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:

A. Conditions and informatives:

1. Condition 7 now reads:
   The deposit of non-inert waste shall cease not later than 20 years from the date upon which deposit operations commenced and the deposit of inert waste shall cease not later than 21 years from the date upon which deposit operations commenced. All restoration operations, excluding aftercare, shall be completed within 22 years of the date of the start of waste disposal operations. *Reason: To ensure the timely completion of landfill operations and subsequent restoration in order to protect the Green Belt, Countryside and residential amenities. Relevant Policy: Core Strategy Policies CP1, CP3, CP11 and CP12, Managing Development Delivery Local Plan Policies TB01, TB02 and TB21*

2. All other conditions of planning permission 340429 apply to this permission. Please see appendix two for list of conditions attached to 340429.

PLANNING HISTORY	
184/47	Interim development order (IDO) for mineral extraction **granted** in July 1947
340429 & 426466	Remedial filling and restoration of former landfill site, extension of landfill and restoration of quarry, site roads, weighbridge and office on land west of Star Works **allowed at appeal** on 5th September 1994
MIN/2004/2560	Mineral extraction at star works - Appeal against conditions imposed on previous consent 342286 **part allowed and part dismissed at appeal** on 12th September 2006
VAR/2008/0333	Proposed variation to conditions 1 & 2 of consent 97/65283 to allow revised cell boundaries and delay the construction of engineered batter **conditionally approved** 17th October 2008
VAR/2008/0334	Application for variation of Condition 11 to allow an increase in the number of Heavy Goods vehicle movements and Non-Compliance with Condition 4 relating to provision of batters adjacent to Area "C" of permission 340429 **conditionally approved** on 11th September 2008
VAR/2010/1795	Variation of condition 11 of Permission 34029: From The maximum number of heavy goods vehicle movements importing waste and soils

	and exporting minerals from the site shall not exceed 90 movements in any one day of which not more than 48 movements shall relate to the import of waste and soils, To: The maximum number of heavy goods vehicle movements importing waste and soils shall not exceed an average of 70 per day on a monthly basis calculated on the basis of 5.5 working days per week. The number of HGV movements shall not exceed 90 movements in any one day **conditionally approved** on 16th December 2011
VAR/2015/0670	Application to vary conditions 14 & 15 of appeal planning consent 340429 (Remediai fiiiing and restoration of former landfill site, extension of landfill and restoration of quarry, site roads, weighbridge and office on land west of Star Works, Star Lane, Knowl Hill) to allow the permitted hours of operation to be extended to 1600 on Saturdays and 0900 - 1600 on Sundays **withdrawn** on 4th June 2015

SUMMARY INFORMATION	
Total extraction site area	32 hectares
Grundons operation site area	17.3 hectares
Actual landfill site area	6.7 hectares
Unfilled landfill site area	Approximately 3.3 hectares (final part of Cell 7)

CONSULTATION RESPONSES	
Highways	No objection
Biodiversity	No comments received
Tree and Landscape	No objection
Environmental Health	No objection
Policy	No objection
Rights of Way	No comments received
Wargrave Parish Council	Objection due to impact on residential amenity. Raise concern due to late timing of application and previous changes to vary loads. Consider the situation is unacceptable and should be ended with the site restored as originally agreed
Local Members (Wokingham Borough Council)	Listing request from Councillor Halsall if the recommendation is for approval due to impact on environment and residential amenity
Hurley Parish Council (adjoining Parish/Borough)	Do not support or object but comment that at a recent residents meeting, it was considered the applications should be refused and the operating company withdraw from the site. If the applications are to be approved then the site should be appropriate monitored by the EA/WBC
Local Member (adjoining Parish/Borough)	Letter of objection from Councillor Hunt with regards to the following: • Both Grundon and the EA have been lax in applying the waste management license • Significant odours have arisen from the site and many residents cannot enjoy their gardens • Many residents have anticipated that the

	operations would cease in 2016 • There is a discrepancy between 2010 and 2016 figures in terms of the amount of imported material required • The Star Works site is not advertised by Grundon on their website • Grundon should apply for a variation of the contours for restoration instead of time for landfill
Windsor and Maidenhead (adjoining Local Planning Authority)	No comments received

REPRESENTATIONS

At the time of writing, 16 letters of objection have been received. Whilst these primarily relate to application 153172 a summary of the objections have been provided for both applications on the site.

