

Item No. 8

APPLICATION NUMBER	CB/15/01626/REG3
LOCATION	Land at Thorn Turn, Thorn road, Houghton Regis, Dunstable LU6 1RT
PROPOSAL	Development of a Waste Park comprising waste transfer station, split level household waste recycling centre and resale building, together with new access road from Thorn Road.
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs: S Goodchild & J Kane
CASE OFFICER	David Peachey
DATE REGISTERED	21.05.2015
EXPIRY DATE	10.09.2015
APPLICANT	Central Bedfordshire Council
AGENT	Atkins Global
REASON FOR Call in to Committee	Council application
COMMITTEE TO DETERMINE RECOMMENDED DECISION	Approval

Summary of Recommendation

The proposals involve the provision of new municipal waste management facilities for the collection, bulking up and transfer of household wastes to assist the Council in its role as Waste Disposal Authority in meeting nationally-set targets for the diversion of waste from landfill and implementing the requirements of the European Waste Framework Directive (2008/98/EC) and Waste (England and Wales) Regulations 2011.

The application land falls within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land and less than substantial to heritage assets. The harm caused by these impacts is considered to be outweighed by the following very special circumstances in the wider public interest:

- the designation of the application land as a preferred strategic waste management site in the recently adopted Minerals & Waste Local Plan: Strategic Sites & Policies;
- the pressing need to provide fit for purpose waste facilities to deliver key statutory functions of the Waste Disposal Authority;

- the lack of alternative suitable sites outside the Green Belt within the parameters of project delivery;
- the strong likelihood of a strategic allocation north of Houghton Regis being formalised as part of the Development Plan in the future and the recent planning decisions and other committed development within the allocation area, including the July 2015 resolution of this Committee to grant outline permission for employment uses on land adjoining the proposed waste park

The site is located within the western segment of the Houghton Regis North Strategic Urban Extension, as allocated in the emerging Development Strategy identified to accommodate the needs of a growing population in the area.

The proposals are in accord with national and local waste specific policies and general environmental policies and no technical objections have been raised by consultees. Subject to suitable mitigation, no significant or unacceptable environmental impacts would result from the proposed development, including with respect to access and transport, flood risk, water resources, landscape and visual impacts, noise, air quality, odour, dust, ecology and biodiversity and archaeology.

It is recommended that planning permission is granted subject to conditions. In formulating this recommendation all of the evidence and potential impacts of the development that are considered to be material to determining this application have been examined. This has included assessing the application and Environmental Statement including the further information provided, representations received and consultation responses. All material issues have been adequately addressed in the application and the Environmental Statement. As the site is allocated for strategic waste management uses in the 'Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Local Plan: Strategic Sites & Policies (adopted January 2014)', this application can be determined by the Council without referral to the Secretary of State.

Site Location

The application site is located outside of any established settlement boundary, 1km to the north west of the Houghton Regis / Dunstable conurbation, and is washed over by the Green Belt. It comprises land in arable use situated approximately and immediately to the south-east of the A5 (Watling Street) / A505 junction. It extends southwards from Thorn Road from which vehicular traffic would be served by means of a new access road. The A5 lies some 9 – 12 metres higher than the application site separated by a densely wooded embankment. Anglian Water's Dunstable Waste Water Treatment Works and the Ouzel Brook (a tributary of the River Ouzel), adjoin the site's eastern and northern boundaries respectively. The site is bounded by agricultural land to the north and south. A shooting range occupies a section of

the field immediately to the north east of the principal development area.

The site falls within the western segment of the Houghton Regis North Strategic Urban Extension, as allocated in the emerging Central Bedfordshire Development Strategy (CBDS). This proposed allocation, which envisages development coming forward within a broad sweep of land to the north of the conurbation up to the line of the A5-M1 link road, currently under construction, and across to the M1 near Chalton Cross Farm. The western part of the Houghton Regis North allocation is being promoted primarily for residential use by a consortium known as "HRN2". All of the land is currently designated as Green Belt in the Development Plan, although the CBDS proposes its removal with a revised Green Belt boundary being drawn further north utilising the A5 – M1 link road as its defensible boundary.

The Minerals & Waste Local Plan: Strategic Sites & Policies (adopted January 2014) identifies a 24 hectare 'L'-shaped parcel of land at Thorn Turn as a strategic waste management site. The land subject of this application principally occupies the central portion of this allocation area. A parallel but separate planning application (ref. CB/15/01627/MW) has come forward from the Council for a highways and winter maintenance depot on adjoining land covering the southern part of this allocation.

Both the application subject to this report and the application for a highways and winter maintenance depot envisage utilising a new shared access road connecting to Thorn Road. Accordingly this new access road forms a common feature of both applications.

On 22 July 2015, the Development Management Committee resolved to grant outline planning permission to CBC Assets Department for employment uses falling within industrial Use Classes B1, B2 and B8 together with associated infrastructure and ancillary works. This development covers the remainder of the land at Thorn Turn allocated as a strategic waste management site.

The application site itself, which extends to some 8.4 hectares, comprises an irregular shaped parcel of land by a field drain and hedgerow. The topography of the site and its immediate environs is relatively flat, a varying between 93 metres Above Ordnance Datum (AOD) and 101 metres AOD, with a gentle downward slope from south to north and west to east. A chalk escarpment overlooks the site further to the south. The site area includes an access corridor extending southwards from Thorn Road over a distance of 230 metres where the new access road would be accommodated. The Ouzel Brook, a tributary of the River Ouzel, crosses the proposed access corridor.

The nearest residential property is Chalk Hill Farm, situated on higher ground approximately 240 metres from the site's southern boundary. This property is positioned at the end of a cul-de-sac known as Chalk Hill. Several other dwellings front Chalk Hill up to its junction with the A5. There are further dwellings on western

side of the A5 close to its junction with the Sewell Lane. The hamlet of Thorn lies to the north east, approximately 250 metres from the new access corridor and 450 metres from the nearest point of the operational area.

There are no statutory nature conservation sites within or directly adjacent to the application land. However, two such site designations lie within 2km of the site. Houghton Regis Marl Lakes Site of Special Scientific Interest (SSSI) is located 460 metres to the south-east and comprises a large disused chalk quarry with a rare mosaic of wetland habitats confined to chalk geology. Totternhoe Chalk Quarry SSSI is situated 1.7km to the south west on the edge of the Chiltern Hills Area of Outstanding Natural Beauty (AONB). It contains species-rich unimproved grassland within former mineral workings that supports, *inter alia*, a number of uncommon plant and notable butterfly species.

In terms of non-statutory designated wildlife sites within a one kilometre radius of the application area, there are four County Wildlife Sites (CWSs) and a Roadside Nature Reserve (RNR). These are Houghton Regis Chalk Pit CWS (360 metres to the south-east); Barley Brow (435 metres to the south); Houghton Regis Cutting RNR (330 metres to the south); Thorn Spring CWS (595 metres to the north-east); and Suncote Pit (715 metres to the south). Thorn Spring is also designated as Ancient Woodland (i.e. continuously wooded since 1600 AD).

Public Bridleway 49, known as the Icknield Way trail, runs adjacent to the site's western boundary before turning north-eastwards to follow the course of the Ouzel Brook abutting the northern extent of the proposed operational waste park site. The bridleway is crossed by the proposed access road further to the east before it turns north-westwards to link with Thorn Road.

The Application

Context:

As a Unitary Authority, Central Bedfordshire Council has responsibility both as Waste Collection Authority and Waste Disposal Authority. Under the provisions of the Environment Protection Act 1990, the Council has a duty to dispose of controlled waste collected within its administrative boundaries. The Authority must therefore make adequate provision for the management of its municipal waste arisings.

In August 2014, the Council's Executive Committee considered an update report on the future waste management provision within Central Bedfordshire. The Committee resolved to approve a solution involving the bulking up of residual 'black bag' waste and dry recyclates at new transfer facilities to be provided within Central Bedfordshire, together with a replacement HWRC for the Dunstable area. This solution aims to facilitate the efficient onward movement of those wastes to existing

treatment or re-processing facilities.

Since local government re-organisation in April 2009, Central Bedfordshire has been wholly reliant on third party infrastructure for the bulking up and onward transfer of residual (black bag) kerbside waste and dry recyclates sourced from HWRCs. The Elstow Materials Recycling Facility (MRF), acquired by Bedford Borough Council upon its establishment as a unitary authority, currently serves as the main reception facility for these municipal streams from Central Bedfordshire. The current contract for Central Bedfordshire as Waste Disposal Authority to use of this site expires in 2021.

At the present time, HWRC provision for the Dunstable area is located at French's Avenue. There are major constraints on the re-development of this facility to a modern standard that can cater for growing local demand and offer improved recycling opportunities. It is located in an area historically used for landfill which has led to ground stability issues. This, in turn, has impaired the functioning of the drainage system which is of concern to the Environment Agency. A further limitation on the site is the surrounding residential land use receptors, which means that expansion of the site or re-configuration of the existing area to increase capacity is unfeasible. As such, there is a pressing need to develop an alternative site.

The Proposed Development:

The proposals, therefore, seek to provide a base from which the Council can ensure security in key aspects of its future municipal waste management service provision. Planning permission is sought to develop a waste park situated directly to the north of the proposed highways and winter maintenance depot, which forms the subject of a separate but parallel planning application. The application site, measuring 8.4 hectares overall, has no formal points of vehicular access with agricultural access currently provided via adjoining agricultural fields.

Specifically the development comprises the following elements:

(a) **Waste transfer station (WTS)** - This facility would be used for the storage and bulking up of kerbside residual 'black bag' waste and HWRC-sourced dry recyclates prior to onward transfer to reprocessing sites outside the administrative boundaries. It is also anticipated that facility will accept quantities of commercial and industrial (C & I) waste, particularly during the initial years of operation. No treatment or processing of wastes would be carried out on site.

The WTS has a design capacity which permits an anticipated throughput of 98,000 tonnes per annum by 2040/41. This excludes green waste as there are existing arrangements to deliver this waste streams direct to composting or other processing facilities. The applicant states that until 2021 the WTS would predominantly accept waste from the south of the administrative area. Post 2021, the WTS may accept waste from the whole of the Council area. However, should the Elstow Waste

Transfer Station continue to be available, the Council may seek to continue this arrangement. The Thorn Turn site effectively provides future-proofing in the event that the use of Elstow Waste Transfer Station is not a longer term option. In order to maximise efficiencies and achieve value for money, where there is spare capacity between the design throughput tonnage and incoming municipal wastes, the WTS may also accept C & I waste which is similar in composition.

The requested operating hours are 0600 to 1730 hours on weekdays, 0600 to 1300 hours on Saturdays, 0630 to 1600 hours on Sundays (open on request, normally closed) and 0630 to 1700 on Public/Bank Holidays. The applicant has stated that early morning operations prior to 0700 hours would be occasional and only in the event of a backlog due to unforeseen problems with the supply chain. Operations in this initial hour of the day would be limited to the loading of outgoing vehicles. The WTS would have 4 full-time operational staff.

A steel portal framed building is proposed to be located at the northern end of the site measuring 102.1 metres long by 36 metres-wide thus creating 3,676m² of floorspace. It would have a grey-coloured pitched roof with a maximum height of 11.8 metres constructed of single skin insulated panels featuring polycarbonate rooflights and incorporating 15 roof-mounted photovoltaic (PV) panels on the south facing section. An external staircase would permit roof access for maintenance purposes. The outer sheets of the wall cladding are proposed to be constructed from insulated panels with vertical profile metal cladding coloured Grey, with a butterscotch façade to the gable ends. The gable end walls would sit in a 600mm recess by projecting the roof planes. On the southern elevation, access would be provided by 8 fast-acting roller shutter doors (6 metres x 4 metres high), also grey in colour, with a galvanised finish. These doors would be kept closed unless in use for vehicle entry or exit.

An operations yard on the building envelope would provide sufficient space to enable safe manoeuvring of HGVs associated with the delivery and collection of materials. All waste would be deposited on and collected from the floor of the reception hall. However, there would be a dedicated area on the edge of the external operations yard where a number of skips would be provided for secure storage of asbestos, clinical waste and reject materials. A loading shovel or similar item of plant would be employed to distribute the waste to the appropriate storage bay(s). The inclusion of moveable internal barriers within the building would allow operational flexibility in the collection of different waste fractions depending on the mix and quantity of imports at any given time. The inside of the building would be equipped with a 'mist-air' system to suppress dust and odours and maintain good visibility. Roof mounted fans would facilitate air circulation within the building but there would be no abstraction of air to the external atmosphere. The WTS would be enclosed by 2.1 metre-high green weldmesh security fencing. There would be no access for the general public.

A weighbridge facility would be stationed on the internal access road at the northern periphery of the site. This would incorporate a single storey weighbridge cabin of modular construction coloured light grey and approximately 2.9 metres in height. The weighbridge would be utilised by all loaded incoming and outgoing waste haulage vehicles, which will include Refuse Collection Vehicles (RCVs) delivering kerbside waste, 'rolonof' type lorries bringing in waste from various civic amenity sites and articulated wagons to transport bulked up waste to re-processing plants. It is expected that haulage traffic would also include skip lorries of varying size, particularly in connection with the import of C & I waste.

(b) Household Waste Recycling Centre (HWRC) including re-sale shop -

The eastern side of the main development area would be occupied by a split level HWRC with a maximum throughput of 7,721 tones per annum. It would be operated independently from the WTS within a separate enclosure delineated by the same weldmesh style of fencing. The types of waste accepted by the site would include residual household waste, green garden waste, cardboard, paper, glass, plastics, wood, paper, metals, waste electrical and electronic items, textiles, plasterboard, household furniture and carpets. It is proposed that c.21 (no.) 40 cubic yard skips and 2 (no.) smaller skips for types and gas bottles and 8 (no.) recycling banks / containers would be set out in the operational yard, although exact container provision will be determined by the site operator. In order to segregate public traffic flows from HGV traffic, the public would use a separate entrance point at the south east corner of the site. The site design shows an internal clockwise circular route enabling vehicular access to a raised drop-off point and at-grade recycling area with parking provision in the form of reverse entry angled echelon bays. Footways will be at grade with the public parking bays and separated by kerbing. The HWRC will be open to the public between 0800 to 1700 hours Mondays to Sundays, with overall operational hours of 0700 to 1800 hours. The facility would remain closed on Christmas Day, Boxing Day and New Year's Day. Staffing levels would be equivalent to 4 full-time posts.

A separate area for trade waste recycling as part of a chargeable service would be situated at the southern end of the HWRC compound. This would permit larger vehicles to enter and unload into a separate array of skip bins.

The operations yard would be set at a reduced level to allow vehicles to remove full containers without requiring the publicly accessible areas to be disrupted or temporarily closed. The skips would be removed by hook lift vehicles and taken off site either to appropriate reprocessing facilities elsewhere or the neighbouring WTS. Collection and emptying of recycling banks at the northern end of the HWRC would generally be carried out by smaller waste vehicles.

The re-sale shop would comprise a single storey stand-alone building with a

footprint of 248m². Its proposed dimensions are 20 metres (L) x 12.4 metres (W) (including a canopy extending 5.6 metres from the building) x 6.1 metres high to the eaves. It would have a pitched roof with a maximum height of 7.1 metres. The front (northern) side of the building would feature a covered display area some 5.5 metres in depth. The proposed layout shows two re-use store rooms and office space. A 4 metre x 4 metre high roller shutter door would be set within the southern elevation. The external materials and colour scheme would correspond with the WTS building. The building would accept materials brought in by the general public, which would be sold on where possible thereby maximising the re-use of discarded items. The facility would be accessed via the internal circular access road through the HWRC. It is expected that 6 staff would be appointed to the re-sale unit and re-sale shop, which would initially be run by the Air Ambulance Charity as a third party contractor.

c) Ancillary development -

i) Access road - A new, purpose-built internal access road for all users of the waste park would extend south-eastwards from Thorn Road for a distance of 230 metres whereupon there would be right turning for staff and visitor parking and operational HGV traffic associated with both the WTS and HWRC. The road would continue south eastwards along the boundary with the sewage treatment works for a further 270 metres which would provide separated points of entry and exit to the HWRC for public and trade waste vehicles and bulker lorries.

A 'ghost island' junction is proposed at the junction with the public highway to allow right turning vehicles to access the site whilst minimising delays to traffic on Thorn Road. It would cross over the line of the Ouzel Brook via a bridge structure and Bridleway no. 49 into the north east corner of the operational site.

The access road would be extended beyond the HWRC, still following the sewage treatment works boundary, in order to provide access to the planned highways and winter maintenance depot.

The proposed road corridor would be approximately 4 metres in width and would accommodate the new road with a pedestrian footway on its western side whilst accommodating a stretch of existing bridleway along part of its eastern side. The footway would extend along the northern and western boundaries of the operational site with pedestrian zebra crossing points.

ii) Vehicle parking - A staff and visitor parking area with 16 standard spaces and 2 disabled parking bays would be centrally located next to the northern perimeter access road to jointly serve the WTS and HWRC. Four secure cycle storage racks would also be provided in this location. In terms of parking provision for the general public, a total of 34 spaces would be provided at the HWRC and re-sale shop.

iii) Welfare /office facilities and other buildings and structures - Stand-alone welfare /

office buildings of modular construction with light grey colouring would be stationed within the WTS and HWRC compounds and at the weighbridge. A fourth such building would provide office accommodation for the Council's HWRC management team. Three of the buildings would have dimensions of 12.4 x 4.2 metres x 3 metres high with the other building being slightly shorter. A cluster of three grey-coloured water storage tanks, each measuring 9.4 metres to the rim and 9.17 metres in diameter, would be congregated alongside the eastern elevation of the WTS building. There would be an accompanying GRP type kiosk housing all pump infrastructure for the tanks. This is intended to be an 'L-shaped' structure, also grey in colour, with a footprint of 85m².

iv) Sustainable Urban drainage system (SUDs) - All surface water flows from roofs and pavement areas would be collected via petrol interceptors and by a surface attenuation pond with 1 in 3 outer slopes located in the north east corner of the site. Water collected within the lagoon is proposed to be discharged to the adjacent Ouzel Brook via a pipe connection at an agreed discharge rate. The system is designed to provide the waste park and highways depot with a shared sustainable drainage solution and therefore the lagoon feature is common to both applications. In a revision to the original submission, the lagoon is proposed to be enclosed by a 1.2 metre-high stockproof fence, as opposed to the palisade fencing that was initially proposed.

v) Foul water management - Foul water from the welfare buildings and trade effluent from operational areas would be gravity fed to a wet well located close to the lagoon from where it would be pumped southwards via a rising main to an existing manhole within the Anglian Water foul sewer system south of the wider Thorn Turn site. The application site boundary has been drawn to include this connection to the public network, although this element of the development would not contain any above-ground development.

vi) Lighting and CCTV - The site access road would be illuminated by 8 metre-high free-standing lighting columns designed to minimise light spill beyond the site boundaries. Within the main site, external working areas would be illuminated by a range of light fittings, including further 8 and 10 metre-high columns with single or twin luminaries and building mounted units would provide additional light for the external working areas. LED technology would be used throughout. It is proposed to install a total of eleven CCTV cameras on selected lighting columns and the WTS building to provide surveillance of the shared access road and operational areas.

d) **Site enabling works and construction times** - Should planning permission be granted, it is anticipated that initial enabling works in the form of soil stripping and access road construction would commence in Autumn 2015. The construction programme would be of 15 months' duration of which the first 6 months devoted to site preparation works. In order to mitigate the high water table and provide sufficient fall for drainage infrastructure, the enabling works would also entail the

formation of a raised development platform, typically to 97 – 98 metres AOD. There would be a reliance on imported materials made up of any combination of granular, cohesive or chalk engineering materials, which would be placed and compacted in accordance with highways works specification to a maximum depth of 1 – 2 metres. It is estimated that a maximum of 134,000 tonnes of such material would be needed for both the waste park and highways depot schemes. In terms of construction traffic generation, it is anticipated that delivery and export of materials and plant for both schemes would involve around 14,800 HGV loads. It is assumed that up to 100 construction personnel may be engaged in the projects at any one time. Construction works are proposed to take place between the following hours:

- 0800 to 1800 hours Monday to Friday;
- 0800 to 1300 hours Saturdays; and

By arrangement on Sundays and Bank Holidays.

Precise construction plant is yet to be finalised but is expected to comprise a mix of static and mobile plant including excavators, dumper trucks, bull dozers, JCBs, tipping lorries, generators, delivery lorries and mobile crane.

e) **Landscaping** - The scheme would entail the loss of the hedge-line running north-south through the centre of the field. Further sections of hedgerow would need to be removed at the frontage with Thorn Road and by the crossing over the Ouzel Brook in order to accommodate the proposed access road. A 275m² area forming the northern fringe of a woodland block would also be lost. Vegetation removal would be carried out outside the nesting season. The mature bank of trees on the A5 embankment and hedgerow planting on the eastern and northern boundaries of the operational area would be preserved. The applicant proposes to carry out the following landscaping works:

- create a 0.2 hectare of broadleaved woodland mainly on the south side of the Ouzel Brook;
- reinforce the embankment of existing trees on the A5 boundary by a 5 metre-wide strip of woodland;
- establish a hedgerow along the full length of the shared boundary with the proposed highways depot;
- several blocks of native shrub planting to partially enclose the HWRC;
- create a 2.5 hectare area of species-rich grassland abutting the northern bank of the lagoon interspersed by small groups of standard trees;
- form an 80 metre-long narrow belt of native shrub planting between the HWRC and the internal access road; and
- plant individual trees and sections of hedgerow on either side of new access road between Thorn Road junction and the Ouzel Brook to bolster existing intermittent vegetation.

f) **Traffic generation** - The waste park as a whole would have a maximum annual operating capacity of 105,521 tonnes. If the site operates at this maximum level, it would give rise to an average of 90 HGV movements per day. As a worst case scenario, the applicant estimates that the waste park would generate a maximum of 120 HGV movements on any working day. Refuse collection, bulker and rolonof type waste lorry movements are predicted to take place between 0900 and 1700 hours and therefore outside the morning peak. It is predicted that up to 600 members of the public would visit the HWRC site on busier days at weekends, which would generate 1200 car and van movements.