- Grundon have failed to comply with the license conditions for a long time and do not cover deposited waste properly
- Litter blows across into neighbouring sites and there are regular revolting smells
- Smells cover long distances and can be detected approaching the site not just next to it
- Methane gas comes off the site often having a detrimental and disrupting impact
- Reverse alarms from lorries are heard 6 days a week
- The existing vehicle movements are not utilised to the full amount
- 3 years is a long time and residents have been expecting the site to finish in 2016
- Residents cannot enjoy their gardens particularly during summer months
- Seagulls and other birds visit the site on a daily basis and nothing has been done about them
- Waste material is deposited outside the site and is hazardous to people and animals
- Traffic from the site interferes with walkers and this could increase
- The site is an eyesore from the public footpaths and bridleways
- No evidence is provided to say the works can be completed in three years
- Grundon have not reached the tonnage limit each year so how can they complete the site in three years
- No evidence of existing restoration can be seen
- The land should be restored as it is now and the delays have arisen due to the mismanagement of the site

APPLICANTS POINTS

- National trend in waste generation has led to less waste being sent to landfill – this could not be foreseen at the time of the appeal
- Full restoration of the site could not take place if the operations were to stop at the current specified time – this could lead to a landscape which would not integrate into the area
- No other aspect would be altered – the same constraints would still be in place in terms of the conditions of the planning permission and also the Environmental Permit from the Environment Agency

PLANNING POLICY		
National Policy	**NPPF**	National Planning Policy Framework

	NPPW	National Planning Policy for Waste
	NPPG	National Planning Policy Guidance
Adopted Core Strategy DPD 2010	**CP1**	Sustainable Development
	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP9	Scale and Location of Development Proposals
	CP11	Proposals outside Development Limits (including countryside)
	CP12	Green Belt
Adopted Managing Development Delivery Local Plan 2014	**CC01**	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC06	Noise
	TB01	Development within the Green Belt
	TB03	Major Existing Developed Site in the Green Belt (Star Brick and Tile Works)
	TB21	Landscape Character
Waste Local Plan for Berkshire	**WLPB**	Policy 11
Replacement Minerals Local Plan for Berkshire	**RMLP**	Policies 18 and 19

PLANNING ISSUES

Description of Development:

1. The proposal is for the extension of time for landfill operations at the Grundon Waste Management landfill facility at Star Works, Star Lane, Knowl Hill. Two variation applications have been submitted for this with application 153172 specifically requiring the time limit of the condition placed on the original approval to be increased and application 153171 requiring further time for the weighbridge, security compound and store to remain on the site.

2. Specifically application 153172 requests that condition 7 is changed to read "extend the time for the deposit of non-inert waste from 17 years from the date upon which the deposit operations commenced to 20 years, to extend the time for the deposit of engineering/restoration materials (inert waste) from 17 years from the date upon which the deposit operations commenced to 21 years, and to extend the time for the completion of the site's restoration from 19 years from the date upon which the deposit operations commenced to 22 years". This would enable landfill to be continued for three more years and restoration to take place for a year after that.

3. The site is within the Green Belt and designated countryside but is recognised in the Local Plan as a major existing development site in the Green Belt. The use of the site is well established since being mined for mineral extraction from 1947 as part of the approval of an interim development order. In 1994, an application for

the site to be used as landfill was allowed at an appeal stage subject to a significant number of conditions which commenced in 1999. Some of these conditions were contested in 2004 and this was part allowed and part dismissed at an appeal stage. Two further applications were made in 2008 to change further conditions and these were both approved. Other applications have been made on the site but relate to working practices or the installation of new equipment and are therefore not directly relevant to this application.

4. Application VAR/2010/1795 was originally submitted to alter conditions 7 and 11 much in the same way as the current application. During the course of the application however, Grundon were advised that it was premature to be considering an extension of time at this point and therefore removed the request to vary condition 7.

5. The current application does not propose any changes to the existing conditions other than the length of time in which landfill operations can be carried out. All the conditions that protect the amenity of local residents would remain in place in accordance with the appeal decision and planning history.