The application is accompanied by a full Environmental Statement (ES) having been screened as a project falling within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The scope and content of the ES is broadly consistent with the Council's formal scoping opinion issued on 27 April 2015 in accordance. The technical documentation within the ES is set out in the following chapters:

- Site and its setting
- Description of the development
- Need and alternatives
- Traffic and transportation
- Landscape and visual impact
- Water and flood risk
- Noise and vibration
- Air Quality
- Ecology
- Cultural heritage
- Agricultural land
- Waste and materials

Prior to formal submission of the planning application, the applicant undertook a public information event over two days in March 2015 allowing attendees the opportunity to ask questions and familiarise themselves with the proposals.

Revisions to the application have been received in order to provide further clarification and additional details. These relate to, *inter alia*, drainage strategy, footway provision; installation of suitable ducting to allow any future provision of a Pegasus crossing at the bridleway crossing over the access road; cross sections of the SUDs pond, cross sections of the bridleway illustrating planting after years 1, 10 and 25; alterations to fencing; clarification on earthworks; construction and operational traffic; lighting levels; noise; odour; ecology; landscaping; CCTV provision; building and structure elevations and external finishes and a statement on conformity with the Equality Act. These revisions have been subject to further consultation and publicity exercises.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Waste Management Plan for England (DEFRA - December 2013) (WMPE)

National Planning Policy for Waste (DCLG - October 2014) (NPPW)

Planning Practice Guidance (October 2014)

Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014) (MWSSP)

Policy MWSP1: Presumption in Favour of Sustainable Development

Policy MWSP2: Climate change

Policy MWSP3: The Determination of planning applications

Policy WSP1: The Provision of Recovery and Disposal Capacity

Policy WSP2: Strategic Waste Management Sites

Policy WSP3: The Design and Layout of New Waste Management Facilities

Policy WSP6: Non-hazardous waste transfer and materials recovery

Policy WSP15: New Waste Management Facilities and Strategic Transport

Bedfordshire & Luton Minerals and Waste Local Plan 2005 (MWLP)

Saved General & Environmental Policies

Policy GE1: Matters to be addressed in planning applications

Policy GE5: Protection of Green Belt land

Policy GE6: Protection of Best and Most Versatile agricultural land

Policy GE7: Protection of the Chilterns Area of Outstanding Natural Beauty

Policy GE9: Landscape protection and landscaping

Policy GE10: Protection / enhancement of trees and woodland

Policy GE12: Protection of locally designated sites

Policy GE13: Species and Habitat Protection and Enhancement

Policy GE14: Archaeology

Policy GE15: Statutorily designated Historic Buildings and Sites

Policy GE16: Local Historic Buildings and Sites

Policy GE17: Pollution control

Policy GE18: Disturbance

Policy GE19: Flooding

Policy GE20: Water resources

Policy GE21: Public rights of way

Policy GE23: Transport - suitability of local road network

Policy GE25: Buffer zones

South Bedfordshire Local Plan Review 2004 (SBLPR)

Policy BE8: Design Considerations

Policy NE10: Diversifying the Use of Agricultural land

Policy R15: Retention of Public Rights of Way network

The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE8, NE10 and R15 are consistent with the Framework and carry full weight.

Emerging Development Strategy for Central Bedfordshire 2014 (DSCB)

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

Policy 23: Public rights of way

Policy 24: Accessibility and connectivity

Policy 26: Travel Plans

Policy 27: Parking

Policy 28: Transport Assessments

Policy 36: Development in Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: Historic Environment

Policy 46: Renewable and low carbon energy development

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

Policy 59a: Applications for minerals and waste development

Policy 60: Houghton Regis North Strategic Allocation

Supplementary Planning Guidance/Other Documents

Houghton Regis (North) Framework Plan - adopted by CBC Executive as technical guidance for Development Management Purposes on 18 March 2014

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

South Bedfordshire District Landscape Character Assessment (2009)

Central Bedfordshire and Luton Local Transport Plan 2011-2026 (LTP3)

Planning History

The application site comprises undeveloped land currently in use for arable agriculture and woodland. Accordingly there is no relevant planning history.

In the wider area, there is a significant amount of committed development, the closest being:

<u>Planning Application No.</u>	<u>Description</u>
CB/15/00297/OUT	HRN2 - The second element of the growth agenda for Houghton Regis. The emerging DSCB identifies the site for approx. 1,850 new homes and 8ha of employment land. Initial proposals include land for commercial facilities including a local centre, education provision including playing fields, retirement accommodation, community & health centres, and open space and green infrastructure. <i>(Committee resolved to approve 22/07/2015).</i>
CB/15/01627/MW	Development of a highways and winter maintenance depot.
CB/15/01928/REG3	Outline application for mixed B1, B2 & B8 uses on land north of the Ouzel Brook. <i>(Committee Resolved to approve 22/07/2015).</i>

Representations: (Parish & Neighbours)

Houghton Regis Town Council	09/06/2015 & 21/07/2015 No objection in principle. However, the following concerns were expressed:
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1. The development will result in a major increase in traffic

in the area, both from commercial vehicles servicing the waste transfer station and private vehicles visiting the household waste recycling centre. Access for HGVs should be from the A5 roundabout only. Would some form of barrier (i.e. no HGV) be put in place to prevent access to the section of Thorn Road that will pass through the new housing areas?

2. The potential noise levels that residents in the nearby housing estates are likely to be subjected to. How will this problem be addressed?

3. The potential contamination of the Ouzel Brook from waste seepage. It is felt that monitoring of the Ouzel Brook for possible contamination should be ongoing rather than for a limited time.

4. The development site is currently still in the Green Belt and no work should begin until this is officially rolled back.

Dunstable Town
Council

No comments received.

Tilsworth Parish Council

Wish to object. The proposed waste park will cause significant public concern in respect of noise, odour and traffic movements and considerable impact on the new homes planned for the area.

Toddington Parish
Council

Proposal noted.

Luton Borough Council

No comments received.

Neighbours

The application was publicised by way of 4 site notices, local newspaper advertisement and neighbour notification letters to occupiers of properties within 200 metres of the application boundary. A further round of consultation and publicity, again by way of site notice and newspaper advert and neighbour letters, was carried out in July 2015.

On 30 July 2015, Andrew Selous MP wrote to the Council on behalf of a constituent to ask that all objections made with respect of the waste park be taken into account given the impact that this site will have on the residents of Chalk Hill.

Several e-mails / letters of representations have been received from this constituent / resident which, in summary, identify the following grounds for objection.

- The loss and destruction of an extremely important chalk grassland habitat which is in decline and home for many species including the chalk hill blue butterfly, bats, kingfishers, wild orchids and many other animals and plants. Reference is made to the area's historic links adjacent to the Roman Road and the loss of historic hedgerow and small woodland to the north of Chalk Hill Farm would be a tragedy for local flora and fauna. Objection is raised that the area would be destroyed for the development of industrial units, the Waste Park and Highways Depot. Reference is made to the availability of a 9.5 acre site in Dunstable as a preferable site
- Reference is made to factors affecting calcareous grassland, including agricultural intensification; loss of wildlife interest; scrub invasion; loss of habitat from built development; high visitor numbers; impacting upon breeding of vulnerable species. The approach should be to maintain and, where possible, expand the range of calcareous grassland in Bedfordshire rather than see it lost to development.
- Noise, light and odour pollution. Reference is made to the Council's Statement of Policy on Neighbourhood Noise Pollution which gives a commitment to improving the quality of the environment for residents and notes an entitlement that activities do not interfere unreasonably and unlawfully with quality of life. The objector fears possible all night disturbance noting the proposed hours of operation of the developments.
- Reference is also made to the pollution complaints pages of the Council's website, specifically those relating to construction and demolition, which states that where a neighbour can hear noise in their back garden, generally it is expected that works would only take place between 08:00 -18:00 hrs (weekdays) and 08:00 – 13:00 hrs (Saturdays).
- It is questioned whether there are not enough empty industrial areas in Bedfordshire where the development could be located. There is currently a 9.5 acre site available adjacent to the Wickes store in Dunstable. This is already an industrial area and surely a better alternative than the destruction of green belt land.

- It is queried what research has been carried out in respect of risks associated with the impact of airborne asbestos fibres upon local residents and fire risk assessments.
- Concern is raised regarding the age of the ecological studies and questions whether further ecological work is programmed. The offer is made to have the Wildlife Trust comment on the findings of surveys
- What research has been undertaken regarding the habitat of Kingfisher observed on site, butterflies and insects as well as impact upon wild orchids?
- It is queried why the hamlet of Chalk Hill is not referred to the description of the site and setting of the ES and why Chalk Hill properties have been excluded from the noise assessment. A reference to no highways depot or waste park lying within 240 metres of Chalk Hill Farm is queried.
- A further piece of correspondence has been received. Whilst expressing neither support for, or opposition to, the development, reference is made to the area being known as Angels on the 1766 Tithe Map of Houghton Regis and suggests that this name be re-used.

Consultations/Publicity responses

CBC Highways 03/06/2015 & 05/08/2015
Development
Management No objection subject to conditions.

CBC Transport Strategy No objection subject to conditions.

CBC Integrated 10/06/2015 & 30/07/2015
Transport Team Note that the proposed development needs to be considered in the context of other applications in the area, including the Bidwell West urban extension, if accessibility is to be promoted by all modes of transport.

Accessibility by foot and cycle needs to offer continuity with the proposal for the commercial application land to the north and the highway depot land to the south. It is noted that a footway is provided along the western side of the access road corridor into the site. As the road is lightly trafficked, it is not considered a problem if cyclists are, by necessity, on the road.

The provision of ducting to enable future signalisation of the bridleway no. 49 crossing of the access road is deemed adequate in the context of this application. This east-west path is of strategic importance in the context of the Bidwell West site and it is disappointing that a higher grade of crossing is not being provided, although the potential of this route will not be realised until that site is built out. Any crossing improvement will have to be found by CBC in the future as it will not be forthcoming from Bidwell West.

The submitted Travel Plan aims to achieve a 20% reduction in single occupancy car journeys to/from the site and that staff will access either via the existing right of way network or via the access road into the site. If this target is to be achieved, access needs to be promoted for cyclists and pedestrians and cycle parking provided. There does not appear to be any reference to the provision of cycle parking, although 2 spaces are shown on the site layout plan. Sufficient cycle parking needs to be provided with access to the site in tandem with either the footway adjacent to the access road or a surfaced and widened bridle path linking the adjacent sites.

Consideration needs to be given to bus stop provision adjacent to the site. In order for the site to be adequately served by public transport, bus stops should have shelters, raised kerbs and the provision of real time information. Those along the A5 do not currently meet the required specification and consideration also needs to be given to crossing the A5 in order to access the site from the northbound stop.

Access to this site and the highways depot from the A5 is also a primary consideration in order to improve accessibility to public transport and the pedestrian routes to Dunstable. It is noted that a link through to the bridleway path to the south of the proposed highways

depot has been provided as part of the revisions to that application and therefore staff will be able to access the right of way network to access the A5. This is welcomed but will need to be marketed to staff and the two sites will need to work together in terms of promoting and managing that access.

CBC Strategic
Transport - Travel Plans

09/06/15 & 27/07/2015

The Travel Plan's generic structure is acceptable but its generic content does not lend itself well to a site which will be quite specific in its operation. The site audit of sustainable travel links is very brief and needs to be expanded to include potential links to nearby towns where employees are likely to live if, as suggested is likely, the waste park is delivered before the adjacent Houghton Regis North developments.

There is insufficient detailed information on potential links to the site, what improvements are proposed to increase the attractiveness of walking, cycling and using public transport to access the site.

It is suggested that a revised Travel Plan document be secured through imposition of a condition, which should include provision for annual monitoring of outcomes.

CBC Rights of Way
Officer (Central South)

10/06/2015

No objection.

Notes that Public Bridleway No. 49 runs along the western boundary of the site and crosses the proposed access from Thorn Road. This route is of strategic importance forming part of the promoted Icknield Way Trail and being the only future connection for horse-riders from the Totternhoe / Sewell area to the bridleway network in the wider countryside north of the A5 - M1 link road. This bridleway will also form an important north-south-east-west link with other public rights of way proposed to be upgraded to provide new walking and cycling connections as part of the wider Bidwell West and North Houghton Regis Site 1 developments.

Bridleway crossing of the access road:

The Rights of Way Officer considers there is not enough detail as to how the public bridleway will be accommodated and cross the access road. It is

questioned whether the provision of a zebra crossing is appropriate due to the number and type of vehicles which would use the access road. A zebra crossing is not suitable for use by horse riders. There needs to be a proper assessment of the development in terms of vehicle use versus user safety at the crossing point. It is queried whether stage 1 road safety audit of the access road, including an assessment of the bridleway crossing, been carried out. If a full Pegasus crossing is not to be provided, this needs to be fully justified. Other options could be considered if it can be demonstrated that they would ensure the continuity of the bridleway and safety of users. It is accepted that that the bridleway is little used and overgrown at present but it will serve as an important future connection once the Bidwell West development has been completed. There does not appear to be much information provided on how the bridleway will be dealt with during construction (e.g. proposed temporary closures / diversions and signage).

The crossing of Thorn Road is also important. It is accepted that there may be interim arrangements for a non-motorised user crossing as each development progresses but the ultimate aim for the Council must be a fully signalised Pegasus crossing to ensure continuity of the bridleway through all of the developments and beyond. Should an interim crossing be provided, electrical ducting should be installed to allow for future upgrading of the crossing by Bidwell West.

Bridleway levels, drainage and width:

Although the width of the bridleway alongside the A5 appears to be sufficient, confirmation is sought that there would be no change in levels or stripping of topsoil on the line of the bridleway. It is presumed that the change in ground levels on the wider site would not impact on the bridleway in terms of drainage. Ideally, an 8 - 10 metre landscape strip would allow more room for horse-riders to deal with any animals affected by any sudden noise and to increase screening. It would also allow the Council to consider surfacing part of the bridleway width to accommodate an increase in future usage by all user types.

Landscaping:

Clarification is sought regarding who will maintain any

vegetation or SUDs area in the long term.

Noise:

It is noted that the layout of the site has taken account of the public bridleway. All reasonable mitigation should be put in place to reduce noise from the site so as not to deter usage. If signage is to be introduced, details will need to be agreed in consultation with the Rights of Way officer.

Sustainable Transport Connections:

The submitted Travel Plan makes little reference to the public bridleway as a sustainable transport and green travel to work option. It would appear to be sensible for the Council to consider a cycle and pedestrian link for staff onto the public bridleway or Anglian Water access track near Chalk Hill Farm. Any provision for pedestrians to be provided alongside the proposed access road should ideally be wide enough to accommodate cyclists to encourage sustainable travel.

The link from Bridleway no. 49 to Public Footpath No. 57 should not be affected by any earthworks, bunding or planting as it may be upgraded to a cycle path as part of the Bidwell West proposals.

Bridleway improvements:

Consideration should be given in the short term to improving the Public Bridleway no. 49 due to its strategic importance. A multi-user all-year-round route within a wide green landscape corridor and split, part-surfacing would be desirable.

Other matters:

It should be considered whether any temporary diversion or closure of the public bridleway would be necessary to allow construction works to be carried out on the site, including drainage, cabling or culvert work. The Rights of Way team would require advance notice of a temporary closure / diversion to fulfil legal process.

Mention is made of the proposed connection to the foul sewer network, which may affect Public Bridleway No. 31 (part of the Chiltern Way). Again, a temporary closure / diversion of the path may need to be applied for.

Green Infrastructure Co-ordinator

10/06/2015 & 29/07/2015

The development is acceptable in principle in Green Infrastructure (GI) terms. However, it is not considered that the proposed design satisfactorily meets GI or SUDs policies as it does not demonstrate a net gain in GI or maximise the environmental and amenity benefits that should be delivered through SUDs.

Ouzel Brook is an important GI corridor and is key to the character of the North Houghton Regis Urban Extension. The application shows no proposals to enhance this area beyond retaining the existing vegetation. It is recommended that proposals be put forward which show how the Ouzel Brook corridor has been assessed and enhanced through the design process (i.e. landscaping, biodiversity and drainage) to deliver a positive impact on Green Infrastructure.

In relation to drainage, the plans show piped conveyance. The preferred solution would be for conveyance at the surface (e.g. through swales). The drainage proposals also do not demonstrate how surface water quality will be managed and treated. Green conveyance systems would go some way to addressing this such as rain gardens or filter strips. Green roofs should also be considered, as these would provide water interception and treatment as well as landscaping and biodiversity benefits.

Features to treat surface water before attenuation should be designed into the system. Green roofs could contribute to providing this treatment, as could conveyance of water through swales / filter strips, as opposed to piped conveyance. The integration of green roofs should be reconsidered.

The design of the proposed attenuation area is disappointing as it is not in line with best practice and adopted SUDs guidance being essentially a pipe and pond solution. Conveyance of surface water should be at the surface unless this is demonstrably not possible or inappropriate.

The pond should include a range of depths, with wet and dry benches to maximise biodiversity benefits and make the design safe for access. By extending the attenuation area, a mix of permanently / seasonally wet areas could

be formed. The design of the attenuation area especially needs to benefit and enhance the Ouzel Brook corridor. The creation of an attractive green infrastructure corridor utilising the Ouzel Brook accords with the North Houghton Regis Framework Plan.

Reference is made to the Council's Sustainable Drainage Guidance SPD. Fencing of SUDs can actually increase risk by preventing access.

CBC Public Protection

31/07/2015

No objection subject to conditions.

Potential impacts on local receptors in terms of noise, odour, dust and lighting are a concern, but having reviewed the application and ES and sought a revised and realistic noise assessment, the Public Protection Team is satisfied that the development can operate without being detrimental to local amenity. Based on a realistic worst case scenario, it is confirmed that the noise from the development can meet agreed targets. This has included the assumption that 50 per cent of the doors to the waste transfer operation would be open during operations and acoustic penalties reflect the tonal nature of the operations. On the basis of the information submitted, the Public Protection Team is satisfied that noise can be adequately controlled and that options exist to reduce levels further should this be necessary.

In order to ensure that impacts are minimised and as detailed in the ES, conditions should be attached to any grant of permission in relation to operating hours, noise limits, odour and lighting with provision for all impacts to be monitored by the operator and further mitigation introduced if necessary.

Sustainable
Engineer

Drainage

11/06/2015, 17/07/2015 & 31/07/2015

Following receipt of a revised Drainage Strategy received (24/07/2015), it is considered that planning permission could be granted subject to compliance with that document and imposition of the following conditional requirements:

- prior to its construction, the final sizing, layout and operation of the surface water drainage system;
- prior to occupation of the site, details of the

management and maintenance arrangements for the surface water drainage system; and

- details of temporary drainage arrangements during the construction phase as part of a Construction Environmental Management Plan.

CBC Archaeology

10/06/2015 & 21/07/2015

No objection.

The northern part of the site is within the area identified as Thorn Green (HER 12242), the site of a former village green associated with the medieval settlement of Thorn. These constitute heritage assets with archaeological interest.

There is extensive evidence of a rich archaeological landscape in the surrounding area. For example, to the west of the site, surface finds indicate the existence of an Iron Age and Roman occupation. Watling Street (HER5508), adjacent to the site's western boundary, was one of the major arterial route of the Roman period.

The site is within the setting of several Scheduled Monuments, designated heritage assets of the highest importance. These include Thorn Spring Moated Site, Maiden Bower Iron Age hillfort, Totternhoe Knolls motte and bailey castle and possibly Tilsworth Manor moat and Warren Knoll medieval motte.

Site evaluation has revealed archaeological features and more recent investigation in the surrounding area has identified further sites and features providing context to the application site. The archaeological remains that have been identified within the site form part of a wider contemporary landscape and their significance is partly derived from their relationship to the wider archaeological landscape.

The ES contains an acceptable approach to identifying baseline information on designated and non-designated heritage assets. It concludes there is a high potential for the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. This is considered reasonable although potential for the prehistoric period should be considered high rather than moderate. Similarly, the

significance of any archaeological remains, assessed in the ES as being of local significance for the prehistoric, medieval and post-medieval periods and of local-regional significance for the Roman and Saxon periods, should be considered to be of regional significance.

The ES recognises that topsoil removal, to facilitate ground-raising, may lead to the full or partial destruction of potential heritage assets. Given such operations are proposed throughout the site, there will be little if any opportunity to preserve buried remains in situ. The ES proposes a programme of archaeological investigation and recording.

The Archaeological Officer considers that the development will intrude into the setting of the three Scheduled Monuments closest to the site (Thorn Spring moated site, Maiden Bower Hillfort and Totternhoe Knolls Motte and Bailey) and that this will be exacerbated by the cumulative effect of the adjacent proposed highways depot and commercial development. There will be a negative impact on the setting of the designated heritage assets, which is likely to have some, albeit limited, effect on their significance. However this impact will not amount to substantial harm as referred to in the NPPF and no objection is raised on the grounds of impact on the setting of designated heritage assets with archaeological interest.

The site has been shown to contain archaeological remains of Roman and medieval date and has potential to contain as yet unidentified features. The proposals will have a negative and irreversible impact upon any archaeological deposits present and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing the applicant takes measures to record and advance understanding of the archaeological heritage assets. A suitable condition should be attached to any permission to secure the investigation and recording of any archaeological deposits; post-excavation analysis of any archive material generated and a publication of a report on the works.

biodiversity interests. The submitted Design & Access Statement does not fully assess how the scheme will fit into this area. The Ouzel Brook along the northern site boundary is an important ecological corridor and it is noted that this will remain intact with existing vegetation retained. The proposed habitat creation (woodland, species-rich and wet grassland and lagoon) will complement this corridor. A condition should be imposed to secure the production and implementation of a management plan for these areas to ensure continued value for wildlife.

Given that the Ouzel Brook is identified as having suitable habitat for water voles and otter and a 10 metre culvert is required where the access road crosses the brook, surveys will be required. If their presence is identified, it will be necessary to apply for a licence from Natural England to allow works to proceed.

Ideally, the SUDs attenuation lagoon should have a variable profile and depths with a mix of permanent and ephemeral water to maximise water biodiversity benefits. The potential for wet woodland in the Ouzel Brook corridor should be explored as part of the drainage solution.

The ES addresses protected species issues and notes that a number of species require follow-up surveys. The ES confidently reports that it should be possible to mitigate any impacts on protected species.

The submitted technical programme for further survey work does not include nesting birds, otters or dormice, all of which were flagged up as potential receptors and must be subject to further survey to assess current interest on site. The presence of this species has been noted on an adjacent site and hence hedgerow removal works may have potential impacts.

No bat boxes, dormice or bird boxes are specified in the habitat management plan but such measures would be informed by the updated surveys which may identify the need for further mitigation. As such, the habitat management plan may also need to be updated.

Enhancement works to the hedge boundaries should

involve species of local provenance which would support dormice (hazel and fruit bearing shrubs). Hedgerow removal must avoid the bird nesting season.

As suitable habitat exists for a number of protected species and the potential impacts are not yet fully understood, the Council's Ecologist suggests that a condition be placed on any permission to require updated ecological surveys for reptiles, nesting birds, bats, water voles, otters, badgers and dormice and, where appropriate, mitigation to be undertaken to avoid impacts on the favourable conservation status of a protected species.

It is noted that an eDNA survey for Great Crest Newts (GCNs) has been undertaken.

A lighting strategy has been submitted in an attempt to mitigate overspill through the eastern hedgerow and green corridors around the site. There is concern regarding the location of the lighting columns on the edge of the internal access road. It appears from the lighting plan that the eastern hedgerow would be 'well lit'. It is noted that time-controlled lighting will be used to avoid overnight usage and the A5 will still be lit. However, the adjacent sewage treatment works is dark so it is considered that there will be an impact on nocturnal species using the hedgerow corridor. Every effort should be made not to increase lighting to the site's landscape edges.

CBC Landscape Planner 17/06/2015, 22/07/2015 & 30/07/2015

Views towards the application site tend to be from adjacent footpaths and more elevated viewpoints. Of particular concern would be views of the site from the proposed open space associated with the Bidwell West development and views from the Houghton Regis Chalk Quarry edge, which offers extensive views across the vale, growth area and beyond onto the northern clay hills.

It is disappointing that green / brown roofs have not been explored further, especially given the need to reduce impact on views onto the development, but also to reduce urban heat, surface water attenuation, biodiversity benefits etc. The external materials finish and colours of buildings and structures should be subject to a condition

for subsequent approval.

In the absence of green / brown roofs, it is requested that additional tree planting be introduced around and within the site comprising a number of species to increase canopy cover to assist in visual mitigation, reduce surface water run off, heat and enhance biodiversity.

The revised stockproof fencing around the lagoon is welcomed. However, the need for fencing could be eliminated if the 1 in 3 slopes were steeped with benches. This would create a safe and more interesting profile both visually and in terms of habitat. To create a more attractive and valuable ecological feature, it is recommended that the increased storage area required due to the introduction of benches / re-profiling of the lagoon be provided within an additional storage area and set within a woodland setting.

It is understood that the proposed lighting units are specifically designed to avoid overspill. However, lighting columns are positioned on the external edges of the circulation road. Every effort should be made not to increase lighting to the green corridors on the site perimeter. Consideration should be given to relocating columns to the inside edge of the access roads to further reduce any spill into the natural landscape buffers. It should be clarified to what extent site lighting levels will be reduced outside operational hours.

Further information is required regarding the design of the bridge crossing over the Ouzel Brook.

It is recommended that a condition is attached to any consent to secure final details of materials finish and colours for all buildings and structures.

CBC Trees & Landscape
Officer

09/06/2015

The development will result in the loss of the following as specified in the Arboricultural Impact Assessment:

- 1 No. category B tree (019);
- 4 No. category C trees (GO19 (contains 3 trees) and tree 021);
- Part of a woodland group W001 (which is in fact an old SBDC tree nursery that has been disused for

nearly 25 years). The woodland is actually overgrown nursery rows that were abandoned as waterlogging in the winter months meant that trees could no longer be easily extracted) 275m2.

- Over 300 metres of hedgerow.

The loss of landscaping is substantial, but it is noted that the landscaping plan does compensate with large scale new planting. In this respect, the Trees and Landscape Officer would accept the proposal given the importance of the application to the wider community and the degree of planting mitigation proposed.

It will be necessary to obtain an Arboricultural Method Statement in support of tree protection measures for existing trees, especially as many of the retained specimens will be subject to encroachment onto the designated Root Protection Areas by the permissible 20%.

Countryside Service (CAS)	Access	11/06/2015	As this proposal does not appear to involve land that fits the criteria for future maintenance by the CAS sites team, it will not impact on the service. Responsibility for maintenance of the green spaces / SUDs and maintenance specifications should be made clear.
Sustainable Growth / Climate Change Officer		15/06/2015 & 13/07/2015	Notes and agrees with the comment in the submitted Sustainability Assessment that the BREEAM standard is not suitable for this type of development. The applicant's approach to assessing sustainability of the development following a BREEAM methodology in categories that are applicable is supported. The proposal to use the waste transfer building roof space for installation of PV panels is particularly welcomed. This is advocated by the Government's UK solar PV Strategy. Roof mounted PV installation up to 1MW constitutes permitted development and the applicant is encouraged to install PV panels with a maximum capacity permitted by available roof space.
CBC Design	Conservation &		No comments received.
CBC Leisure Strategy			Do not wish to comment.

Environment Agency

04/06/2015 & 14/07/2015

No objection.

On the basis that infiltration of surface water drainage will not occur and parking / storage areas will only be on impermeable areas, the Agency considers that a planning condition to secure a scheme of surface water disposal will not be required. It is noted that the detention lagoon is to be lined.

The Agency notes that the site is located above a Principal Aquifer. However, the proposal is not considered to be high risk. The developer should nevertheless address risks to controlled waters from contamination at the site following appropriate guidance.

The Agency advises that irrespective of any planning approval, an Environmental Permit will be required.

Highways England

21/05/2015 & 04/08/2015

Offer no objection. The development would have no adverse impact on the A5.

Natural England

09/06/2015 & 20/07/2015

No objection - with conditions.

Natural England notes the site's close proximity to Houghton Regis Marl Lakes SSSI but is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It is therefore advised that this SSSI does not represent a constraint in determining the application.

Natural England would expect their Standing Advice to be applied to aid the Local Planning Authority in the consideration of impacts on protected species. This Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

In order to ensure that the habitats proposed to mitigate the loss of existing habitats within the site are successfully created, it is recommended that a planning

condition requiring the submission and approval of a Biodiversity Management Plan should be attached to any permission.

Other advice -

The Local Planning Authority should assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity); local landscape character, and local or national biodiversity priority habitats and species.

Reference is made to section 40 of the Natural Environment and Rural Communities Act 2006 in terms of the duty on every public authority in exercising its functions to have regard to the purpose of conserving biodiversity.

Historic England

09/06/2015 & 09/07/2015

No objection in principle.

Historic England comment that the proposals have potential to impact upon the setting of several designated heritage assets, primarily the Thorn Spring moated site and associated woodbanks, Maiden Bower and Totternhoe Castle, all being scheduled monuments.

Thorn Spring moated site and associated woodlands (750m northeast) comprises a well defined moat and moat island with a detached woodbank surviving c.160m south of the moat. Evidential and historic values contribute to the significance of the monument, including the nature and extent of below and above ground archaeological features including the rarity of the surviving woodbank and the monument's association with Houghton and the de Gurney family in the latter half of the medieval period. The monument's setting contributes to its significance, including its placement within the wider landscape. This historically open and agricultural landscape still survives within the wider area, although the monument is now wooded and at times visually obscured from it. Negative elements exist within the setting including the noise and visual intrusion from the busy road to the south and the encroachment of urban development and infrastructure which has somewhat eroded the landscape's historic character.

Totternhoe medieval mote and bailey castle and the Maiden Bower Iron Age hillfort both lie on a ridgeline to the southwest of the site. There is significance in the preserved archaeological evidence within both monuments, including the upstanding earthworks and below ground deposits and the potential for preserved palaeo-environmental evidence. Reference is made to the great historical and evidential value in these monuments, particularly their commanding views across the landscape and setting is cited as a vitally important aspect to their significance. Recognisable evidence remains e.g. ancient tracks and historic settlements. Both Totternhoe Castle and Maiden Bower have views looking northeast towards the site.

Historic England's review of the ES has focused on the development's impact upon the setting of the nearby highly graded designated heritage assets. Reservations are expressed over the conclusion in the EIA that the development would have no impact upon the setting of the scheduled monuments. Historic England consider that the cultural heritage assessment has underplayed the contribution setting makes to their significance. Totternhoe Castle is not included within the Cultural Heritage Assessment despite being the highest point in the landscape with 360° views.

Contrary to the EIA, Historic England considers that the proposals would have an impact upon the setting of the scheduled monuments primarily through the addition of large modern infrastructure and development and the erosion of the historic agricultural landscape in addition to some visual intrusion. It is however accepted that the impact upon the setting of Maiden Bower and Totternhoe Castle would not be high and unlikely to result in harm to their significance. Additional screening along the western boundary and site lighting controls would further minimise impact.

Historic England does anticipate a greater magnitude of impact to the Thorn Spring moated site due to the erosion being closer to the monument's immediate surroundings. Further impact from potential increases in noise, light and traffic within close proximity to the woodbank element of the monument adjacent to Thorn Road is also highlighted. However, given the nature, extent and

proximity of the site, it is accepted that the level of harm is likely to be low. Impact of increased traffic flows upon the woodbank element could be minimised by controls over traffic numbers, speed and timing as well as additional screening along the roadside of the monument. Traffic issues might potentially be mitigated by the new A5-M1 link road.

Historic England conclude that the scheme is likely to impact upon the settings of the scheduled monuments. The magnitude of such impacts would not be high and could be further reduced by increased screening, although the increase in traffic and the scale of urban development could result in some harm to the significance of the Thorn Spring site.

No objection is raised in principle but the Council is recommended to consider options to further minimise the magnitude of impact upon the setting and ensure it has convincing justification for the harm to the Thorn Spring site and that the level of harm is outweighed by the public benefits of the application. The Council is also recommended to seek opportunities in which the scheme could preserve those elements of setting that make a positive contribution to the scheduled monument or better reveal the asset's significance. Further opportunities could exist through legal agreements.

Buckingham and River
Ouzel Internal Drainage
Board

08/06/2015, 10/07/2015 & 29/07/2015

On the basis that the development is set back from the edge of Flood Zone 3 as shown on the Environment Agency's plans and the surface water discharge is to be restricted to the agreed rate of 3 litres per second per hectare, the Board will remove its earlier objection to these applications. However, the access road is shown to be within Flood Zone 3 which will require the Board's prior consent. Although the Board is currently in discussion with the applicant regarding this matter, it is suggested that planning permission should not be granted without a condition requiring the access road design and construction details to be agreed before any development commences to ensure flood risk is not increased.

Anglian Water (AW)

08/06/2015

AW's initial odour risk assessment indicates there is

potential for loss of amenity at the proposed development due to odour emissions from the operation of the Dunstable water recycling centre (DWRC). The process is inherently prone to short periods of relatively strong odorous emissions against which there is little practical mitigation. It is advised therefore that the proposed layout maintains an effective distance between the treatment works and sensitive accommodation. It is recommended that an odour dispersion model is produced to establish the range at which the amenity of neighbouring property is likely to be impaired.

The foul drainage from the proposed development is in the catchment of DWRC which has available capacity for these flows.

The sewerage system at present has available capacity for these flows which are acceptable in principle. However, AW has yet to agree a pumped discharge rate and no rate is provided on the submitted drawings and information. If the developer wishes to connect to the sewerage network, they should serve notice under section 106 of the Water Industry Act 1991. AW will then advise of the most suitable point of connection and agree the discharge rate.

Reference is made to the need to make an application to AW under section 118 of the Water Industry Act 1991 to obtain the necessary prior consent to discharge trade effluent to the public sewer. The planning decision notice should include text to this effect. It is also recommended that petrol / oil interceptors be fitted in all car parking facilities.

London Luton Airport Operations - Aerodrome Safeguarding	26/05/2015	No safeguarding objection on the basis that the proposal does not conflict with safeguarding criteria.
National Air Traffic Safeguarding	22/05/2015 & 13/07/2015	Having examined the proposed development from a technical safeguarding perspective, there is no safeguarding objection to this proposal as it does not conflict with safeguarding criteria.
Bedfordshire Cambridgeshire,	10/06/2015 & 20/07/2015	It is pleasing to see that habitat creation has been

incorporated into the plan using native species and that a long term management plan for these areas will be included. It is concerning that the area of native woodland proposed is significantly less than the area to be lost to the proposed highways depot.

The Trust's main concerns relate to the other committed and proposed developments in the area. The accumulative effects of this application, the proposed adjacent highways depot, industrial units A5-M1 link road and the HRN2 development will substantially reduce the amount of suitable habitat locally. This will put greater pressure on remaining areas such as Houghton Regis Chalk Pit SSSI and CWS to support the displaced wildlife. It would be of greater benefit to biodiversity if the planting proposals on either side of the Ouzel Brook are complementary. At present, the proposed landscaping plan for the commercial units application (CB/15/01628REG3) shows soft landscaping to the north of the brook. It is pleasing to hear that the applicant for the land to the north of the brook has been approached in an attempt to ensure that the brook's corridor is considered as a whole on both banks.

In order to allow animals to move between remaining fragments of habitat, it is important that the conservation area and hedgerows around the site will be kept free from disturbance. This will include the use of sensitive site lighting with hedgerows and trees lines left dark for commuting bats and other species. This may be achieved by only using lights during operational hours and using directional lighting.

The adjacent Dunstable Sewage Treatment Works is known to support a large number of notable bird species and yet no bird survey has been carried out to determine the extent to which these notable species use the site, which could better inform the mitigation plan. Given that further species surveys are required (badger, water vole and otter), further bird surveys are also recommended at this site and the adjacent application sites. Until the results of these species surveys are known, it is not possible to say what impact the development would have and whether mitigation proposed is sufficient. Depending on the additional species survey findings, it may be better to change the planting plan - for example to have an open

corridor along the Ouzel Brook to benefit water voles and other aquatic wildlife.

The extended phase 1 survey from 2011 (attached to the revised details) recommended that the woodland should be left intact but the plans for the adjacent depot involve the removal of the woodland. As mitigation, this application proposes to plant 0.33ha of native woodland near the Ouzel Brook which is a fraction of the 1.5ha that would be lost.

The Development Strategy for Central Bedfordshire (Policy 59) states that the Council will ensure that woodlands will be protected from development and improved through proper management. The 2011 survey also recommended that the existing screen between the Dunstable STW and the study site should be maintained and reinforced with additional planting to reduce the impact of noise and lighting from the waste site on birds at the STW. Whilst this screen is being retained, the additional retention of the woodland adjacent to the STW would help to buffer the effects of these two developments.

Council for the
Protection of Rural
England CPRE) 16/06/2015
Object to the application.

CPRE protests most strongly at the way in which the Environmental Statement for this development and associated applications for the highways depot and commercial development have been prepared for consultation. What is collectively proposed for the Council's land amounts to a single industrial zone with three components that have clearly not been planned on an integrated basis. There should have been an overall approach to the environmental assessment of these proposals. Yet each component has been treated as if it was a stand-alone development. It is true that each set of environmental documentation addresses the issue of cumulative impact, but it is necessary to look at three sets of documents to find them. The overall environmental effects of the developments are difficult to discern.

It is noted that the principle of a strategic waste management facility has already been established through the Minerals & Waste Local Plan 2014.

However, CPRE do not consider that the scale and design of the proposed development is in conformity with the objectives of Policy WSP3 as it does not have regard to the setting and surrounding landscape. There will be considerable detriment to the landscape surroundings and visual amenity. The proposal will seriously damage and detract from the Chalk Hill escarpment which forms an important landscape feature by inflicting a scar of industrial buildings of unacceptable prominence, from both shorter and longer distance viewpoints.

The HRN2 residential areas and proposed school is much closer to the proposed waste management facilities than is desirable.

It is CPRE's view that only limited weight can be given to the emerging Development Strategy and certainly not sufficient weight for the necessary alteration to the Green Belt boundary at Thorn Turn to be assumed on a pre-emptive basis. The application places significant weight on the Inspector's report on the Minerals & Waste Local Plan which concluded that "*in general terms the Thorn Turn waste recovery allocation would not lead to unacceptable impacts on its setting and surroundings*". CRPE do not agree with that judgement for reasons already given but, more importantly, it should be highlighted that in coming to this conclusion the Inspector specifically stated that he was "disregarding its location in the South Bedfordshire Green Belt. The fundamental question in considering the Green Belt issue is whether the development is harming to the Green Belt's openness. There is no doubt that the harm caused to the Green Belt by reason of openness is of a very substantial order. The case put forward by the Council to demonstrate 'very special circumstances' is not sufficient. The 'very special circumstances' put forward by the Council relates not so much to the waste park application but to the associated application for the highways depot and the benefits arising from relocating the household waste recycling site from French's Avenue, Dunstable. The particular problems with the French's Avenue site are appreciated and CRPE might well not have too much problem with relocating this facility given that, on its own, there would be relatively limited impact on the openness of the Green Belt. However, the 'very special circumstances' associated with the house waste recycling

site cannot be used to justify the harm to the Green Belt's openness from the waste transfer station which, on its own and even more so in conjunction with the house waste recycling site, is of a much greater order.

The application is premature in terms of removal from Green Belt status and should be refused.

British Horse Society

10/06/2015 & 30/07/2015

Bridleway is an important route for horse riders and includes the Icknield Way.

The plans state that the current width of Bridleway no. 49 is to remain 4 metres-wide (greater in places). The existing hedge on both sides of Bridleway no. 49 and additional planting on the site boundary may help to improve noise levels and screening. Ideally, a 10-metre-wide path is required in order to help keep horse riders further away from the noisy area. Sudden loud noises that can make a young or nervous horse spin around or bolt with the possibility of the rider being thrown and injured and the horse running loose. Mesh fencing around the site would be preferable as it allows a horse to see what is going on and not feel enclosed.

There is no mention as to how horse-riders are going to cross the access road safely. A Pegasus crossing or warning system should ideally be put in place along with a holding area for horse riders. Traffic in both directions should be made aware of the bridleway by appropriate signage.

The proposed car parks are shown at the front and sides of the waste transfer building and it is queried whether it would not be better to have these car parks at the back of the warehouse alongside Bridleway 49. Noise levels from the waste building would then be at a greater distance from the bridleway. Better still, if the whole warehouse and car park is rotated 180 degrees, the car park would then be backing onto the bridleway resulting in even less noise.

The bridge structure currently in place that crosses the Ouzel Brook near the A5 needs to be of a structure to accommodate horse riders. The bridleway crossing over the proposed access road should have a holding area

either side of the zebra crossing to make it safer. In order to continue the bridleway connection over the A5-M1 link road and with the new build planned adjacent to the application site, the volume of traffic will significantly increase and a Pegasus crossing at Thorn Road is a necessity.

Owing to the heavy traffic on surrounding roads and the lack of bridleway connection close to Thorn Road, Bridleway no. 49 has long been a 'no go' area for horse riders. When all the bridleway connections are complete, the route will need to be promoted and local livery yards informed.

Users entering and exiting Bridleway 49 at Sewell to join or exit the Green Lanes will have to cross the A5. A suitable crossing needs to be installed here.

Central Bedfordshire &
Luton Joint Local Access
Forum

10/06/2015

No objection but would wish to identify a number of concerns, particularly in relation to Bridleway 49.

A full Pegasus crossing should be provided at Thorn Road as part of this application. If this is not the case, it should be ensured that the ducting for the cabling to create the Pegasus crossing is included when the high friction surface (as described in the plans) is installed.

On the access road to the waste park, more detail is required on the type of crossing to be provided. The application currently states that this is a zebra crossing, which would be unsuitable for equestrian users. A Pegasus crossing should be installed. However, if this is not possible, cycle / horse activated flashing lights with barriers to provide safety from vehicle movements should be provided as a minimum

There do not appear to be any proposed measures in place to mitigate against the impact of sudden, unexpected and loud noises from the waste operation. Horses are sensitive to such disturbance. Whilst there will be signage on the bridleway to warn riders of this, forum members are concerned that there will still be risks to riders. Every effort should be made to minimise noise by managing the operation. As much screen planting as possible should be included to minimise noise effects on

horses. A 10 metre-wide area for the bridleway is required to help mitigate against the noise issue by ensuring that there is sufficient space for horses to remain calm when passing the site.

Bridleway 49 provides an important missing link in in the Icknield Way Trail, which will be a key route around the north of the growth area. In order to enable use all year round by walkers, cyclists and riders, the route should be appropriately drained and surfaced – 3 metres for cyclists on a tarmac surface; 3 metres for horses on a grassed surface, with a 2 metre strip on each side.

The application includes palisade fencing on the perimeter of the site. However, in order to minimise the corridor effect, the forum would wish to see an expanded metal fence used wherever possible, and specifically alongside the bridleway.

Reference is made to the need to ensure a co-ordinated movement plan for non-motorised users across the multiple proposals in the area. A network of direct safe routes for non-motorised users will encourage environmentally sustainable and healthy travel.