Principle of Development:

6. The principle of development was established through the granting of planning permission for landfill operations and in essence, this cannot be revisited. However, it should be acknowledged that planning policies have changed since the original application and in particular national policies such as the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) have come into existence. Furthermore, although not planning policy, clearly issues around waste and landfill have grown in significance since the original permission which is reflected in Government incentives and agreements and some weight should be attached to this.

7. In terms of national policy, the NPPW states that local plans should encourage suitable sites for waste management and in determining applications, waste planning authorities should, *inter alia:*

    a. Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;

    b. Ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

    c. Consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

8. Further to this, the National Planning Policy Guidance (NPPG) gives information on determining waste applications. Specifically related to this proposal the NPPG states:

a. Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste.

b. The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations.

9. At the local level, saved polices from Waste Local Plan for Berkshire and Replacement Minerals Local Plan are applicable:

   a. Policy 18 of the Minerals Local Plan 1995 (which remains a relevant consideration) seeks to ensure that all restoration is carried out within a reasonable timescale to an appropriate standard and an acceptable landform, landscape and ecological character that is appropriate to its location. In addition Policy 18 seeks to ensure that Mineral Planning Authorities (MPA's) are guided by the overarching aim of restoration of sites without undue delay and will impose conditions to ensure this.

   b. Policy 19 Minerals Local Plan 1995 seeks to secure environmental and public benefits, and where possible, recreational benefits through the restoration, after-care and after-use of mineral sites. However, as the applicant has stated in their accompanying information, the have been contributing factors which has impacted upon the amount of inert waste material and soils that are available for the progressive restoration of the site.

   c. Policy 11 of the Waste Local Plan for Berkshire does not include the proposal site as a preferred area for waste however this was not adopted until 1998 (i.e. after the permission had been granted).

10. Through policies CP1 and CP3, the Core Strategy aims to provide sustainable development that is appropriate for the area. Although not specifically aimed at minerals and local waste, both policies seek environmental improvements and that impacts on local residents' amenity are minimised and mitigated against.

11. For applications within the Green Belt, policies CP12 of the Core Strategy and TB01 of the Managing Development Delivery Local Plan aim to limit development and maintain openness in the Green Belt. Specifically relating to the proposal site, policy TB03 of the MDD Local Plan states:

    a. The Star Brick and Tile Works, Knowl Hill is identified as a major existing developed site in the Green Belt and is defined on the Policies Map.

    b. Within the defined development envelope of the Star Brick & Tile works, the principle of limited infilling or the partial or complete redevelopment of the site will only be acceptable where it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

12. In policy terms, through the NPPW and saved local policies, it can be seen that existing facilities are acceptable to meet an operational need. Indeed the volume of waste to be deposited in the site would not change, only the time taken to reach this volume. This is recognised particularly in the NPPG which acknowledges that the changes to waste disposal may result in additional time required for landfill sites.

13. In terms of Green Belt 'appropriateness' it should be noted that the principle of this has already been established by the approval of landfill operations at the site and therefore cannot be re-considered. Furthermore, appeal inspector states in the decision letter at paragraph 14 that "restoration by landfill offers, in principle, the most satisfactory way of restoring the appeal site to a condition compatible with its special landscape designation." Therefore, given the visually sensitive nature of the application site, the principle of allowing the applicant additional time to ensure that there is a suitable and acceptable standard of restoration is acceptable.

Environmental Impact Assessment (EIA) Development:

14. Due to the scale and type of activity, the proposal could be considered EIA development. Waste management facilities fall under paragraph 11 (b), Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) with one of the thresholds being a site area exceeding 0.5 hectares. Paragraph 13 (b) of Schedule 2 also relates to the change or extension of development listed in Schedule 1 or 2 with the threshold being the development has changed to the extent it has a significant impact, or it exceeds the thresholds listed in earlier relevant paragraphs.

15. The applicant has considered the proposal against Schedule 3 of the EIA regulations being the selection criteria for screening Schedule 2 development and concluded that the impact of the proposal would not lead to an EIA being required. The Council have considered this and screened the proposal and also conclude the impacts are not substantial to the extent they would require an EIA.