London Gliding Club

15/07/2015
No objection.

Having reviewed the documentation, there would not immediately appear to be any issues which would affect the Gliding Club's flying operation at Dunstable Downs. This opinion is based on there not being any tall chimneys or towers.

National Grid

No comments received.

British Gas Transco

No comments received.

UK Power Networks

No comments received.

British
Telecommunications
PLC

No comments received.

Royal Society for the
Protection of Birds

No comments received.

(RSPB)

CBC Conservation & Design Team No comments received.

Affinity Water Ltd No comments received.

Chief Fire Officer No comments received.

Bedfordshire Rights of Way Association No comments received.

Friends of the Earth No comments received.

National Planning Casework Unit No comments received.

Determining Issues

The main considerations of the application are;

1. National and Local Policy and other material planning considerations
2. Acceptability of the development in the Green Belt
3. Access, Traffic and transportation
4. Landscape and Visual Impacts
5. Flood risk and water resources
6. Noise and vibration
7. Air Quality, Disturbance & Fire Risk
8. Ecology & Biodiversity
9. Cultural Heritage
10. Public Rights of Way
11. Design and Sustainability Considerations
12. Agricultural land and soils
13. Cumulative Impacts
14. Assessment of proposals against the Waste Framework Directive

Considerations

Human Rights issues

Based on the information submitted, there are no known issues in the context of Human Rights and as such there are no relevant implications

Equality Act 2010

The Equality Act came into force on 1 October 2010 and has the effect of making it unlawful to discriminate against people who are disabled or associated with a disabled person. The Act sets out the Equality Duty which public bodies must fulfil in exercising their functions. The applicant has submitted a compliance statement setting out how it accords with the legislation. It is considered that the relevant buildings on site are compliant as evidenced by the ramped access to the weighbridge office and level access to the HWRC management office. The applicant comments that these are the only buildings on site for which wheelchair access is a requirement. The applicant comments that the physical nature of the work at the WTS and HWRC means that it would be less suitable employment for staff with disability. Nevertheless, areas of steps minimised, particularly into the other buildings, are minimised. Allocated

parking spaces for drivers with disability would be situated between the WTS and HWRC

for ease of access. The HWRC provides a two tier facility which allows users to drop materials into waste containers from an elevated position without climbing steps and for this

reason the facility is likely to be more accessible to less able bodied persons. Officers are

of the opinion that the design elements outlined above are sufficient and no issues or inequality or discrimination arise. The provisions of the Equality Act are therefore satisfied. .

1. National and Local Policy and other material considerations

National Planning Policy Framework (NPPF):

The NPPF sets out an underlying presumption in favour of sustainable development, whilst not impinging on the statutory status of the development plan. The NPPF's core planning principles include protecting Green Belt land and focussing significant development in locations which are, or can be made, sustainable. It contains a number of statements of policy which are relevant to the consideration of this application, notably:

- Promoting sustainable transport (Section 4);
- Requiring good design (Section 7);
- Protecting Green Belt land (Section 9);
- Meeting the challenge of climate change, flooding and coastal change (Section 10);
- Conserving and enhancing the natural environment (Section 11); and
- Conserving and enhancing the historic environment (Section 12)

Planning Practice Guidance:

Government guidance is also available as a web-based resource under a series of headings several of which have relevance to the subject application including air quality, climate change, conserving and enhancing the historic environment,

design, flood risk, light pollution, natural environment, noise, transport assessments and water quality.

The role of Waste Planning Authorities in meeting European obligations:

The European Union Waste Framework Directive (WFD) (2008/98/EC) provides an overarching legislative framework for the management of waste across Europe. Its transposition in England is largely through the Waste (England and Wales) Regulations 2011 (SI 2011 No. 988).

In exercising its planning functions dealing with waste management, Local Planning Authorities play a role in implementing the following Articles of the Directive:

- Article 4: Waste Hierarchy - driving waste up the hierarchy in the following order of priority: a) prevention; b) preparing for re-use; c) recycling; d) other recovery such as energy recovery; e) disposal.
- Article 13: Protection of human health and the environment - in particular, a) without risk to water, air, soils, plants or animals; b) without causing a nuisance through noise or odours; c) without adversely affecting the countryside or places of special interest.
- Article 16: Principles of proximity and self-sufficiency - appropriate measures must be taken to establish an integrated and adequate network of waste disposal installations and installations for the recovery of mixed municipal waste collected from private households.
- Article 28: Waste Management Plans - Waste planning authorities should ensure that there is sufficient information in the Local Plan and/or annual monitoring reports to determine the location and capacity of existing and future disposal or major recovery installations in order to meet the identified needs of an area for the management of waste.
- Article 34: Periodic inspections - establishments or undertakings which carry out waste treatment operations or collect or transport waste on a professional basis shall be subject to appropriate periodic inspections by the waste planning authority (likely to occur as part of the a wider inspection regime to ensure compliance with the terms of the planning permission)

Waste Management Plan for England (December 2013) (WMPE):

The mandatory requirements of Article 28 of the WFD are fulfilled by the WMPE. Essentially a high-level document, it provides an analysis of the current waste management situation and evaluates how it will support implementation of the objectives and provisions of WFD. It does not seek to introduce new waste management measures but brings current waste management policies under the umbrella of one national plan.

With regard to the development of new waste infrastructure, the WMPE states:

"The Government's ambitions for waste highlight the importance of putting in

place the right waste management infrastructure at the right time and in the right location. We aim to have the appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources. In line with the Government's approach to localism, we continue to support local authorities to facilitate the provision of necessary waste infrastructure, recognising that local communities should benefit from hosting waste infrastructure and be involved from an early stage in planning for such infrastructure".

In terms of the location of waste facilities, the WMPE states:

"The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health."

National Planning Policy for Waste (October 2014) (NPPW):

The NPPW sets out detailed waste planning policies and should be read in conjunction with the NPPF and WMPE. Section 4 of the NPPW advises that waste planning authorities should, *inter alia*:

"... plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant."

In accordance with section 5 of the NPPW, waste planning authorities' should assess of the suitability of sites and/or areas for new or enhanced waste management facilities against a number of criteria, including physical and environmental constraints on development, existing and proposed neighbouring land uses, the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and the cumulative impact of existing and proposed waste transfer facilities on the well-being of the local community and environmental quality. Reference is also made to an Appendix B which contains a list of 'Locational Criteria' covering such matters as landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions, odours, noise, light and potential land use conflict.

The special protection to be afforded to Green Belt is highlighted in section 6 of the NPPW. It states that:

"In the preparation of Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational needs of some

types of waste management facilities when preparing their Local Plan."

Section 7 comprises a list of factors that must be taken into account when determining applications for waste development. Waste planning authorities should, *inter alia*,

- only expect applicant's to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- ...expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan will not undermine the objectives of Local Plan through prejudicing movement up the waste hierarchy; and
- ensuring the waste facilities in themselves are well-designed so that they contribute positively to the character and quality of the area in which they are located.

The Adopted Development Plan:

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF echoes this requirement and, at para 12, states:

"Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

The NPPF advises that due weight should be applied to relevant policies within existing plans according to their degree of consistency with the Framework with greater weight afforded where policies are closer to those in the Framework. It also advises, at paragraph 216, that decision-takers may give weight to relevant policies within emerging plans according to:

- the stage of preparation of the emerging plan, with greater weight given where the plan is more advanced;
- the extent to which there are unresolved objections to relevant policies; and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework. Again, the closer the policies in the emerging plan are to those in the Framework, the greater the weight that may be applied.

The development plan for the area comprises the saved policies within the South Bedfordshire Local Plan Review 2004 (SBLPR), the saved 'General & Environmental' Policies of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 (MWLP) and Minerals & Waste Local Plan: Strategic Sites & Policies (2014) (MWSSP).

The SBLPR contains policies and proposals aimed at guiding the development of land in South Bedfordshire up to 2011. Certain policies were 'saved' by the Secretary of State in September 2007 and continue to form part of the development plan until such time as they may be superseded by the emerging Development Strategy for Central Bedfordshire.

The MWSSP sets out the vision, objectives and strategy for minerals and waste across Bedfordshire and identifies strategic sites for development. It replaces a raft of policies in the MWLP.

Policy WSP1 of the MWSSP stipulates, *inter alia*, that sufficient capacity for the recovery of waste from the Plan Area will be provided in order to enable the following targets for diversion from landfill and recovery to be achieved:

- recovery of at least 70% of municipal solid waste by 2015 and 75 per cent by 2020; and
- recovery of at least 75% of commercial and industrial wastes by 2015.

The targets in Policy WSP1 set minimum levels of recovery as defined in the Waste Framework Directive for both public sector and business sector wastes.

The MWSSP forecasts that total arisings of municipal solid waste (MSW) in the Plan Area will grow steadily from a current figure of around 306,000 tonnes per annum to 371,000 tonnes by annum by 2028/29. Similarly, total Plan Area commercial and industrial waste arisings are predicted to increase from a current figure of 510,000 tonnes per annum to 544,000 tonnes per annum. By applying the recovery targets set out in Policy WSP1, it is calculated future additional waste recovery capacity for MSW and C&I wastes of 161,000 tonnes will be needed by 2018/19 and 229,000 tonnes by 2028/29.

Policy WSP2 of the MWSSP allocates four sites for strategic non-landfill waste management uses, one of which is 'Land at Thorn Turn', the central section of which forms the application area subject to this report. The MWSSP recognises the site's current location in the Green Belt whilst noting that it lies within a larger area proposed to be allocated for housing and employment uses to the north of Houghton Regis as identified in Central Bedfordshire's emerging Development Strategy (see below). The supporting text refers to Land at Thorn Turn and the other strategic waste sites as being the most appropriate given the land use circumstances of the Plan area, and being in locations where large scale waste recovery uses can be accommodated in order to significantly contribute to the shift towards a materials re-using economy. The strategic sites are identified for 'non-landfill waste management operations' rather than being technology-specific and can manage either municipal or commercial wastes, or a combination of both. As they can supply substantial amounts of recovery capacity, it provides certainty that the waste capacity gap will be met even if not all of the sites are actually brought forward for waste management uses. Policy WSP2 states that until "*....Land at Thorn Turn has been removed from the*

Green Belt, the Waste Planning Authority will only support proposals for waste recovery uses at the site if very special circumstances can be demonstrated."

Through Policy MWSP3, proposals for waste management development must be determined with regard to, *inter alia*, the saved 'General and Environmental' policies in the 2005 Bedfordshire & Luton Minerals & Waste Local Plan (or such other policies as may replace them). These General and Environmental Policies include Policy GE1 (*Matters to be addressed in planning applications*). It is all-embracing in that it sets out the full range of topics that must be addressed by applicants as may be applicable and provides the policy basis for judging whether an application contains adequate information. A positive determination can only be made when all of the potential impacts (both positive and negative) are properly considered and understood.

Good quality design is addressed in Policy WSP3 of the MWSSP. The overall design, layout and built form of new waste management facilities must have regard to scale and setting and be sympathetic to the surrounding landscape.

Emerging Plans and Material Considerations:

In March 2011, the Luton and Southern Central Bedfordshire Joint Core Strategy (JCS) was submitted for examination. However, this was withdrawn in July 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. Notwithstanding this, in August 2011, the CBC Executive Committee endorsed the JCS for development management purposes. Accordingly the JCS does not carry the degree of weight afforded to the adopted development plan but remains a material consideration.

The Development Strategy for Central Bedfordshire - Revised Pre-Submission Version (DSCB) June 2014 is intended to become the principal planning document for the whole of Central Bedfordshire identifying what type of growth is needed, where it would be best directed and indicating the allocation of strategic development sites. Once adopted, the policies would replace the saved policies within the SBLPR.

The DSCB was submitted to the Secretary of State on 24 October 2014. Following initial hearing sessions in February 2015, the Inspector concluded that the Council had not complied with its Duty to Co-operate to meet the objectively assessed housing needs of the Luton Housing Market Area. Section 33A of the Planning and Compulsory Purchase Act 2004 imposes a legal requirement on Local Authorities to work co-operatively on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities, and demonstrate such co-operation through the plan-making process. The need to comply with this requirement is distinct from the test of "soundness" i.e. whether the Plan is fit for purpose. In light of his view, the Inspector recommended the non-adoption of the Plan and advised that the Council should withdraw the Plan or await his final report. The Council subsequently notified

the Planning Inspectorate that it did not intend to withdraw the Development Strategy and that the Inspector should not issue his final report as the Council intends to challenge his decision. An application for Judicial Review of the Inspector's decision was made by the Council in the High Court on 12 March 2015. On 16 June, the Court declined to grant the Council leave to have its appeal heard in the High Court. The Council has, however, opted to appeal against this judgement, which is expected to be heard in the Court of Appeal in the Autumn. Notwithstanding these legal proceedings, it is considered that the DSCB remains as a submitted plan that has not been withdrawn and its preparation is based on substantial evidence gathered over a number of years such that CBC regard it as a sustainable strategy that is NPPF-compliant and fit for submission to the Secretary of State. In line with paragraph 216 of the NPPF, the emerging DSCB remains as a material consideration and its policies are considered to carry limited weight in the determination of this application.

Policy 60 of the DSCB specifically sets out the requirements for the Houghton Regis North Strategic Allocation, to be delivered through a Masterplan covering a broad area split into two sites. Site HRN1 extends from the A5120 to the M1 whilst Site HRN2 comprises the area between the A5 and the A5120. The policy envisages the Green Belt boundary being revised to follow the alignment of the A5-M1 Link Road. Paragraph 13.27 of the DSCB notes that the Thorn Turn site had been identified by the BEaR Project as the likely site to develop required infrastructure. The procurement envisaged the delivery of various facilities including the delivery of two strategically located salt barns and the relocation of Dunstable's household waste recycling centre to Thorn Turn. The paragraph continues to note that the masterplan will consider the possible linkages with this proposed development and any potential synergies. In support of this policy, the Houghton Regis Framework Plan has been produced and was adopted in March 2014 as technical guidance for development management purposes. The Framework diagram and supporting text aim to outline broad aspirations for key elements of the allocation and to guide the development as a whole based on constraints and opportunities. Paragraph 4.9 of this Framework identifies the area at Thorn Turn, within Site 2 of the allocation, as forming:

"...a commercial gateway into Dunstable from the north (A5) and west (A505) {and...} also the location for a significant recycling facility for the area as a whole".

The Central Bedfordshire Design Guide 2014 sets out key principles and standards to ensure the delivery of high quality design in all types of new development proposals within the Council's area and is used as guidance for development management purposes.

The Green Belt Technical Paper 2014 provided part of the evidence base for the emerging DSCB reviewing the Green Belt around the Luton/Dunstable/Houghton Regis conurbation in order to accommodate anticipated growth.

2. **Acceptability of the development in the Green Belt**

As noted already in this report, the protection of Green Belt land forms one of the core planning principles set out within the NPPF and is a fundamental policy consideration. The NPPF attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open. Within the Green Belt, there is a presumption against major development which is considered inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where 'very special circumstances' can be demonstrated. Paragraph 88 of the NPPF states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Within saved Policy GE5 of the MWLP there is a general presumption against waste development unless very special circumstances can be demonstrated that justify the proposal. Whilst this policy pre-dates the national statement on Green Belt policy introduced in the NPPF, it is considered to be broadly consistent with it and should therefore carry due weight.

The construction of new buildings should be regarded as inappropriate in the Green Belt unless the development is one of various exceptions identified at NPPF paragraph 89. Certain other forms of development are also identified, at NPPF paragraph 90, as not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This is echoed in Policy 36 of the emerging DSCB. The proposed development does not fall within one of the identified exceptions nor constitute one of the other forms of development.

Prematurity:

At the present time, the site falls within the Green Belt and would not be formally removed from it until such time as a Development Strategy removing this designation has been adopted. NPPF paragraph 83 states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. Consultees have argued the development is premature on the basis that it is proposed within the Green Belt in advance of any formal change to the Green Belt designation arising from the adoption of a new plan.

It should, however, be noted that automatic refusal of planning applications simply on the grounds of prematurity would be incorrect as national planning policy requires broader account be taken of material considerations.

NPPF paragraph 83 was specifically addressed as part of the recent Court judgement in respect of the HRN1 planning permission handed down on 20 May 2015 between the *Queen on the application of Luton Borough Council and Central Bedfordshire et al* (Case No.C1/2015/0091). The following paragraphs 55 and 56 of the judgement may assist Members in the consideration of this application:

“Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided “very special circumstances” exist.

Nor does para. 83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding “exceptional circumstances” test) and then granting permission for development without having to satisfy the more demanding “very special circumstances” test, there is nothing in para. 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent “very special circumstances” test is satisfied.”

National Planning Practice Guidance gives clear direction that in relation to circumstances where it may be justifiable to refuse permission on prematurity grounds. It states that, within the context of the NPPF and, in particular, its underpinning presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and other material considerations into account.

Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining conditions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood

Planning; and

- b) the emerging plan is at an advanced stage but is not yet formally part of the Development Plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to clearly indicate how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. In considering the present application, Members will be aware that the emerging DSCB is at an advanced stage but is not yet formally part of the development plan for the area.

As identified earlier in this report, the application is accompanied by an Environmental Statement submitted in accordance with the Environmental Impact Assessment Regulations 2011 which examines the potential effects of the development together with existing and committed development within the area, including the proposed HRN2 allocation. This report details officer's assessments of these effects and concludes that subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development.

As noted above, Policy WSP2 of the adopted MWSSP allocates Land at Thorn Turn for strategic non-landfill waste management uses. The application area, including internal access road and other ancillary development, sits entirely within the boundaries of this allocation.

Members will also be aware that at Committee's July meeting it was also resolved to grant planning permission for HRN2, subject to referral to the Secretary of State, and there appears a strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future. In its context, Committee are entitled to consider that, whilst the cumulative proposed development is substantial, the grant of planning permission for the application subject to this report would not prejudice the outcome of the plan-making process so as to warrant refusal on prematurity grounds.

The purposes of the Green Belt:

Green Belts serve five purposes as identified at paragraph 80 of the NPPF:

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

The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal may conflict with or support these.

To check the unrestricted sprawl of built up areas:

The application land falls outside the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable and is closely related to Thorn Road. The site is bound by the A5 Watling Street on its western side and the established Dunstable Water Recycling Facility to the east.

The application site forms part of substantial proposed development which would expand the existing built-up area from its north western edge in the broad area between the A5 and A5120 Bedford Road. The northern boundary of the expansion would be enclosed by the route of the A5-M1 link road currently under construction. The northern expansion of the settlement area to the east of the A5120 is already substantially approved through several permissions, including 262 hectares comprising HRN1, which stretches to the M1 motorway and its intersection with the A5-M1 link road. (Committee will be aware that an application by Luton Borough Council to judicially review the HRN1 planning application issued by CBC on 2 June 2014 was refused by the Court of Appeal in a judgement dated 20 May 2015 as referred to above).

It is pertinent to note that CBC's Technical Paper. It is pertinent to note that CBC's Green Belt Technical Paper recommended the deletion of the wider proposed expansion area at Houghton Regis North from the Green Belt following the updated assessment. The expansion of the built-up conurbation would therefore be restricted by the existing and consented strategic road network which would provide for permanent physical boundaries on all sides of the enlarged settlement. Within the context of the proposed Strategic Allocation, including committed development within it, and the permanent physical boundaries, it is not considered that development of an 8.4 hectare waste park would amount to unrestricted urban sprawl. It is worth emphasising that the waste park would take up approximately one third of the parcel of land allocated for strategic waste uses and that the actual footprint of the buildings would account for less than 0.8ha. At the Committee's July 2015 meeting, it was resolved to approve an outline application for up to 44,700m² of B1, B2 and/or B8 employment development on land fronting Thorn Road comprising the northern segment of the strategic waste use allocation area and, more widely, the HRN2 urban expansion (both subject to Secretary of State referral).

To prevent neighbouring towns merging into one another:

The proposed development of the site in this location would not cause the coalescence of specific neighbouring towns and as such this role of the Green Belt would not be compromised.

To assist in safeguarding the countryside from encroachment:

Notwithstanding that the proposed Strategic Allocation is planned to be enclosed by strong, physical boundaries presenting unrestricted sprawl, at the present time the proposed development would represent an encroachment upon the countryside.

To preserve the setting and special character of historic towns:

The preservation of the site as undeveloped land is not identified as important to the setting or special historic character Houghton Regis, Dunstable or other settlements. Whilst the preservation of the setting of other designated heritage assets such as the Thorn Spring Moated Site and Maiden Bower Iron Age Hillfort is also relevant to Green Belt functions, it is judged that these potential adverse impacts are not significant and can be adequately mitigated against.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land:

Being a greenfield site, the proposals themselves would not constitute the re-use of derelict or other urban land. However, the proposals will allow for the closure and relocation of the existing HWRC facility at Frenchs Avenue and enable that land to come forward as part of a wider urban re-development project in this part of Houghton Regis in line with CBC's regeneration aspirations. By allow for recycling of other urban land, the proposed development finds some support in respect of this Green Belt function.

As the proposed waste park is considered to constitute inappropriate development in the Green Belt, and therefore harmful, it is necessary to explore whether any very special circumstances exist which are sufficient to clearly outweigh the identified harm to the Green Belt, and any other harm.

There is no legal or policy definition of the meaning of 'very special circumstances' but there is a body of opinion expressed through planning appeal decisions and Court judgements which can assist the Committee in reaching a decision on this issue.

1. Does the application have a unique feature that outweighs the harm to the Green Belt?
2. Is there a substantial economic need, especially at the national or regional level?
3. Is there a substantial need that cannot be met within the urban area?
4. Are there substantial cultural, social or community benefits?

The applicant's case for very special circumstances:

The application sets out the following issues which the applicant considers constitute very special circumstances:

- The proposed development is allocated as a strategic site for waste management use within the recently adopted Minerals and Waste Local Plan

and, in this regard, it is in conformity with the NPPF. Following a site selection process, the Inspector's report on the Plan confirmed his support for the principle of a strategic waste facility in this location in the context of the envisaged urban expansion.

- As Waste Disposal Authority, Central Bedfordshire Council has a responsibility to provide a range of long term waste services within the administrative area. Local government re-organisation in 2009 resulted in the Council not owning any in-house waste management infrastructure (other than HWRCs). Therefore, in order to facilitate the collection, bulking up and transfer of waste to reprocessing facilities elsewhere (i.e. out of district), new infrastructure needs to be provided as a matter of urgency.
- There is an urgent need to replace the existing HWRC located at Frenchs Avenue as environmental and land use constraints preclude essential modernisation and expansion of that facility. Better facilities at a replacement site at Thorn Turn would bring about improved recycling opportunities and facilitate important regeneration of urban land.
- As part of the EIA process, a desk-based Alternative Site Search has been performed on behalf of the applicant to ascertain the availability of other potential sites lying outside the Green Belt or have least harmful impact within it. This exercise has been undertaken in conjunction with a site search for the highways depot and initially involved an appraisal of 95 potential sites that were previously examined as part of the Bedfordshire Joint Municipal Waste Management Strategy (JMWMS). This encompassed sites across the former Bedfordshire county area (i.e. Bedford Borough, Mid Bedfordshire and South Bedfordshire). In addition, there was an assessment of 53 sites under the ownership of Central Bedfordshire Council against various criteria including a minimum site area of 5 hectares; within 3 miles of the urban boundaries of Dunstable and Leighton Buzzard as the principal residential areas it would serve; and with particular consideration as to the availability of sites outside the Green Belt. A multi-stage sieve process progressively eliminated sites based on location, site suitability such as size, access, proximity to sensitive receptors and availability for use within the expected project start time of autumn 2015. The criteria used were therefore very broadly based upon those criteria previously used for the JMWMS site appraisal process and the methodology used to identify strategic waste management sites in the 2014 Minerals & Waste Local Plan. As part of the eighth and final stage of sieving process, the deliverability and benefits of 7 remaining JMWMS sites and 2 remaining CBC-owned sites was considered further. When compared against these shortlisted sites, the application site performed well in terms of location and availability. The exercise did not identify any sites that could be taken forward as equally preferable as the application site within the Dunstable / Houghton Regis / Leighton Buzzard area or that performed as well against the selection

criteria.

Assessment of the case for very special circumstances:

The key question to consider in assessing the existence and weight of any special circumstances is whether there is a local need or overriding benefit in siting the development in a Green Belt location and the availability of alternative sites outside the Green Belt.

Local Need for the proposed facilities:

Within the Minerals & Waste Local Plan area, all three Councils have their own contractual arrangements with private sector waste companies for the collection and management of their area's municipal wastes. Currently, most of Central Bedfordshire's municipal waste is taken to Elstow Materials Recycling Facility under an arrangement with Bedford Borough, as no suitable facilities exist within Central Bedfordshire's boundaries. However, this arrangement with Bedford Borough is essentially short term. It is recognised in paragraph 5.10 of the MWSSP that existing waste management contracts are due to expire early in the Plan period and that new contracts will need to be procured with the waste industry. The MWSSP's objective is to assist in the delivery of potential new contracts in the knowledge that this process is likely to lead to new facilities being developed in order to ensure nationally-set targets for the diversion of waste from landfill are met and the escalating cost of landfill tax is avoided.

The proposed waste park would serve the more populous southern part of Central Bedfordshire and this is expected to remain the case for the foreseeable future given the proposed strategic growth allocations at Houghton Regis North, East of Leighton-Linslade and North of Luton. The site is situated between the principal towns of Dunstable and Leighton Buzzard and is well located in relation to existing and future local communities. It is therefore proximate to the main source of waste arisings to be managed and should contribute to a significant reduction in the overall mileage travelled by waste given the current arrangements with Bedford Borough. This, in turn, should reduce the climate change impacts of managing Central Bedfordshire's municipal waste. The site is also well located in relation to the existing and planned strategic road network. During the strategic site selection process for the forward plan, the Thorn Turn site scored highly against these criteria. It also scored strongly in terms of being capable of hosting a range of facilities together on the same site (i.e. integration with other waste facilities). Co-location of the HWRC and waste transfer station facilities at Thorn Turn should add to the savings in waste miles as a proportion of the waste received by the HWRC will be taken to the neighbouring waste transfer station for bulking up.

Alternative sites:

In identifying suitable sites for waste management, developers or operators should first look for sites outside the Green Belt and / or on previously developed land. The ES includes an alternative site search to ascertain the

availability of other potential sites. This exercise included looking at the other strategic waste management sites allocated in the MWSSP. The other strategic sites were eliminated during the screening process for the following reasons:

- Rookery Pit South - distance from the main population areas which the facility is intended to serve.
- Land at former Brogborough landfill - distance from the main population areas which the facility is intended to serve.
- Elstow North - located outside the administrative area of Central Bedfordshire.

Even if the above strategic sites had not been ruled out on the basis of their remoteness from the source of most of the waste to be managed, officers are aware of the individual circumstances of each site such that none of them present a realistic proposition from a delivery viewpoint. This is because the applicant has identified availability of the site for commencement of the enabling works by autumn 2015 as a critical development requirement.

Officers are satisfied that the applicant's alternative site study provides sufficient evidence to demonstrate that there are no other equally suitable sites outside of the Green Belt which could host the waste facilities and which are available within the required project timeframe. It is accepted that Thorn Turn represents the most developable option for a waste park to serve local communities in the south of the administrative area.

Wider planning context:

It is also important to consider the wider planning context within which the site sits. Given the long-standing proposals relating to the proposed Houghton Regis North allocation as supported by an extensive evidence base culminating in Committee's approval of outline planning permission for the largest parcel of the allocation (HRN1) and recent resolutions to support the HRN2 and the commercial development, coupled with the ongoing construction of the A5-M1 link road and Woodside Link, it is considered there is a high degree of likelihood that the Green Belt designation will be formally removed to allow for major development north of the conurbation as the plan-making process advances. These recent decisions and other committed development have altered the wider planning context within which the application site lies and form an important consideration in the special circumstances test as they strengthen the credentials of the application site. Delaying a decision or refusing the application on Green Belt grounds would not serve any useful purpose and would in fact only delay the delivery of essential waste management infrastructure.

Green Belt Conclusions:

The proposed development would be harmful to the Green Belt due to its inappropriateness and its impact on openness. Under the terms of the NPPF, significant weight is to be attached to this harm and any other harm identified.

However, taken together, the following factors are considered to amount to very special circumstances sufficient to outweigh the Green Belt harm.

- the designation of the application land as a preferred strategic waste management site following much scrutiny through the forward planning process;
- the pressing need to provide fit for purpose waste facilities to deliver key statutory functions of the Waste Disposal Authority;
- the lack of alternative available sites outside the Green Belt within the parameters of project delivery; and
- the strong likelihood of a strategic allocation north of Houghton Regis being formalised as part of the Development Plan in the future and the recent planning decisions and other committed development within the allocation area.

The impact of other harm is assessed under subsequent sections of this report.

3. Access, Traffic and Transportation

Saved Policy GE23 of the MWLP states that permission will only be granted for waste development where the material is capable of being transported via the strategic highway network. The suitability and capacity of available access routes must be taken into account. Saved MWLP Policy GE1 d) stipulates that applications for waste-related developments must enable the planning authority to assess the volume and nature of traffic that would be generated and the suitability of the site access and local road network.

In line paragraph 32 of the NPPF and Policy 28 of the emerging DSCB, the ES includes a Transport Assessment (TA) which provides a systematic approach to transport issues in relation to proposed developments identifying measures necessary to improve accessibility and safety for all modes of transport and those measures needed to manage the development's anticipated transport impacts. During the course of determining the application a revised TA has been produced to take account of construction related traffic and includes swept path analyses of vehicles associated with the development.

NPPF paragraphs 34 and 35 of the NPPF advise that developments that generate significant traffic movements should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. The Council's Third Local Transport Plan 3 (LTP3) has been considered in the TA. LTP3 identifies a number of broad 'areas of intervention' such as land use planning and network management whereby sustainable growth can be delivered through an integrated transport system. It sets out specific objectives and priorities for a number of different journey types, including transportation of freight and ease of access to employment. Relevant objectives and priorities include enabling the efficient and reliable transportation of freight, minimising the negative impacts of freight on local communities and encouraging travel to work by sustainable modes. In parallel with LTP3, the authority has in place an

adopted Freight Strategy (April 2011) whose overarching objective is to manage the impacts on freight on local communities and the environment. Policy WSP15 of the MWSSP is permissive towards proposals for new waste management facilities where they conform to adopted Freight Strategies in respect of management of traffic using the site.

The TA details the strategic modelling work undertaken by AECOM on behalf of the Council in order to inform its assessment of highway and transport impacts associated with this and the related planning applications in the wider area whilst also identifying necessary mitigation measures. This approach and the criteria adopted for key growth years were agreed in advance with the Highways Authority accounting for the cumulative impacts of committed and planned housing, employment and infrastructure projects within the Houghton Regis, Dunstable, Luton and Leighton Buzzard areas. The model also accounts for new road programmes within the area, including the A5-M1 link road, Woodside Link, M1 junction 11a, the A6-M1 Link Road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives in the area.

Based on the latest phase of modelling work, and subject to committed highway infrastructure being delivered to serve the wider growth area, together with minor mitigation works and sustainable transport initiatives, the Council's Highways Development Management Team is satisfied that there is sufficient capacity within the highway network such that undue congestion would not occur. Both the A5-M1 link road and Woodside link are scheduled to open in spring 2017 and preliminary works have commenced on each scheme.

The consultation response from the Council's Strategic Transport Team considers that the applicant will need to provide support funding of £3,000 to alleviate the impact on the A5, A505 and A5120 in particular. The resolution of the Council's Executive Committee in May 2014, however, acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside link scheme by £12M. Therefore, the contribution of £3000 that would otherwise be required to alleviate the impact on the A5, A505 and A5120, whilst also contributing to the Woodside link scheme and sustainable travel improvements, is being treated as if it has already been made as the Council is responsible for these costs in any event.

The application specifies that the development would give rise to an average daily number of 90 two-way HGV movements per day based on the waste transfer station and HWRC operating at annual capacity. This equates to 8 two-way HGV movements per hour. The vast majority of incoming and outgoing HGV movements are envisaged to take place between 1000 hours and 1600 hours. Given that a uniform daily number of movements would be unlikely to occur in practice due to inevitable variations in levels of waste imports, the applicant has clarified that a maximum of 120 HGV movements would be

generated on any given day as a worst case scenario. It is normal practice to impose HGV traffic related planning conditions as a maximum daily number of movements that would be generated, as opposed to an average figure, in order to be readily enforceable and set a 'worst case scenario'. Officers propose to impose a condition to this effect if permission is forthcoming. Other non-HGV movements would include up to 600 members of the public using the HWRC each day (i.e. 1200 movements) and 9 staff vehicles per shift.

The proposed site access on Thorn Road would also serve the adjoining development proposals for employment uses and a highways and winter maintenance depot. It has been designed and its capacity assessed using the industry-standard software (Junctions 8) having regard to trip generation figures. The assessment is considered robust and demonstrates that the proposed junction will operate well within its theoretical capacity limits at peak times with the developments fully occupied. At its junction with Thorn Road, it is proposed to provide a 'ghost island' priority junction, dedicating a waiting area for those vehicles wishing to turn right into the site for the west. Suitable visibility splays are noted as being achievable. The consultation response from the Highways Development Management team expresses support for the proposed access strategy which is judged to accord with relevant guidance. Swept path analyses have been produced which demonstrate that the junction and internal highway layout is fit for purpose.

With reference to comments made by Houghton Regis Town Council, it is not considered necessary to prohibit HGV access along the section of Thorn Road that would pass through the new housing areas. This is on the basis that it is anticipated that only those waste lorries with an operational need to service local estate areas would access that section of the highway network whereas vehicles travelling further afield are anticipated to utilise the strategic network in order to realise efficient journey times.

In line with paragraph 36 of the NPPF and Policy 26 of the emerging DSCB, the planning application is also accompanied by a Travel Plan setting out the proposed initiatives to promote transport by sustainable modes, with the key aim of achieving a 20% reduction in single car occupancy journeys to / from the site. Officers agree with the Transport Strategy team's recommendation that, in line with LTP objectives, a number of improvements need to be made to the Travel Plan, including reducing the impact of operational freight traffic through route management and schedule optimisation of the Council's kerbside collection service. A condition could be imposed on any grant of permission to secure a more comprehensive Travel Plan document within 6 months of the site becoming operational, including provision for ongoing monitoring and review of the success of the measures to be introduced. It is judged that adequate provision has been made in terms of staff and visitor car parking spaces having regard to the key aim to reduce single occupancy car journeys. In this regard, the application accords with Policy 27 of the DSCB. Provision is also made for

four cycle parking racks.

Footways would be provided along the access road and internal circulation road which would continue into the highways depot via a gate in the shared boundary fence on the western boundary. Dedicated walkways would be provided within the operational yard of the waste transfer station and HWRC.

Officers consider that the provision of dedicated cycle lanes along the internal access roads are not warranted given that it will be lightly trafficked with no access for through traffic and the Council's Integrated Transport Team accept this point. In further revisions to the highways depot application, application, it is now proposed to install a gate at the site's southern boundary for use by pedestrians and cyclists. This gate is intended solely for staff use and would be operated by swipe card access. It would allow pedestrians and cyclists to access the highways depot and waste park circulation road from the south via Chalk Hill, bridleway no. 49 and a short section of track under the Council's control. This gate would be well located to provide more direct access to existing bus stops on the A5 close to the junction with Chalk Hill and therefore finds support under Policy 24 of the emerging DSCB.

The application site is well related to the existing and committed strategic highway network being in close proximity to the Designated Road Freight Network in the form of the A5, A505 and A5-M1 link road. Furthermore, the site is located in close proximity to the local communities it would serve. There are no technical objections from the Council's Strategic Transport and Highways Development Management Officers and Highways England raise no objection to the application which is supported by a full Transport Assessment. Subject to the imposition of appropriate conditions, the proposal is judged to be acceptable in relation to potential transport impacts and accords with the NPPF policy on promoting sustainable transport, saved MWLP Policy GE23, MWSSP Policy WSP15, LTP3 and the adopted Freight Strategy.

4. Landscape and Visual Impacts

NPPF paragraph 109 advises that the planning system should, *inter alia*, protect and enhance valued landscapes. At the local level, saved Policy GE9 of the MWLP states that development which is likely to have an adverse effect on the landscape character of the area will only be granted where any adverse effect is reduced as far as practicable and is outweighed by other benefits of the proposal. In accordance with saved Policy GE10 of the MWLP, proposals should seek to retain, and where appropriate, increase overall tree and hedgerow cover and planning permission should not be granted unless the harm that would result in harm to trees and woodland is reduced as far as practicable and is outweighed by other planning benefits of the proposals. Saved Policy BE8 of the SBLPR lists a number of design considerations that development proposals should reflect. Supplementary planning guidance in the form of the

South Bedfordshire Landscape Character Assessment (2009) is a key tool in recognising the valuable features of each character area and is therefore an important material consideration.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which considers the landscape resource, character and visual amenity effects of the proposed scheme by reference to 29 representative viewpoints. These were chosen to demonstrate the extent of visibility and visual impact from a range of distances and directions. The key conclusions of the LVIA are that:

- the long term impact of the scheme on landscape elements is assessed as neutral as existing vegetation lost as a result of the development will be replaced;
- the impact of the scheme on landscape character is judged to be of slight significance;
- there would be a long term moderate adverse effect (i.e. magnitude and nature of effect at summer year 15) on visual amenity for users of the Chiltern Way off the A5 at Chalk Hill, for residents along this lane, including Chalk Farm to the south of the site and for users of the bridleway no. 49 where it runs along the northern and western site boundaries (viewpoints 3, 5a and 21). From certain other viewpoints, the applicant concludes that there would either be long term negligible adverse impact or long term neutral impact on visual amenity for other receptors.

The Council's Landscape officer notes that views of the waste park would tend to be from more elevated medium and long range viewpoints on the chalk escarpment to the south and the Toddington - Hockcliffe Clay Hills to the north. The site would also be visible at close quarters from certain sections of the surrounding right of way network in those places where intervening vegetation is absent, and from proposed open space associated with the Bidwell West development. The main reception building for the waste transfer station is visually the most significant element of the proposed waste park being 102 metres long, 35 metres-wide and 11.8 metres to the pitch of the roof. Waste transfer buildings are by their nature generally large structures as they need to permit the safe entry and internal circulation for plant and incoming / outgoing tipper lorries and the efficient segregation and storage of wastes within the confines of the building. Officers consider that the size of the waste transfer station building reflects the functional needs of the facility and handling capacity requirements.

Whilst the application specifies that the waste park buildings would be finished in grey cladding and feature beige cladding to side elevations, the applicant is willing to entertain alternative colour finishes. It is considered that an alternative palette of finishes may be preferable given that the backdrop to the waste transfer station in particular would be the retained landscaped embankment to the A5. The issue of building materials and colour finishes can be made the subject of an appropriate condition. The applicant's willingness to specify the

site security fencing as green coloured weldmesh is considered an improvement upon the originally proposed palisade fence and is to be welcomed.

The development would result in the loss of 333 linear metres of hedgerow and the edge of woodland group extending to 275m² which formed part of a disused South Bedfordshire District Council nursery. It was abandoned around 26 years ago because the site suffered from water-logging in the winter and trees could no longer be easily extracted. In terms of individual specimens, a single Category B tree and 4 No. category C trees would need to be felled. The scale of affected landscaping is not insubstantial, particularly when taking account of the cumulative impact of that being lost in connection with the highways depot application. However, extensive compensatory planting and seeding is proposed such that the *net gain* in landscape features delivered by the waste park development would be:

- 1814m² (0.18 hectare) of native broadleaved woodland concentrated between the SUDs lagoon and the Ouzel Brook corridor;
- 8,042 (0.8 hectare) of shrubs;
- 303 linear metres of hedgerow;
- 22,706m² (2.3 hectares) of grassland; and
- 136 individual trees.

Whilst it is not possible to considerably widen the mature tree belt next to the A5 embankment due to the constrained nature of the layout requirements, it is proposed to reinforce this planting with a 5 metre-wide tree belt. This would afford improved screening for users of Bridleway no. 49 to the west of the site. It is considered that the proposed landscaping scheme would over time help integrate the proposed built form, particularly the more substantial built elements of the waste transfer building and resale store, by increasing available screening over short and longer distances. Cross sections have been provided by the applicant to illustrate the screening effect of such planting in the first, tenth and twenty-fifth years after planting.

The applicant has agreed to bolster tree and hedgerow planting alongside the eastern side of the access road. This would assist in providing some greater separation between it and the bridleway as it runs parallel towards Thorn Road. It would also contribute some additional planting in the area highlighted as being desirable in the consultation response from Historic England. Collectively, it is considered that such additional planting provides improved mitigation for the loss of landscape features resulting from the development.

Given the existence of site-specific planning benefits arising from the development of proposed householder and community waste facilities as identified elsewhere in this report, and the acceptable level of landscape mitigation being put forward, it is considered that the application finds support when applying the test in saved Policies GE9 and GE10 of the MWLP and Policy 59 of the emerging DSCB.

A planning condition could provide for the submission of a site-specific Arboricultural Management Statement to support bespoke tree protection measures during the construction period. The Council's Trees Officer does not wish to resist the application subject to this detail being agreed in advance of any construction works.

With respect to lighting, NPPF paragraph 125 recognises that, by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and areas of nature conservation. Whilst the operation of the waste facilities would not entail night time working, the site would need to be lit during hours of darkness during the winter months to ensure a safe working environment for operatives and members of the public.

However, as recognised in consultee responses, the issue of light as a form of visual pollution can have a detrimental impact on neighbouring occupiers, other land users and areas of ecological interest such as hedgerows used as wildlife corridors. The submitted lighting scheme proposes the use of low output LED luminaries which would be directional in order to minimise light spill beyond the site boundaries. Light sources would be positioned on columns and mounted to buildings at a range of 8 – 10 metres in height. The application includes a drawing depicting ISO-Lux contours for the site and its access road, which shows that illumination levels beyond the boundaries would be limited. Luminaries on the eastern section of internal perimeter access road would use louvres to further decrease lighting disturbance along the sensitive eastern hedgerow. The applicant is committed to reducing safety and security lighting to a minimum outside operational hours in line with Institute of Lighting Engineers' guidance. The proposed lighting should be considered in context with existing street lamps on the A5 which is elevated from the site and the potential for further lighting associated with other committed development at Thorn Turn. The co-mounting of CCTV camera on select lighting columns avoids the need for additional columns and is therefore welcomed. In order to monitor the predicted effects of site lighting and secure further mitigation if deemed necessary once the site is operational, a suitable condition could be imposed. It is concluded that the development itself would not result in an unacceptable degree of visual pollution and therefore no conflict arises with saved Policies GE9 and GE18 of the MWLP.

5. Flood risk and water resources

Flood risk:

The NPPF provides advice on how to manage flood risk as part of the planning process and the Framework has its basis in sustainable development and the precautionary principle. It includes a risk-based approach to assessing flooding potential and promotes a sequential test to the allocation of land for development with the key aim of reducing the number of people and properties

at risk of flooding. NPPF paragraph 103 and accompanying Planning Practice Guidance: Planning and Flood Risk requires decision-makers to steer new development to areas with the lowest probability of flooding and ensure that the risk of flooding is not increased elsewhere. Furthermore, Local Authorities are expected to give priority to the use of SUDs. In a similar vein, saved Policy GE19 seeks to resist waste development in flood plains or flood risk areas where it would significantly reduce the capacity of the flood plain or impede the flow of flood water, thereby increasing the risk of flooding elsewhere.