Business Need:

16. Grundon have been operating the landfill site since it began in 1999 and therefore have experience and knowledge of the site. A statement supporting the business case for the application has been submitted and is summarised below. The permission for the landfill had a raft of conditions which restricted the operation of the site. Primarily this was to protect residential amenity but also to ensure the site was effectively managed. Some of the main restrictions included the amount of waste that could be sent to the site (70,000 tonnes per year) and the number of vehicle movements (90 per day of which up to 48 for the landfill). This restriction however impacted on the amount of landfill that was actually completed and therefore a relaxation of this, and then a permanent change, was agreed by applications made in 2008 and 2010 respectively to an average of 70 per day on a monthly basis (however this still maintained the overall cap of 90 per day).

17. Following an up-to-date review of the existing levels of landfill, it is clear that the

process will not be completed in the originally envisaged timescale. A likely timescale shows that the input of non-inert waste would cease by the end of 2018 with inert waste being completed by the end of 2019 (and subsequent restoration occurring after this). It should be noted that prior to Grundon's ownership of the site, the original top and sub soils for the ground had been removed by the previous owner. This means an input of inert waste is required to achieve the necessary restoration (i.e. to bring the land levels to a point where restoration is viable). Once the site has been completed, restoration in accordance with the previously agreed details would take place. Until such time it is impractical to start restoration on other areas due to the fact the site is still in use.

18. As stated, the reason for not achieving the full amount of landfill has been partly due to the restraints placed on the planning permission. In particular, the amount of waste is dictated by the tonnage and vehicle movement limits and therefore one of these limits can be reached before the other. This can result in fewer vehicle movements than consented as there has been more waste per vehicle movement already brought in. Grundon note that the reason for this limit is to protect the amenity of the local area and the road network and therefore are not seeking to vary the conditions that restricted the operation of the site. One of the other reasons the land has not been fully filled is due to changing attitudes surrounding waste and what is sent to landfill. Indeed aspects such as the recession, increases in landfill tax and the success of schemes to promote recycling have meant less waste is going to landfill than would have been envisaged at the time of the appeal decision.

19. In their business case, Grundon state that the curtailed restoration of the landfill prior to approved levels being reached across the site would result in a landform which potentially would not blend into the surrounding landscape. Indeed the restoration scheme has already been agreed based on achieving a complete site. The statement also emphasises that no other aspect would be altered through the application. For example, the number of vehicle movements would not be changed, the time the landfill operates each day would remain the same and the area which requires waste would not be increased. As well as these restrictions remaining in place, the site would also still be bound by the Environmental Permit from the Environment Agency.

20. Consideration should also be given to the fact the site is near completion and 3 years is a realistic timescale for filling in the final part. The extension of time, when assessed against the previous time to complete operations at the site by the Inspector in 1994 is not considered to be an undue delay in planning terms.

Character of the Area:

21. The site is an active landfill site and therefore already has a distinct appearance and impact on the area. Whilst the site is within the Green Belt and in designated countryside, it nonetheless was considered acceptable in character terms when determined at appeal. Part of the reason for this was the restoration of the site once landfill operations had ceased and in order to achieve this, the Inspector placed conditions on the original permission relating to the restoration of the land.

22. It is acknowledged that by allowing the current application, landfill operations would take place for longer and therefore the impact on the character of the area,

which is acknowledged as not being typical for a rural area like this, would remain. However, by ceasing operations in line with the current time limit, part of the land would not be filled and could not be fully restored. In doing so, the landfill operations would effectively undermine the quality of the restored landscape and have a detrimental impact in perpetuity as full restoration would not take place.

23. As a result, a balance has to be made between extending the time further against ceasing operations in line with the current limits. Given that this would impact in perpetuity and that the extension of time would last three years, the benefits of continuing operations and restoring the land fully are considered to outweigh the relatively short time period that would occur beyond the original timescale by allowing the proposal.

Residential Amenity:

24. There are properties on Star Lane in both Wokingham and Windsor and Maidenhead Boroughs which are impacted by the landfill operations as well as properties on Canhurst Lane which is entirely within Wokingham Borough. It should also be noted the former Seven Stars Pub, to the east along the A4 and in Windsor and Maidenhead Borough, is being converted into residential units. The actual landfill operations take place to the north and north west of these properties with the other elements of the site (e.g. weighbridge, security compound) being located closer to the properties on Star Lane.