The site is covered by the Buckingham and River Ouzel Internal Drainage Board which operates under powers in order to safeguard the efficient working of the drainage systems under its jurisdiction.

The ES is supported by a site-specific Flood Risk Assessment (FRA) which addresses the potential risk of flooding from prime sources, namely the Ouzel Brook, groundwater, rainwater and sewers. The Environment Agency has confirmed that there are no historical flood levels for the Ouzel Brook at the development site location and nor are there any records of flooding of the Ouzel Brook at Thorn Turn. Whilst the majority of the site is located in Flood Zone 1 and is defined as having a low probability of flooding, the site's northern end abutting the Brook falls within Flood Zone 2 (medium probability of flooding in any given year) and, to a greater extent, flood zone 3 (high annual probability of flooding in any given year).

Excavation and construction works have the potential to result in groundwater strike due to the existence of shallow groundwater with the principal aquifer and groundwater recorded as being at least 1.5 metres below ground level. In view of this, it is proposed to import general engineering fill, placed and compacted in accordance with highway works specification, to create a development platform up to 2.5 metres higher than existing ground levels. The re-profiling exercise would not encroach upon the modelled flood plain areas as no built development would occur in these zones. Nonetheless, these works have the potential to result in displacement of flood water and changes to surface water run off pathways (e.g. due to soil compaction) thereby increasing localised flood risk. The applicant or contractor would need to devise and implement a Construction Environmental Management Plan (CEMP) in order to manage surface and ground water flooding and to safeguard against blockage and severance of drainage pathways. A condition could be imposed accordingly.

The proposed drainage strategy for the operational development is based on the provision of an attenuation pond on the north east portion of the site as a Sustainable Urban Drainage System (SUDs) solution. The SUDs pond is designed to discharge water to the Ouzel Brook, via piped conveyance, at a rate that does not exceed the greenfield run off rate. It is designed with sufficient storage capacity to deal with a 1 in 30 year event. During the processing of the application, a revised drainage strategy has been submitted to address initial

consultation responses and to demonstrate that any flooding during longer period return storms would be contained within the kerb lines of the built development and drained in a controlled manner. Issues regarding the re-shaping of the SUDs lagoon and extending it to accommodate benched edges and variable water depths with a view to enhancing its appearance and biodiversity interest have been explored with the applicant in line with local policy requirements under the Council's Sustainable Drainage Guidance SPG. Extending the lagoon is not considered to be feasible due to limited space and the need to ensure the lagoon remains entirely outside flood zone 3. On balance, officers accept that the 1:3 lagoon sides, reasonably naturalistic shape and associated landscaping works are visually and ecologically appropriate given the lagoon's primary function.

There has been some criticism from consultees that infiltration as a method of surface water discharge has not been adopted. This approach has not been used due to specific site constraints and, in any event, the pipe and pond design put forward for the site is second in the hierarchy of surface water disposal solutions as set out in the Council's Sustainable Drainage Guidance SPG.

There are no technical objections from the Internal Drainage Board (IDB), Environment Agency or the Council's Drainage Engineer on grounds of flood risk. However, as the proposed access road into the main development area would cross flood zone 3, the IDB wish to approve final design details of the bridge structure over the Ouzel Brook including culvert and associated road levels. Additionally, prior to construction of the surface water management system, the Council's Drainage Officer would need to be satisfied as to the final sizing, layout and operation of the system. Suitably worded conditions can be attached to any grant of permission to secure this construction level detail.

Water resources:

Concerning water resources, the following saved MWLP policies are pertinent:

- Policy GE17 stipulates that permission will not be granted for proposals that are likely to carry a significant risk of contaminating land or polluting watercourses or groundwater at levels which exceed statutory pollution and emissions controls.
- Policy GE20 states that development is supported where it would not have an unacceptable impact on the quality or quantity of groundwater and/or surface water drainage.

As the application involves waste management operations, it would be regulated under the 2010 Environmental Permitting Regulations and require an Environmental Permit from the Environment Agency. The NPPF and Planning Practice Guidance: Waste (October 2014) (PPGW) emphasise that when determining applications, waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes and emissions which are a matter for the pollution control

authorities. Planning decision-makers should work on the assumption that the relevant pollution control regime will be properly applied and be enforced.

Water resource receptors that may be impacted by the development are the Ouzel Brook, field drains in the catchment, groundwater and the Houghton Regis Marl Lakes. Groundwater vulnerability maps show that the geology underlying the whole site is classified as Principal Aquifer and therefore usually provides a high level of water storage.

During the construction phase, there is increased potential for deterioration in water quality from spillages (e.g. fuels) or from higher sediment delivery due to on-site traffic and plant movements, excavation activities and temporary stockpiling of materials. The applicant has indicated that the proposed CEMP would cover measures to mitigate potential impacts on water quality. A ground investigation study involving 12 No. boreholes and 5 No. machine-excavated trial pits was undertaken to inform the Scoping stage. It found no significant levels of contamination on the site and consequently a Contaminated Land Assessment has been scoped out of the formal EIA process. The application documentation does, however, include the Ground Investigation Study which informed that decision.

At the operational stage of development, there is a risk of accidental releases from externally stored wastes. It is proposed to store small quantities of clinical wastes and asbestos within sealed containers or skips stationed on the impermeable external yard serving the WTS. This is considered to be adequate to prevent rain water egress and accidental release. Day to day management of the site to safeguard against pollution incidents would, in any event, be a matter for the Permitting regime administered by the Environment Agency.

The SUDs pond is designed to ensure adequate retention time for contaminants within the surface water run off to be treated prior to discharge. The applicant is committed to conducting a period of water quality monitoring for a temporary period upon completion of the development and a condition should be imposed to this effect if consent is given.

Conclusion on flood risk and water resources:

Subject to ensuring that appropriate conditions are in place in respect of flood risk, drainage and contamination, it is considered that the application does not conflict with the NPPF and saved Policies GE17, GE19 and GE20 of the MWLP and Policies 48 and 49 of the emerging DCSB.

6. Noise & Vibration

The NPPF (paragraph 123) advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life

as a result of new developments and mitigate other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Also, at the national level, locational criteria in Appendix B to the NPPW advises waste planning authorities to have regard to the proximity of noise-sensitive receptors when determining application for new waste infrastructure. Policy GE18 of the MWLP states that proposals which are likely to generate disturbance by reason of noise will only be granted where the impact of such disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal. Saved Policy BE8 of the SBLP states that proposals for new development likely to generate noise should ensure that adjoining properties and uses are not unacceptably disturbed.

In response to the comment made in representations, the ES does make reference to Chalk Hill Farm which is also identified as the nearest sensitive receptor in regard to specific assessments and accompanying plans identify the hamlet. The query raised in representations referring to no Highways Depot or Waste Park lying within 240m of Chalk Hill Farm is a reference to the Waste Park element only which lies at greater distance.

The proposed waste park would introduce new noise sources into the local environment, these being construction noise from building works and operational noise such as manoeuvring of waste, loading and unloading of waste materials and movement of plant, equipment and road traffic.

It is proposed to operate the waste transfer station from 0600 to 1730 hours on weekdays; 0600 to 1300 hours on Saturdays and 0630 to 1730 hours on Public / bank Holidays. In comparison, the HWRC would operate between 0700 to 1800 hours 7 days per week, with entry by the public between 0800 and 1700 hours. The applicant has elaborated on the operational necessity to open the WTS prior to 0700 hours. Such early morning activities would be the exception rather than the rule and only in the event of operational issues leading to a backlog of uncollected waste from the previous day.

The nearest noise-sensitive receptor is Chalk Hill Farm which has recently received planning permission (ref. CB/14/00813/FUL) for barn conversions as an extension to the house. The approved floor plans show the bedrooms of the new development extending to the rear of the south along the northern elevation. It is however noted that development also exists to the north in the form of other buildings which complete the courtyard. These comprise some redundant single storey barns along with a two-storey, L-shaped building presently being constructed to provide garaging and stores for which a retrospective application is being prepared. Accordingly, the new bedrooms forming part of the approved conversion have been treated as the nearest noise sensitive location point.

A noise assessment survey was carried out in March and April 2015 to establish

existing noise levels and their impact on six sensitive receptors within approximately 1km of the application site boundary, including that of Chalk Hill Farm. Construction noise impacts are expected to be negligible at all locations except Chalk Hill Farm where the impact is calculated to be major (i.e. +7dB). However, any noise effects are likely to be negligible on the most sensitive façade of this property due to shielding by the building envelope. Construction hours would be limited to 0800 to 1800 hours on weekdays and 0800 to 1300 hours on Saturdays.

In terms of operational daytime noise, a worst case assumption was built into the modelling with 50 per cent of the 8 doors on the WTS building being open at any one time. Officers consider this to be a realistic assumption given that during busier times several loads will be delivered simultaneously such that it will not be possible to synchronise opening and closure of the doors so they are all closed at once. The tonality of the various activities on site is deemed to warrant a +4dBb penalty and impulsivity was deemed to attract a +3dB penalty. Having regard to the data gathered during baseline noise monitoring exercise, it is predicted that operational noise impact at Chalk Hill Farm and Barley Brow, Beecroft would be the same as background noise levels, thereby achieving a rating level of zero. At all other locations, operational noise levels are predicted to be less than background levels.

For noise assessment purposes, 23:00 – 0700 hours are treated as night time working and, as noted above, the waste transfer station would operate from 0600 hours. More stringent noise standards are applied to night time working. The applicant has confirmed that before 0700 hours no waste operations or activities would take place outside the WTS building except for purposes of vehicle access or egress to it. Furthermore, during this period, no loading, unloading or other waste handling operations would be permitted inside the WTS building unless all of the fast-acting doors are fully closed. On this basis, the noise assessment predicts that operational noise levels prior to 0700 hours would be less than background levels at all locations.

An assessment of noise during both the construction and operation of the facility has shown that noise impacts are predicted to be negligible at all locations.

The British Horse Society, Local Access Forum and CBC Rights of Way officer have raised concerns about the impact of sudden noises on equestrian users, both during the construction and operational phases. There are practical measures that can be introduced to reduce surprise or alarm, including prohibiting the use of conventional bleeper reversing alarms, installation of signage for both bridleway users and drivers and imposition of speed limits. Suitably worded conditions can be attached to secure such measures.

The Public Protection Team consider that the noise assessment methodology is sufficiently robust and do not raise any grounds for objection provided that a

maximum operational noise limit is in place and a detailed scheme for the monitoring and control of noise is agreed prior to the site coming into use. Conditions can be imposed accordingly. It is judged that noise impacts from construction and operational phases of the development would be unlikely to have a deleterious effect on residential amenity. As such, it is concluded that the provisions of MWLP Policy GE18 are satisfied so far as reducing disturbance as far as reasonably practicable is concerned and other planning benefits would be realised as previously discussed in this report.

7. Air Quality, Disturbance and Fire Risk

Saved Policy BE8 of the SBLPR states that those development proposals likely to generate pollution emissions should ensure that adjoining properties and uses are not unacceptably affected. Similarly, Policy GE18 of the MWLP stipulates that proposals which are likely to generate disturbance by reason of dust, mud and debris on the highway and malodour will only be granted where the impact of such disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal.

The ES has regard to the potential air quality effects upon local residents and wildlife arising from construction and operation of the development.

Dust:

At the construction stage, it is anticipated that earthworks would have the most likelihood of generating airborne dust emissions, particularly as the soils to be excavated may be prone to suspension in dry conditions. However, given the separation distance between the development land and the nearest residential receptor at Chalk Farm, this property is judged to be of low sensitivity. It is reasonable to conclude that dust impacts can be appropriately mitigated by means of a Dust Management Plan which would form part of a wider range of controls in a Construction Environmental Management Plan.

In terms of operational dust impacts, it is noted that the site would be hard surfaced throughout. Waste handling activities at the WTS would principally be contained within a purpose-built structure, which should largely contain any dust emissions, although many waste streams would not be prone to giving rise to such emissions. In relation to the HWRC, the ES judges the likely magnitude of operational dust emissions to be small as the volume of waste delivered by each member of the public would itself be small. Accordingly, the potential for generating dust is considered to be slight. The application includes a list of simple good practice to ensure that dust does not lead to disturbance including use of a road sweeper vehicle, restriction of on-site vehicle speed to 5mph, sheeting or enclosure of waste haulage vehicles and use of water suppression in dry weather. In view of the foregoing, officers do not consider that a more detailed scheme of operational dust controls is warranted. Procedures for the management of fugitive dust emissions would be embedded in any Permit

issued by the Environment Agency.

An objector has raised concerns regarding the risks to health of dust or fibre release from handling of asbestos. The site would not accept separately collected hazardous wastes such as asbestos. As is normal practice at many waste transfer facilities, small quantities of asbestos would need to be appropriately managed by qualified staff on those occasions when it is accidentally received within mixed loads. The method for handling such arisings would be subject to health and safety rules and Permitting controls. A dedicated area would be set aside for temporary safe storage of asbestos in a sealed container prior to collection by a licensed carrier / operator.

Control of deposit of mud and debris on the highway:

The applicant proposes to employ a range of measures to prevent the carriage of mud and debris out of the site during the construction programme. These include provision and compulsory use of wheel wash facilities, imposing site speed limits, installing signage, routine monitoring of the highway and use of road sweepers where necessary and through contractual arrangements. These measures can be appropriately secured through a planning condition for construction activities to be performed in accordance with a Construction Environmental Management Plan.

The development, once operational, would involve vehicles manoeuvring over hardstanding areas only. The application states that a road sweeper will be deployed on access roads and external yards in periods of dry weather and a water suppression system would be utilised in dry weather. Consequently the trafficking of mud and other deleterious material is unlikely to be an issue on the public highway.

Odour:

Potential exists for odour impacts arising from the adjacent sewage treatment works to impact on the amenity of staff and visitors to the waste park. The ES has reviewed previous odour modelling work undertaken by Anglian Water. This predicts a concentration of just over 3 OUE/m³ at the application site boundary closest to the sewage treatment works decreasing to 1.5 OUE/m³ at the furthest boundary. As a low sensitivity receptor, Institute of Air Quality Management (IAQM) guidance suggests that the waste park is unlikely to be significantly affected by Anglian Water's waste water treatment operations. According to the application, there is a very limited history of public complaint attributed to the sewage treatment works, with no direct complaints made to Anglian Water in the last 5 years and only two complaints directed to CBC between 2010 and 2014.

The application is accompanied by a high level Odour Management Plan (OMP) which identifies potential odour sources, including the putrescible component of household residual waste, green waste inputs to the HWRC and refuse collection vehicles. The likelihood and frequency of exposure to odour is

determined by a number of factors including: management of on-site waste; magnitude of release; prevailing meteorological conditions; the distance and direction of receptors in relation to the facility.

The ES and OMP identify a number of practical odour mitigation measures that can be incorporated into the design and operational procedures of the site, including

- closure of roller shutter doors upon vehicle entry / exit;
- waste storage times kept to a minimum, with all putrescible waste being removed within 48 hours of receipt (Given their low odour potential, dry recyclates fraction may be stored for longer);
- rejection or quarantine of excessively malodorous wastes;
- regular washing down of the internal area of the waste transfer building and deodorising of refuse collection vehicles;
- installation of an odour 'mist-air' system above the waste bays and vehicle access egress points to the WTS building; and
- implementation of an odour monitoring regime and complaint procedure.

As there would be no processing or treatment of any waste streams at the site, it is not considered there is high potential of unacceptable odour impacts at the nearest residential property. No separately collected food wastes would be imported to the site but inevitably some food wastes will be mixed in with the residual 'black bag' waste stream.

The ES recognises that some incoming loads will smell due to putrescible components but that odour emissions should be infrequent due to material handling being in a largely enclosed environment and removal of such wastes within a 48 hour window. In addition, the ES notes that green wastes deposited at the HWRC would be limited to the same storage period and only low volumes would be involved. In view of this, the ES concludes that the potential for odour effects from the operation is negligible. The control of odour emissions is essentially a matter for the pollution control authorities and would be covered in some detail in the Permit. Wherever possible, planning decision-makers should aim not to duplicate the controls of other regulatory regimes. However, officers consider that it would be prudent in this case to impose a planning condition requiring a temporary period of odour monitoring for the site's first year of operation so that the Local Planning Authority can assess the effects of the development against the predicted effects in the ES.

Fire risk:

Fire risk is a relevant land use consideration for new waste management sites where large quantities of waste are stored. As many wastes such as paper, cardboard, plastics and wood wastes are readily combustible, fire risk is an ever-present possibility. Ignition risks in this case could include electrical faults and direct heat from specific items of equipment.

The application is supported by a fire strategy based on requirements to safeguard life as codified in the Building Regulations and the operational and commercial implications of a fire in relation to the building that has been developed in consultation with the Council's insurers.

The site layout takes account of fire risk in that the water tanks and pump house would be located alongside the internal access road and waste transfer yard building to facilitate ease of access for emergency vehicles. The WTS fire suppression system is a dry sprinkler system mounted within the internal roof space of the building supplied by dedicated external water storage tanks and a pump house. In the event of a fire outbreak, this provides a reasonable time for the fire brigade to attend the site whilst the sprinkler helps to contain the flames. Waste storage bay dividing walls would be laid out so as not have a storage capacity greater than 150m³. In order to mitigate the spread of fire to adjacent bays, the height of bay walls are such that they will not overtop based on design tonnage. Similarly, waste storage would not be permitted to extend beyond the front edge of any given bay. The Council's insurers are likely to impose their own standards such as stack sizes and separation distances.

Given the nature of the material stored at the WTS, this is the only building on the waste park that requires a sprinkler system. The comparatively low manning levels of the WTS building mean that safe egress is provided by fire doors at the gable ends and the 8 fast acting doors. The building would be equipped with a fire detection system that is designed to a category P2 standard in accordance with BS 5389 pt1: 2013 which is supplemented by manual call points. Once detected, the alarm is raised by audible sounders and beacons and is linked to a control panel located within the weighbridge office and to a CBC control room for off-site monitoring during non-operational hours.

The fire control measures identified above are amongst those identified in the Waste Industry and Safety and Health Forum publication 'Reducing Risk at Waste Management Sites'.

8. Ecology & biodiversity

NPPF paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on biodiversity and, where possible, providing net gains in biodiversity. Furthermore, under NPPF paragraph 118, decision-makers should aim to conserve and enhance biodiversity by applying a number of principles, including:

- refusing planning permission where significant harm cannot be avoided through mitigation or compensation
- refusing permission where development would result in the deterioration or loss of irreplaceable habitats unless the need for, and benefits of the development in that location clearly outweigh the loss; and

- encouraging opportunities to incorporate biodiversity in and around developments.

In terms of local policy advice, saved Policy GE13 of the MWLP states that permission will not be granted for waste development proposals that would adversely affect rare or threatened species or their habitats, except where any adverse effect would be overcome by appropriate on / off site mitigation or where any adverse effects would be reduced as far as practicable and are clearly outweighed by other planning benefits of the proposal and appropriate mitigation and / or compensation measures are taken.

An Ecological Assessment has been undertaken incorporating the following elements:

- a review of existing ecological survey information within the vicinity of the site;
- a preliminary ecological survey of the land within the application site;
- evaluation of the land within and adjacent to the application site with regard to its nature conservation value;
- identification of the potential impacts on ecological features;
- mitigation measures to avoid or minimise negative impacts on ecological features;
- enhancement measures to increase the biodiversity value of the application land;
- assessment of potential residual impacts from the proposals, including habitat loss, disturbance of animals, and indirect effects on adjacent habitats.

The baseline ecological condition review of the site and its surroundings identify the presence of two designated sites within 2km of the application land. (Houghton Regis Marl Lakes SSSI and Totternhoe Chalk Quarry SSSI and four local, non-statutory sites within 1km (Houghton Regis Chalk Pit CWS, Barley Brow CWS, Thorn Spring CWS and Houghton Regis Cutting Roadside Nature Reserve at A5 Watling Street). Existing habitats and the habitat potential of the application site and its environs were also examined through Phase 1 Habitat Surveys supplemented by further survey work and, in agreement with the Council's Ecologist, targeted additional survey work is programmed.

Natural England is satisfied that the proposed development would not damage or destroy the interest features for which the nearby SSSIs have been notified. Accordingly, NE conclude that the SSSIs do not themselves represent a constraint in determining the application.

The development would require clearance of arable land, over 300 metres of hedgerow and a small section of woodland covering 275m². The proposed access road will need to cross the Ouzel Brook via a new bridge structure. Whilst the arable land is considered to be of negligible conservation value, the remaining habitats are recognised in the ES as providing nature conservation

value albeit not assessed as being significantly valuable on a wider scale.

The loss or disturbance of the identified habitats has the potential to affect a number of protected species. Suitable habitat exists for reptiles, bats, water voles, otters and dormice. Further survey work has helped inform the potential presence of such species. Several mature trees have been identified with potential for bat roosting and it is intended to provide artificial sites in compensation if the presence of this species is confirmed. As recommended by the Council's Ecologist, mitigation measures, including compensation for habitat loss, would need to be further informed by several other targeted follow-up surveys and would need to be secured through a condition to ensure impacts on protected species are avoided or reduced to a negligible level. The applicant has since provided a schedule for follow-up surveys which the CBC's Ecologist considers broadly acceptable. This survey work and any compensation / mitigation strategy produced in light of the findings would need to be subject to pre-development condition(s).

Great crested newts (GCN) were the subject of further surveys conducted on behalf of the applicant between April and June 2015 to identify the location and estimated population size of the species in six suitable ponds within 500m of the application site. Pond 1 was confirmed again as a breeding pond in 2015 whilst the five other surveyed ponds were confirmed as having no GCN presence this year. Pond 1 lies to the north of Thorn Farm, at a distance of some 330m and separated by Thorn Road. No further mitigation is considered necessary in respect of this species.

Compensation for loss of habitat is proposed with the creation of 0.2 hectares of woodland and 2.5 hectares of species-rich grassland mix. This area, together with the SuDS lagoon, would ensure a suitable green buffer is provided between the built development of the combined Highways Depot and Waste Park complex and the ecologically sensitive Ouzel Brook. It would provide welcome habitat for invertebrates and habitat types raised in representations. The linked application for the highways depot recommends the creation of a mix of additional habitat types on adjoining land under the applicant's control, including areas of chalk grassland and bare ground. Any impact on potential Kingfisher habitat along the brook would therefore be limited to construction of the bridge structure for the access road and a condition would require removal of vegetation to avoid the bird nesting season.

Reinforcement planting is also proposed alongside sections of Bridleway no. 49, including that section runs parallel to the proposed access road towards Thorn Road. This would have the benefit of creating a green corridor between the proposed access road and the bridleway. The applicant notes that provision of planting along this stretch may be impacted in the event that detailed proposals are worked up in relation to the scheme for commercial development in this area. Whilst a valid point, it is considered that a condition can be suitably

worded to cover the timing of such a scheme coming forward so as to avoid any abortive planting. In response to comments raised in representations, the Wildlife Trust has been consulted on the application and further information.

In order to ensure that the habitat compensation areas are successfully established, officers concur with the recommendation of Natural England and the Council's Ecologist for a biodiversity enhancement and management plan to be secured. This could deliver a package of habitat improvements, including provision of bird and bat boxes and a sensitive vegetation management regime. In line with CBC's adopted Sustainable Drainage Guidance, this should be prepared in conjunction with a SUDs Management Plan covering such issues as management goals and maintenance. The applicant has submitted a landscape and ecology works schedule as part of the further information and, whilst broadly acceptable, a planning condition would need to allow for adjustments to reflect outcomes from final programmed surveys and to ensure alignment with the management of the SUDS lagoon.

Several consultees have expressed concerns that the SUDs pond as a feature does not maximise opportunities to develop varied habitat interest. This suggestion has been further investigated, on balance it is considered that the proposed design represents an acceptable solution given the need to deliver the core function of the lagoon within a constrained part of the site.

The submitted lighting strategy indicates that a degree of light spillage would fall on the eastern hedgerow. A planning condition could require monitoring of lighting impacts and identify adjustments to the lighting provision to mitigate this impact. Planning conditions could also control the timing of plant removal and root protection barriers for retained planting in line with comments from consultees.

It is concluded that adequate ecological information has been provided for the development to be assessed as acceptable within the terms of the NPPF and MWLP saved Policy GE13 having demonstrated a net gain in biodiversity. Natural England and the Council's Ecologist do not object to the application subject to the imposition of appropriate conditions.

9. Cultural Heritage

Saved Policy GE14 of the MWLP and Policy 45 of the emerging DSCB state that the Council will conserve, enhance, protect and promote the enjoyment of the historic environment. Sufficient information should be made available to evaluate the importance of known or potential heritage assets and to assess how the proposals may impact upon them in line with the requirements of paragraph 128 of the NPPF. Protection of the historic environment is listed as one of the locational criteria for assessing the suitability of sites for new waste development set out in Appendix B to the NPPW.

The site lies within a rich archaeological landscape and the development area has the potential to contain as yet unidentified archaeological features and deposits. Archaeological field evaluation of the site was carried out in 2012 which identified field systems of Roman and medieval date and undated features. A desk-based assessment of designated and non-designated heritage assets conducted by the applicant concludes that there is a high potential for archaeology within the site relating to the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. Whilst acknowledging this as a reasonable assessment of the site's archaeological potential, the Council's Archaeological Officer regards prehistoric archaeological potential as high rather than moderate given recently discovered pit alignment and linear features to the south of Thorn Road. In his judgement, any archaeological remains found on the site would be of regional significance. There will be very little if any opportunity to preserve buried archaeological remains given the extensive requirement for topsoil removal and subsequent ground-raising. However, the Council's Archaeological officer is satisfied that a programme of investigation and recording, to be agreed by way of condition prior to the commencement of the development, can mitigate against irreversible damage to any surviving archaeological deposits in compliance with NPPF paragraph 141.

There is one designated heritage asset within 500 metres of the application area comprising the medieval moated site at Thorn Spring. The ES considers that the proposed development would not have a negative impact on the setting of this Scheduled Ancient Monument. Maiden Bower Hillfort lies about 1.3 km to the south west of the project site on a ridgeline. The ES recognises that the proposed development would intrude into the setting of this monument and have a minor negative impact on its setting, albeit that the wider setting of the monument would not be obscured by the development. Totternhoe Knolls motte and bailey castle, 3km to the south west on a ridgeline, is not specifically assessed in the ES with regard to impact on setting, but there is reference within the Landscape and Visual Impact Assessment of the ES that the waste park would be "barely perceptible" from the monument and would be screened by the wooded embankment to the A5. Both Historic England and the Council's Archaeological Officer consider that the development would intrude into, and have a negative impact on, the setting of these three Scheduled Ancient Monuments, taking account of the cumulative effect of the current proposals for commercial buildings and highways depot on neighbouring land, but are of the opinion that this would not amount to substantial harm on their setting and significance. As such, neither consultee objects to the application. Historic England advise that consideration should be given to increased screen planting to reduce the impacts. The northern portion of the site is allocated for substantial structural landscaping and there is scope to provide further planting by bolstering the intermittent hedgerow running alongside the proposed access road subject to the requirements for visibility splays to serve to serve the

commercial development proposals.

In line with the advice in paragraphs 132 and 134 of the NPPF, decision-makers must ensure that there is a clear and convincing justification for any harm or loss of significance to designated heritage assets and that where there is less than substantial harm it should be outweighed by the public benefits of the proposal. It is considered that the wider benefits arising from the provision of strategically-important municipal waste facilities to meet the future needs of local communities, as debated elsewhere in this report, particularly within the section on the assessment of very special circumstances, clearly outweighs the degree harm on the historic environment. Therefore, the NPPF policy test is met.

The ES notes the existence of a number of Grade II listed buildings within a 500 metre radius of the site's centre, seven of which can be found within the Sewell Conservation Area. The closest listed building is the 13th/14th century Manor Farmhouse, which is located approximately 950 metres to the south west of the proposal site. Given that the setting of these heritage assets largely comprises their immediate environs within small-scale rural settlements, the conclusion in the ES that the proposed development would not impact on their setting is accepted.

In conclusion, the application is considered to accord with saved Policy GE14 of the MWLP and Policy 45 of the DSCB. A condition is recommended for a written scheme of archaeological investigation.

Paragraph 141 of the NPPF advises that Local Planning Authorities should require developers to record and advance understanding of the significance of the heritage assets before they are lost to development in a manner proportionate to their importance and the impact, and to make evidence publicly accessible. The suggested condition would provide for the suitable recording of archaeological fieldwork in accordance with the NPPF.

10. Public Rights of Way

Bridleway No. 49 (BW49) runs alongside the western boundary of the application site before turning eastwards to follow an alignment adjacent to the northern bank of the Ouzel Brook. The proposed access road would intersect this section of BW49 close to the point at which the road would need to traverse the Ouzel Brook by means of a suitably engineered culvert. Whilst details have not been provided within the application, reference is made to a zebra crossing facility being provided at this juncture. Responses from consultees have, however, questioned the suitability of a zebra crossing in this location and suggest, as an alternative, a Pegasus crossing. (A Pegasus crossing a type of signalised pelican crossing with special consideration for horse riders).

A similar point has been raised by consultees in respect of a bridleway crossing

point over Thorn Road. At this particular location, the applicant assumes the provision of a Pegasus crossing coming forward as part of the anticipated North of Houghton Regis strategic development. However, this Pegasus crossing would not come forward in the short term and neither would it be delivered before the projected opening of the HWRC and waste transfer station.

Whilst it is accepted that a zebra crossing over the access road would not be the ideal solution, it is also considered that the application subject to this report is unlikely to result in any significant increase in the usage of Bridleway no. 49, although such demand can be reasonably anticipated to arise as residential development is built out in connection with the wider North of Houghton Regis strategic development area. It is concluded therefore that a compromise solution would be for the construction of the access road and its associated junction at Thorn Road to include the provision of electrical ducting at both locations in order to allow for the future upgrading of crossing points without the need to re-excavate the highway at those future date(s). The applicant is in agreement to this approach which could be made the subject of a planning condition. Further planning conditions would however need to be attached in connection with the erection of suitable signage warning bridleway users of the presence of vehicular traffic and vice versa. Subject to these controls being in place, the development is not considered to conflict with saved Policy GE21 of the MWLP and Policy 23 of the emerging DSCB which aim to protect and enhance the public rights of way network.

As a further measure, provision of a speed retarder ('sleeping policeman') within the access road is considered to be beneficial in this location. This would ensure that vehicle speeds are kept in check in the vicinity of Bridleway no. 49, particularly as the three Thorn Turn applications would involve significant HGVs in addition to significant access by car comprising members of the public accessing the household waste recycling centre on the adjacent land and staff accessing the Highways Depot. The fact that the access road is dead-ended would not impact upon through traffic but would be a useful addition to improve highway safety in proximity to Bridleway no. 49. The speed retarder could be secured through planning condition.

Some sections of Bridleway no. 49 would probably need to be subject to Temporary Closure Orders to facilitate construction but this should be managed and disruption minimised through the appropriate rights of way legislation. The public right of way network would otherwise be retained in accordance with saved Policy R15 of the SBLPR and saved Policy GE21 of the MWLP.

The British Horse Society (BHS) and Joint Local Access Forum have both suggested that the width of BW49 could be increased to 10 metres so as to create a multi-user path. This, it is argued, would also have the benefit of giving greater space in which horses could be controlled in response to sudden noise impacts. Such improvements find support in saved Policy GE21 of the MWLP.

Whilst the impact of sudden noise on horse behaviour is an important issue, the suggested provision of a 10m wide multi-user path is not feasible for various practical reasons. Firstly, the required land lies outside the applicant's control. Secondly, because the western edge of the bridleway abuts the toe of the embankment to the A5, the bridleway could only be extended eastwards. Creating a wider multi-user path utilising land to the east would entail the loss of existing mature vegetation. Furthermore, whilst providing a greater space, it would have the effect of bringing users closer to the proposed development whereas retention of the existing vegetation, in addition to its landscape, ecological and amenity value, would act as a visual screen to the development together with supplementary planting proposed as part of the application.

The BHS has questioned whether the waste park should be reconfigured so that proposed car parking areas associated with the waste transfer and household waste reception areas are positioned on the western boundary alongside BW49. It is contended that this would help to move noise sources further away from bridleway users. Ultimately, siting and layout of the various elements has to strike an appropriate balance between operational and environmental constraints, both internal and external to the site. Changing the site arrangement will inevitably create practical difficulties. In any event, officers are doubtful that re-orientation of the site in this way would result in appreciable noise benefits for path users. Notwithstanding these practical difficulties, noise impact upon horses is acknowledged as an issue relevant to both during construction and operational phases. A further planning condition is recommended, therefore, to ensure provision of suitable signage to warn users of the potential of sudden noise impacts as required by several consultees. Weldmesh security fencing is proposed on the site boundaries which is supported by the BHS.

11. Design and Sustainability Considerations

Policies MWSP1 and MWSP2 of the MWSSP reflect the approach in the NPPF to take a positive approach to the presumption in favour of sustainable development. Policy BE8 of the SBLPR states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain and maximise opportunities to use renewable or alternative energy sources. Emerging Policy 47 (Resource Efficiency) of the DSCB requires all new commercial development over 1000m² to be delivered to BREEAM excellency standard or equivalent standard. Site-specific Policy 60 of the emerging DSCB requires development on site to incorporate measures to adapt to climate change, minimise energy use and include renewable energy technologies.

The applicant has supported the proposal with a sustainability statement. It contends that the waste park scheme is unsuitable for BREEAM assessment primarily due to the main waste transfer building being unheated space and therefore unable to be assessed against a number of the energy credits in the

BREEAM methodology. Furthermore, the welfare building is considered inappropriate for evaluation as a proprietary unit. The development has therefore been considered against a range of alternative sustainability-related measures and has applied the issues within the BREEAM methodology so far as they are relevant.

The Sustainability Statement has therefore sought to consider the development against the categories of management / procurement, health & well-being, energy, transport, water, materials, waste, land use and ecology and pollution. This Council's Sustainable Growth / Climate Change officer considers this to be a satisfactory approach.

The document proposes a range of measures in order to adapt to climate change. Photovoltaic (PV) panels would be installed on the south-facing pitch of the roof of the waste transfer station building in order to reduce greenhouse gas emissions. This is supported by the Government's Solar PV strategy, which encourages greater use of commercial roof space for such installations, and is welcomed by the Council's Sustainable Growth / Climate Change officer.

Extensive provision of polycarbonate roof lights would maximise natural light in the waste transfer building and re-sale shop. Roof mounted power-assisted vents allow for air circulation within the building. The main waste transfer building will have a fine dust suppression spray so it is essential to have a robust ventilation system. The main walls will be insulated and therefore will have noise absorption qualities.

The applicant has investigated the scope for green or brown roofs, as encouraged by DSCB Policy 48, although unfortunately these were ruled out for design reasons. The WTS building requires a long roof span which needs to be lightweight in order to be sustainable in terms of materials, finance and in-built carbon. Provision of a green / brown roof would add additional weight in terms of materials and retained water with knock-on impacts to the structural loading and wider design.

Policy WSP3 of the MWSSP encourages good quality design. In order to refine the simplistic form of the main transfer building:

- a low pitched roof to reduce building mass;
- the gutter along the length of the roof is hidden and the walls visually flow into the roof as a continuous profile using the same colour and cladding profiles (grey);
- the eaves / gables are expressed by projecting the wall and roof planes to form a 600mm recess in which the gable walls sit; and
- the recessed walls are coloured butterscotch to provide visual interest and help emphasise the articulation of the form.

Similar design features are incorporated into the resale shop building on the HWRC to achieve a consistent theme.

Conclusion on design and sustainability:

It is considered that the design should be viewed positively against Policies MWSP1, MWSP2 and WSP3 of the MWSSP, saved Policy BE8 of the SBLPR and the Central Bedfordshire Design Guide.

12. Agricultural land and soils

The NPPF recognises the need to protect soils. The application is accompanied by an agricultural impact assessment which identifies that the proposals would result in the loss of 6.3 hectares of agricultural land. A soil survey was undertaken in respect of the site in April 2015, examining the soils to a depth of 1.2m at two locations 100 metres apart. The survey revealed the soils have an almost stoneless, dark brown medium or heavy silty clay loam topsoil beneath which are whitish, slowly permeable Chalk Marl lower subsoils with very pale brown upper horizons of very calcareous heavy silty clay loam or silty clay.

Best and most versatile (BMV) agricultural land is categorised as land that falls within grades 1, 2 and 3a of the Agricultural Land Classification. Both soil profiles are assessed as being Grade 2 (very good quality) and therefore the site falls within the BMV category. Saved Policy NE10 of the SBLPFR 2004 states that BMV land should, where possible, be protected from irreversible development. With reference to the effect on the national soil resource, the ES concludes that the irreversible loss of 6.3 hectares of Grade 2 land represents a minor adverse effect.

The soil survey identified that field drains from the application site flow downhill to the Ouzel Brook. However, no drains from surrounding fields cross the site and consequently there would be no wider impact on agricultural drainage. Surface water discharge from the site post development has been considered earlier in the report.

With regards to the effects on farming practice, the application site is currently let on a short agricultural tenancy providing only year to year use of the land. As such the applicant does not regard the land as a strategic agricultural asset in either national or local terms. Provided the soils to be lost are handled in line with best industry practice, they will provide a valuable resource to be used in site landscaping. The applicant is committed to this which can be made subject to a planning condition for a soils management plan to include control of dust and weeds to avoid impacting upon surrounding farmland.

With regards to the potential issue of severance, the applicant advises that the land to the south of the application site is farmed by a different farmer to that of the site. Access to the field to the south appears to be gained off the track

separating the two parcels and accordingly no issue of severance arises.

In conclusion, there would be a degree of harm due to the loss of Grade 2 agricultural land, although in the context of national resource this would constitute a minor adverse effect. However, the Alternative Site Study conducted by the applicant has shown that no known suitable alternative site of lesser agricultural value is available within the parameters of project delivery. The loss of the agricultural land must also be weighed against the wider public benefits arising from the local need for municipal waste management facilities to serve the south of the Council area, as highlighted within this report under the assessment of 'very special circumstances' in support of the proposal which collectively are considered to outweigh the impact. As such, it is concluded that the development does not harm the objectives of saved Policy GE6 of the MWLP.

13. Cumulative impacts

The EIA Regulations 2011 stipulate that effect interactions need to be considered as part of the EIA process. Effect interactions are defined as different types of effects on the same receptor, although no national guidance is available as to how interactions between effects should be assessed, how significance is to be reported, or the extent to which interactive effects assessment should be undertaken. Interactive effects have been identified and considered throughout individual chapters of the ES where relevant.

Cumulative effects are those which could be expected to arise from the combination of likely significant effects from the proposed development with likely significant effects from other committed developments in the vicinity. Cumulative effects of the proposed development with other committed development have been considered throughout individual chapters of the ES where relevant. The consideration of other sites includes those within the North of Houghton Regis strategic development area.

It is considered that the cumulative effects of construction can be adequately mitigated through the package of measures identified to address specific impacts as identified through the EIA process together with a suitable Construction Environmental Management Plan.

14. Assessment of proposal against the Waste Framework Directive (WFD)

In taking account of the requirements of WFD Article 13 (Protection of human health and the environment), it is noted that the information set out within the planning application, Environmental Statement and other supporting documentation concludes that the proposed development can be operated without causing harm to humans or the environment. The responses from key statutory consultees do not highlight any reasons for objection and planning

conditions can be applied to mitigate and control any adverse impacts. In addition to the planning system, the primary process operational control for the development is applied by the Environmental Permitting (England and Wales) Regulations 2010 (as amended). A Permit must be secured before the importation, storage and transfer of waste can take place, and is regulated by the Environment Agency. Officers are satisfied that the requirements of WFD Article 16 (Principles of proximity and self-sufficiency) are met.

In taking account of the requirements of Article 16, the proposed development is a facility to provide a means of managing municipal wastes to service the needs of the administrative area. The development is specifically to reduce the dependence on landfill as a means of managing the final disposal of waste, and will contribute towards providing an adequate network of facilities to manage waste within the geographic area where it is generated.

With respect to WFD Article 4 (Waste Hierarchy), the proposed facility is designed to move the management of local householder wastes further up the waste hierarchy away from disposal through landfill. The development will help ensure that Central Bedfordshire becomes more self-sufficient in managing its waste arisings, including residual wastes.

Recommendation

That Planning Permission be granted subject to the following conditions:

General:

1. Planning permission shall extend to the area delineated by a solid red line on the attached plan no. CB/15/01626/REG3 (dated August 2015). Development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained within the planning application. The approved plans and particulars comprise (except where modified by other conditions of this permission):

Documents:

- Application form dated 07/05/2015;
- Planning Supporting Statement (dated May 2015);
- Addendum to Planning Statement Summary of Proposed Mitigation Measures (dated July 2015);
- Design & Access Statement (dated 7 May 2015);
- Flood Risk Assessment (dated 12 May 2015);
- Ian Farmer Associates Ground Investigation Report (dated December 2012);
- Litter Birds and Vermin Statement (dated 19 May 2015);
- Economic Statement (dated 7 May 2015);
- Sustainability Statement (dated 7 May 2015);

- Utilities Statement (dated 19 May 2015);
- Arboricultural Impact Assessment (dated 31 July 2015);
- Tree Protection Plan no. 5134801-WP-ZZ-DR-Z-0001 Rev P2;
- Tree Protection Plan no. 5134801-WP-ZZ-DR-Z-0002 Rev P2;
- Thorn Turn Ecological Surveys Update (dated 3 July 2015);
- Drainage Strategy (dated 24 July 2015);
- Outdoor Access Statement (dated 19 May 2015);
- Green Travel Plan (dated 7 May 2015);
- Statement on Conformity with Equality Act (received 20 July 2015);
- Anticipated Vehicle Movements Plus Assumptions (received 19 July 2015);
- Works Information – Specification Appendices Series 3000: Landscape and Ecology (Amendment 2 dated 3 August 2015);
- Odour Management Plan (dated 20 July 2015);
- Lighting Strategy (received 29 July 2015);
- Fire Strategy (received 17 July 2015);
- Great Crested Newt Survey Report (dated 4 August 2015); and
- Thorn Turn Schedule of e-mails submitted during the determination period, as attached to Atkins' e-mail of 4 August 2015.