25. As highlighted in the objections, residential amenity has been impacted due to noise from machinery and movement of lorries, smells from the ongoing landfill operation and litter blown across the site during operations. In particular, this has impacted on enjoyment of gardens (and at times properties themselves) and public footpaths around the site. However, conditions are in place from the original permission which aim to protect residential amenity and these would not be altered as a result of the proposal. If however the site is not operated in line with these conditions, then this is a matter for planning enforcement and not this application to resolve. Similarly, the site has to be in compliance with an EA permit but it is acknowledged residents have stated this is not the case. Given this permit is under separate legislation from the Planning Act, it is not the requirement of this application, or Wokingham Borough Council, to enforce this permit. In any case, the Environmental Health Officer has not raised any objection to the application.

26. The original permission put a time limit on the landfill operations in order to protect residential amenity. Although it is acknowledged the proposal would result in further impact on amenity, it should be considered in the context of the site as a whole. At the time of the appeal, it could not be foreseen that the amount of waste going to landfill would decrease in such a way that would result in the site not being entirely filled and certainly it would be impossible for an Inspector to predict the future. Further to this the impact of leaving the site unfinished as stated above would be detrimental to the character of the area resulting in an abnormal landform in what is a sensitive landscape. As such, greater weight is attached to this to the extent it outweighs the additional impact on amenity that was originally envisaged particularly as the timescale is an additional 3 years. Although 3 years may appear to be a long time, in planning terms and in the context of the site operations, 3 years is not considered to be an undue delay. It

is also considered likely the site can be completely filled in this timeframe given that it is the last section and Grundons as a business, would want to ensure the site is finished rather than reapplying.

Access and Movement:

27. Elements such as traffic movements, access and parking provision have all been considered and approved by the original permission. Although some changes have occurred over time through subsequent variation applications, these remain in effect. The proposal would result in these movements continuing for longer than originally planned but would not change the number or how vehicles access the site. As a result, the current impacts of this would continue to exist however given that this has already been deemed acceptable in planning terms; no objection from the Highways Officer is raised with regards to this.

Landscape and Trees:

28. Given the established impact of the site, it is considered no significant additional harm would arise as a result of extending the time limit for operations or for retaining the security compound. Allowing the extension of time would mean the site could be fully restored which would, over time, lead to a betterment in terms of the overall landscape character.

Ecology:

29. Given the established impact of the site, it is considered no significant additional harm would arise as a result of extending the time limit for operations or for retaining the security compound. Allowing the extension of time would mean the site could be fully restored which would, over time, lead to a betterment in terms of ecology.

CONCLUSION

The existing operation cannot be completed in time primarily due to the reduction in the amount of waste that is sent to landfill nationally but also due to the restrictions placed on the original permission. Leaving the site unfinished would mean a significant portion of the land could not be properly restored which would lead to a detrimental impact on the landscape in the Green Belt and Countryside. Given this, the impact of not completing and restoring the site is considered to outweigh any negative impacts of the proposal; primarily the impact on residential properties located near the landfill site particularly as all other restrictions on the operation of the site would remain in place. As such, the proposal is considered to accord with local and national planning policy and is therefore recommended for approval.

CONTACT DETAILS

Service	Telephone	Email
Development Management and Regulatory Services	0118 974 6428 / 6429	development.control@wokingham.gov.uk

SITE VISIT NOTES AND RECORD

REFERENCE NO:	153172
SITE ADDRESS:	Star Works Landill, Star Lane, Knowl Hill, Wokingham, RG10 9XY
DATE OF VISIT(S)	4/1/16

DESCRIPTION OF SITE/BUILDING

Landfill area + associated works

DESCRIPTION OF SURROUNDINGS/LOCAL CHARACTER

Rural with some residential nearby
Further commercial on A4

RELATIONSHIP WITH ADJOINING PROPERTIES

Properties on SC, CL + A4.

SITE CONSTRAINTS AND OTHER PLANNING MATTERS:

(E.g. parking, access, trees, levels, boundary treatments, other)