Drawings:

- Site Location Plan (Drawing no. WP_PLA_001 Rev P01);
- Planning Application Boundary (Drawing no. WP_PLA_002 Rev P02);
- Finished Levels (Drawing no. WP_PLA_004 Rev P01);
- Indicative General Arrangement (Drawing no. WP_PLA_005 Rev P04);
- Indicative Drainage Layout (Drawing no. WP_PLA_006 Rev P03);
- Landscape Plan Sheet 2 of 2 (Drawing no. WP_PLA_007 Rev P03);
- Landscape Planting Details & Schedule (Drawing no. WP_PLA_008 Rev P03);
- Access Road Details (Drawing no. WP_PLA_009 Rev P01);
- SUD Lagoon (Drawing no. WP_PLA_010 Rev P03);
- Pavement, Kerbing & Fencing Layout (Drawing no. WP_PLA_011 Rev P02);
- Earthwork Sections – Sheet 1 of 3 (Drawing no. WP_PLA_012 Rev P02);
- Earthwork Sections – Sheet 2 of 3 (Drawing no. WP_PLA_013 Rev P02);
- Earthwork Sections – Sheet 3 of 3 (Drawing no. WP_PLA_014 Rev P02);
- Road Lighting ISO-LUX South Contours (Drawing no. WP_PLA_015 Rev P03);
- Weighbridge Complex Plan & Details (Drawing no. WP_PLA_016 Rev P01);
- Weighbridge Complex Elevations (Drawing no. WP_PLA_017 Rev P01);
- Waste Transfer Station Welfare Plan and Details (Drawing no. WP_PLA_018 Rev P01);

- Waste Transfer Station Welfare Elevations (Drawing no. WP_PLA_019 Rev P01);
- Waste Transfer Station (WTS) GA Plan (Drawing no. WP_PLA_020 Rev P02);
- Waste Transfer Centre (WTS) Roof Plan (Drawing no. WP_PLA_021 Rev P02);
- Waste Transfer Station (WTS) Elevations (Drawing no. WP_PLA_022 Rev P04);
- Waste Transfer Station (WTS) General Sections (Drawing no. WP_PLA_023 Rev P01);
- Household Waste Recycling Centre Welfare Plan and Details (Drawing no. WP_PLA_024 Rev P01);
- Household Waste Recycling Centre Welfare Elevations (Drawing no. WP_PLA_025 Rev P01);
- Resale Store GA Plan and Elevations (Drawing no. WP_PLA_026 Rev P01);
- Resale Store Elevations (Drawing no. WP_PLA_027 Rev P03);
- Footpath Plan (Drawing no. WP_PLA_028 Rev P01);
- Substation Plan and Elevations (Drawing no. WP_PLA_029 Rev P01);
- Household Waste Recycling Centre Office Plan and Details (Drawing no. WP_PLA_030 Rev P01);
- Household Waste Recycling Centre Office Elevations (Drawing no. WP_PLA_031 Rev P01);
- Swept Path Analysis (Drawing no. WP_PLA_032 Rev P01);
- Swept Path Analysis (Drawing no. 800516-2022-0000-03 Rev P02.2);
- SUDs Attenuation Lagoon – Sections Sheet 1 of 2 (Drawing no. WP_PLA_033 Rev P01);
- SUDs Attenuation Lagoon – Sections Sheet 2 of 2 (Drawing no. WP_PLA_034 Rev P02);
- Western Bridleway Section Layout (Drawing no. WP_PLA_035 Rev P01);
- Western Bridleway Sections – Sheet 1 of 3 (Drawing no. WP_PLA_036 Rev P01);
- Western Bridleway Sections – Sheet 2 of 3 (Drawing no. WP_PLA_037 Rev P01);
- Western Bridleway Sections – Sheet 3 of 3 (Drawing no. WP_PLA_038 Rev P01);
- Operational Area Boundaries (Drawing no. WP_PLA_039 Rev P01);
- Indicative Combined General Arrangement (Drawing no. WP_PLA_040 Rev P01); and
- Surface Water Drainage Exceedance Management (Drawing no. WP_PLA_042 Rev P01).

REASON: To ensure the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.

2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

REASON: To comply with section 91 of the Town and Country Planning Act 1990 as amended by the section 51 of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to monitor compliance with the conditions of the planning permission.

Archaeology:

3. **No development shall take place unless and until a written scheme of archaeological investigation that includes post-excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved scheme.**

REASON: Details are required to be submitted prior to commencement of the development in order to record and advance the understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the NPPF and saved Policy GE14 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Tree Protection:

4. **Notwithstanding the details contained within the submitted Arboricultural Impact Assessment and accompanying Tree Protection Plan nos. 5134801-WP-ZZ-DR-Z-0001 Rev P2 and 5134801-WP-ZZ-DR-Z-0002 Rev P2, no development hereby permitted shall take place unless and until a site specific Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. Such method statement shall include details of and provision for:**
 - **Measures for the root protection of trees, shrubs and hedgerows;**
 - **removal of any existing structures and hard surfacing;**
 - **Installation of any temporary ground protection;**
 - **excavations;**
 - **ground works, foundations, drainage and services;**
 - **installation of new hard surfacing (materials, design constraints and implications for levels);**
 - **a schedule of works to trees, shrubs and hedgerows; and**
 - **a schedule of specific events requiring input or arboricultural supervision and monitoring and compliance.**

Thereafter, development shall only be carried out in accordance with the approved AMS and the approved protection measures shall be retained for the duration of the construction period.

REASON: Details are required to be submitted prior to commencement of the development in order to safeguard the health of existing trees, shrubs and hedgerows on or adjacent to the site for the duration of preparatory and construction works in the interests of visual amenity and nature conservation in accordance with Policies GE9, GE10, GE12 and GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Construction Environmental Management Plan:

5. No development shall take place unless and until a method of working in the form of a Construction Environmental Management Plan (CEMP) to include the following elements has been submitted to and approved in writing by the Local Planning Authority:

- **the size and location(s) of any contractors' compounds;**
- **arrangements for routing of construction traffic and parking of contractors' vehicles;**
- **measures to be adopted and equipment to be used to prevent the trafficking of mud and debris onto the public highway;**
- **a Dust Management Plan;**
- **measures for the control of noise and vibration;**
- **procedures to control lighting impact;**
- **procedures to safeguard utilities and services;**
- **management and re-use of indigenous soils, control of weeds and disposal of surplus soils and other wastes arising from construction activities;**
- **measures to manage and protect surface water run off and mitigate any risk from blockage or severance of drainage pathways throughout the construction period;**
- **measures for the protection of groundwater;**
- **stand-off margin(s) to the bank top of the Ouzel Brook watercourse;**
- **construction site management practice to safeguard against risk to mammals (protected species) throughout the period of construction;**
- **measures to safeguard and warn users of nearby public rights of way and minimise any disruption to the network; and**
- **procedures to be adopted in the event of any complaint;**

The CEMP as may be approved shall be implemented in full and complied with throughout the construction period.

REASON: Details are required to be submitted prior to commencement of the development in the interests of highway safety, the ecology of the site and to protect the amenities at present enjoyed by occupiers of nearby properties and

users of the surrounding public right of way network in accordance with saved Policies GE6, GE13, GE17, GE18, GE19, GE20, GE21 and GE23 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Drainage:

6. **No development shall take place unless and until construction design details of the bridge structure over the Ouzel Brook including culvert, together with a scaled cross sections through the culvert extending at least 80 metres towards Thorn Road to include:**
- **the Flood Zone 3 area, incorporating the existing bridleway track to the east and proposed access road; and**
 - **the intersection of the access road with the bridleway**

have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no development shall take place except in accordance with the approved details.

REASON: Details are required to be submitted prior to commencement of the development in order to ensure flood risk is not increased by ground-raising above existing levels along the nearby bridleway track and to ensure that the bridge and culvert are of satisfactory design in accordance with the requirements of the Internal Drainage Board and saved Policy GE19 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

7. Prior to its construction, and notwithstanding the details in the submitted Drainage Strategy (dated 24 July 2015), final details of the sizing, layout, design and operation of the surface water drainage system for the combined application site and the adjoining site subject to application ref CB/15/01627/REG3 shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include demonstration that infiltration will not occur and that parking / storage areas will be of impermeable construction. Thereafter, no construction works shall take place except in accordance with the approved surface water drainage system details.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF, saved Policy GE19 of the Bedfordshire & Luton Minerals & Waste Local Plan and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

8. Prior to the waste park hereby approved coming into operation, details of a management and maintenance plan for the surface water drainage system over the life of the development shall be submitted for the written approval of the Local Planning Authority. Thereafter, the management and maintenance plan as may be approved shall be complied with at all times.

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that people and property on site are protected from flooding in accordance with paragraph 103 of the NPPF and Policy 49 of the emerging Development Strategy for Central Bedfordshire.

Ecology:

9. **No development shall take place unless and until updated surveys of the site have been undertaken by a suitably qualified ecologist to ascertain the presence of the following protected / BAP species and, if evidence of any of these species is found, no development shall take place except in accordance with an appropriate compensation / mitigation strategy, accompanied by a programme for its implementation, that has first been submitted to and approved in writing by the Local Planning Authority.**
- a) **Reptiles;**
 - b) **Water Voles;**
 - c) **Dormice; and**
 - d) **Otters.**

REASON: Details are required to be submitted prior to commencement of the development in order to protect any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species and saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

10. No felling or removal of limbs from mature trees shall take place unless and until a survey for roosting bats has first been undertaken by a licenced bat ecologist. Should these species be found to be present an appropriate compensation / mitigation strategy accompanied by a programme for its implementation shall have been submitted to and approved in writing by the Local Planning Authority before any such tree works commence. No development shall be carried out except in accordance with the approved strategy.

REASON: To protect any protected or rare species and to provide appropriate mitigation / compensation in compliance with Natural England Standing Advice for Protected Species and saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

11. No tree, shrub, scrub or other vegetation clearance works shall be carried out during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been immediately prior checked by an appropriately qualified ecologist and appropriate advance measures put in place to afford necessary protection to the written satisfaction of the Local Planning Authority.

REASON: To safeguard nesting birds in the interests of nature conservation in accordance with saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Pollution:

12. If, during construction of the development, contamination not previously identified is found to be present at the site, then no further works shall be carried out until the developer has submitted a method statement detailing how the unsuspected contamination shall be dealt with and obtained the written approval from the Local Planning Authority. This method statement shall detail how the unsuspected contamination is to be dealt with and work shall thereafter be carried out in accordance with the approved details.

REASON: To protect and prevent pollution of controlled waters in accordance with saved Policies GE17 and GE20 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

13. No materials shall be imported to the site for purposes of construction of the development platform except the following classifications of engineering fill as defined in the '*Manual of Contract Documents for Highway Works – Volume 1 Specification for Highway Works Series 600 Earthworks*':
- Class 1A / 1B – general granular fill;
 - Class 2A / 2B / 2C – general cohesive fill;
 - Class 3 – general chalk fill.

and all such materials shall be placed and compacted in accordance with this manual.

REASON: To ensure that the site is suitable for its intended use and to protect the quality of the water environment in accordance with saved Policy GE17 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy 44 of the emerging Development Strategy for Central Bedfordshire.

Noise:

14. In accordance with the results of the BS4142 daytime and night time assessments in the Noise and Vibration chapter of the revised Environmental Statement (dated August 2015), as set out in Table nos. 8-19 and 8-20 of that document, the rating level from the noise sources on the operational site shall not exceed the recorded background level at the noise-sensitive properties identified.

REASON: To minimise nuisance to nearby residents by reason of noise in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and saved Policy BE8 of the South Bedfordshire Local Plan First Review 2004. .

15. Prior to the waste park hereby permitted coming into operation, a scheme for the monitoring and control of noise from the operational site shall have been submitted to and approved in writing by the Local Planning Authority and thereafter no activities or operations shall take place except in accordance with the approved scheme. The scheme shall include and provide for:
- noise monitoring and recording procedures;
 - presentation of monitoring results to the Local Planning Authority; and
 - measures for the suppression and mitigation of noise, including but not limited to the use of broadband reversing alarms; and
 - procedures to be adopted in the event of complaints or the maximum permitted noise levels referred to in condition 14 of this permission being exceeded.

Thereafter, the scheme as may be approved shall be implemented in full and complied with at all times.

REASON: To enable the impact of operational noise to be monitored and controlled and mitigation steps to be devised where necessary so as to minimise nuisance to nearby properties by reason of noise in accordance with saved Policy G18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Construction and Operational hours:

16. No construction works associated with the development hereby permitted shall take place except between the following
- 0800 to 1800 hours Mondays to Fridays
 - 0800 to 1300 hours Saturdays

and no such works shall take place on Sundays or Public / Bank Holidays.

REASON: To minimise noise impacts arising from construction activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan and saved Policy BE8 of the South Bedfordshire Local Plan Review.

17. No operations or activities authorised by this permission shall take place within the area shaded red on drawing no. WP_PLA_039 Rev P01 (Operational Area Boundaries) except between the following hours:

Waste Transfer Station:

- 0600 to 1730 hours Mondays to Fridays
- 0600 to 1300 hours Saturdays
- 0630 to 1600 hours Sundays
- 0630 to 1700 hours Public / Bank Holidays.

with the exception that no operations shall take place on Christmas Day or New Year's Day.

Household Waste Recycling Centre and Re-sale Shop:

0700 to 1800 hours Mondays to Sundays, including Public / Bank Holidays.

with the exception that no operations shall take place on Christmas Day or New Year's Day.

REASON: To minimise noise impacts arising from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan and saved Policy BE8 of the South Bedfordshire Local Plan Review.

18. Prior to 0700 hours, no waste operations or activities shall take place outside the Waste Transfer Station building except for purposes of vehicle access / egress to that building.

REASON: To minimise noise impacts from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan.

19. Prior to 0700 hours, no loading, unloading or other waste handling operations shall take place inside the Waste Transfer Station building unless all of the fast-acting doors are fully closed. .

REASON: To minimise noise impacts from operational activities in the interests of protecting the amenity of nearby residential properties and users of the public rights of way network in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan.

HGV traffic:

20. There shall not be more than 120 Heavy Goods Vehicle¹ movements² entering and exiting the operational area of the site (as shown shaded red on drawing no. WP_PLA_039 Rev P01) on any working day (pro-rata for part working days).

REASON: In the interests of highway safety and in accordance with saved Policy GE23 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Travel Plan:

21. In accordance with the Green Travel Plan Framework submitted in support of the application, within 6 months of the occupation of the development first being brought into use, a Travel Plan shall be submitted for the written approval of the Local Planning Authority. Such Travel Plan shall include details of and provision for:

- predicted travel to and from the site;
- a HGV freight management plan, incorporating measures to co-ordinate deliveries and collections of waste, route optimisation, minimising travel through Dunstable town centre and maximising use of the strategic road network;
- details of existing and proposed transport links, to include links to pedestrian, cycles and public transport networks;
- measures and targets to minimise private car use and facilitate walking, cycling and use of public transport;
- timetable for implementation of measures designed to promote travel choice;
- details of cycle parking facilities;
- details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
 - travel and transport information,
 - travel vouchers,
 - details of relevant pedestrian, cycle and public transport routes to / from within the site,
 - copies of relevant bus and rail timetables;
- details of the appointment of a travel plan co-ordinator;
- an action plan listing the measures to be implemented and relevant timescales; and
- annual monitoring and review of the Travel Plan for a period of 5 years.

The Travel Plan as may be approved shall be implemented in full and complied with at all times.

REASON: In the interests of sustainability and to minimise traffic impacts from the operational development in accordance with Policy 26 of the emerging Development Strategy for Central Bedfordshire.

Public Rights of Way:

22. The access road hereby approved shall include, as part of its construction, ducting for electrical connection to facilitate future upgrades through the provision of Pegasus crossings at the points where Bridleway 49 intersects with the access road and across Thorn Road to the east of its junction with the access road.

REASON: To allow for the timely delivery of suitable upgrades to the public rights of way network at an appropriate time in accordance with saved Policy GE21 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Highway Safety:

23. Prior to the waste park hereby permitted coming into operation, a highway safety scheme shall have been implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of and provision for:

- a) construction of a timber fenced holding area for horses on both sides of the access road at the point where it is intersected by Bridleway no. 49;
- b) construction of speed retarders or sleeping policeman on the site access road either side of its intersection with Bridleway no. 49; and
- c) the specification and positioning of suitable signage warning bridleway users of site traffic and vice versa, including potential for sudden noise impacts.

Such measures shall be retained for the life of the development.

REASON: In the interests of safety for users of the highway and public rights of way network in accordance with saved Policies GE21 and GE23 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy 25 of the emerging Development Strategy for Central Bedfordshire.

Environmental Protection and monitoring of impacts:

24. No activities or operations hereby permitted shall take place except in accordance with the operational dust control measures set out in the 'Addendum to Planning Statement – Summary of Proposed Mitigation Measures' (dated July 2015).

REASON: To minimise nuisance to nearby receptors by reason of dust and to protect the amenities of surrounding land users in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

25. Prior to the use of the external lighting hereby permitted, a scheme for the monitoring of lighting impact from the site for a period of 1 year from the date of commencement of waste management uses hereby permitted shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:

- a) a methodology for assessing light spill and glare;
- b) presentation of assessment results to the Local Planning Authority;

- c) a review of the effectiveness of procedures for the control of lighting use outside permitted operational hours and any additional control measures to be introduced during those times;
- d) appropriate mitigation measures to be introduced taking account of the assessment results provided under part b) to further reduce the impact on sensitive receptors, including wildlife corridors on and surrounding the site; and
- e) a programme for implementation of the above.

The scheme as may be approved shall be complied with at all times.

REASON: To allow lighting impacts to be assessed against predicted effects and further mitigation measures or controls to be introduced and to minimise disturbance by reason of light spill and glare in accordance with saved Policies GE13 and GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005 and Policy BE8 of the South Bedfordshire Local Plan Review.

26. Prior to the waste park hereby permitted coming into operation, a scheme for the monitoring of water quality for a period of 1 year shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a technical assessment to establish whether any contaminants are present in surface water run off and in the discharge from the SUDs pond;
 - b) presentation of assessment results to the Local Planning Authority;
 - c) identification of any remedial measures to be introduced in the light of assessment results provided under part a); and
 - d) a programme for implementation of the above.

Such scheme as may be approved shall be implemented in full.

REASON: To allow water quality impacts to be assessed in accordance with saved Policies GE17 and GE20 of the MWLP and Policy 44 of the emerging Development Strategy for Central Bedfordshire.

27. Notwithstanding the details contained within the submitted Odour Management Plan (dated 20 July 2015), prior to the waste park hereby permitted coming into operation, a scheme for the monitoring of odour impacts from the site for a period of 1 year shall be submitted for the written approval of the Local Planning Authority. Such scheme shall include details of and make provision for:
- a) a methodology for assessing odour impacts;
 - b) presentation of assessment results to the Local Planning Authority;

- c) identification of additional mitigation measures to be adopted in the light of the assessment results provided under part a); and
- d) a programme for implementation of the above.

Such scheme as may be approved shall be implemented in full.

REASON: To assess the impacts of the development against predicted effects and further mitigation measures or controls to be introduced and to minimise nuisance to nearby receptors by reason of odour and in accordance with saved Policy GE18 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Facing Materials:

28. Prior to their use on site, and notwithstanding the details submitted with the application, samples of proposed facing materials and external finishes of the waste transfer station building, resale shop and ancillary buildings, structures and enclosures approved by this permission, and a schedule of the colour of the external finishes of the windows, doors, roofs, soffits and fascias, and gutters and rainwater goods of the buildings, shall be submitted to the Local Planning Authority for its approval in writing. Development shall only be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and to control the appearance of the buildings in accordance with Policy WSP3 of the Minerals & Waste Local Plan: Strategic Sites & Policies (2014) and Policy BE8 of the South Bedfordshire Local Plan Review.

Landscaping:

29. Planting and landscaping of the site shall be undertaken in accordance with the details and specifications shown on drawing nos. WP_PLA_007 Rev P03 and WP_PLA_008 Rev P03) and contained within the document entitled 'Works Information – Specification Appendices Series 3000: Landscape and Ecology (Amendment 2 dated 3 August 2015) All works shall be completed no later than the end of the first full planting and seeding seasons immediately following the completion of construction activities hereby approved. The trees, shrubs, hedgerow plants and grassland areas shall be maintained for a period of 5 years from the date of planting in accordance with the 'Works Information – Specification Appendices Series 3000: Landscape and Ecology' (Amendment 2 dated 3 August 2015). Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development in accordance with saved Policies GE9 and GE10 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

30. Prior to the waste park hereby permitted coming into operation, a scheme for the phased establishment of supplementary hedge, tree and shrub planting to the east of the access road between the Ouzel Brook and Thorn Road shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include a programme for its implementation, having regard to development that may come forward for employment uses on surrounding land in the event of any forthcoming reserved matter approvals pursuant to outline planning permission (ref CB/15/01928/REG3), and its maintenance for a period of 5 years from the date of planting. Any failed, damaged or missing plants during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established. The planting shall be carried out in accordance with the approved scheme and phasing programme

REASON: In the interests of visual amenity and to provide suitable compensatory planting for that impacted by the development in accordance with saved Policies GE9 and GE10 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Habitat Management:

31. Prior to the waste park hereby permitted coming into operation, a habitat and biodiversity enhancement and management plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. Such plan shall be fully informed by the findings of the species surveys and complement the species mitigation / compensation strategies approved pursuant to conditions 9 and 10 respectively of this permission and also include provision of bird boxes. The plan as may be approved shall be implemented in full and complied with at all times.

REASON: To secure ecological improvements in accordance with saved Policy GE13 of the Bedfordshire & Luton Minerals & Waste Local Plan 2005.

Notes to Applicant

Informatives:

1. ¹ With reference to condition 20, Heavy Goods Vehicle (HGV) means a vehicle above a gross weight of 7.5 tonnes.
2. ² For the purposes of condition 20, a single Heavy Goods Vehicle entering and leaving the site, whether loaded or empty, shall count as 2 movements).
3. With reference to Condition 25, the lighting scheme shall be designed to comply with the Institute of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light.

4. The applicant is advised to ensure that the public bridleway remains available at all times during construction and safe for the public to continue to use with appropriate signage. Should it become apparent that the public bridleway needs to be temporarily closed or diverted on public safety grounds, the Rights of Way Team will need to be contacted so that a temporary closure order can be processed. The lead in time for a temporary closure is a minimum of 6 weeks – i.e. 6 weeks notice before the proposed closure date is required for the team to process and advertise the closure.
5. The applicant's attention is drawn to the content of the letters from the Environment Agency dated 14 July 2015 and Anglian Water dated 9 June 2015.
6. Pre-commencement conditions are shown in bold text.