

Item No.2 Report of the Corporate Director of Planning & Community Services

Address LAND AT SIPSON FARM SIPSON ROAD SIPSON

Development: Extraction of sand and gravel as an extension to existing quarry at Wall Garden Farm backfilling with inert waste and restoration to agricultural land.

LBH Ref Nos: 45408/APP/2009/340

Drawing Nos: 1107/11C: Site context plan
1107/12E: Method of working plan
1107/13D: Final restoration plan
Archaeological Evaluation Report with reference 60960 dated January 2006 by Wessex Archaeology
Arboricultural Impact Appraisal and Method Statement with reference 8048-AIA-AS dated 7 March 2008 by Barrell Tree Consultancy
Statement in supporting of planning application dated February 2009 by Consultant Planning Group
Environmental Statement Non Technical Summary dated February 2009 by Consultant Planning Group
Environmental Statement Volume 1 dated January 2009 by Consultant Planning Group
Environmental Statement Volume 2 dated January 2009 by Consultant Planning Group
Site Location Plan 1107/10B
Flood Risk Assessment and Surface Water Management Scheme dated April 2009 by Hydrogeological and Landfill Consultant

Date Plans Received: 19/02/2009 **Date(s) of Amendment(s):**

Date Application Valid: 19/02/2009

1. SUMMARY

The application seeks planning permission to extract sand and gravel from an area of 16 hectares on the south side of Sipson Lane, as an extension to the existing Wall Garden Farm Pit. This application is a resubmission of an application which was refused in 2007 due to the Environment Agency raising objection on the basis that the applicant failed to provide sufficient information in the form of a detailed risk assessment for the potential ground water pollution.

The application is now accompanied by a Hydrogeological Report and a revised Flood Risk Assessment which the Environment Agency is satisfied with and they no longer object to the proposal with respect to groundwater pollution risks.

The proposed net working area of the site is 13.4ha. It is estimated that the site has a total mineral content of 600,000 tonnes, which indicates a yield of just less than 45,000 tonnes per hectare.

There is a national importance to safeguard sand and gravel reserves from sterilization, and given the mitigation measures of the proposal in relation to the surrounding land-uses, it is considered that the development would not result in an unacceptable level of harm in terms of air quality, noise and vibration, visual impact and ground water

contamination.

This proposal would make a modest contribution towards meeting an established and immediate need for the release of additional mineral sites in London in general and in West London in particular. Subject to conditions the application is therefore recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Director of Planning and Community Services to grant Planning Permission subject to the objection from the Environmental Agency being withdrawn as the Mayor does not need to be consulted again. If the application is approved, the following conditions be attached:

1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 and to ensure that the commencement of operations is not delayed, to minimise potential blight and to secure an orderly continuation of extraction and restoration.

2 NONSC Time Limit

All operations hereby authorised by this consent (excluding the 5 year statutory aftercare requirements) shall be completed within 5 years of the date of this consent. The site preparation, working and restoration of the site shall be carried out only in accordance with the details set out in the submitted application form, supporting planning statement, mitigation strategies as contained in the Environmental Statement dated January 2009, drawing numbered 1107/10B, 1107/11C, 1107/12E and 1107/13D. No part of the operations specified therein shall be amended or omitted prior written approval from the Minerals Planning Authority.

REASON

To enable the Minerals Planning Authority to control the development and to minimise its impacts on the amenities of the local areas and to ensure the site is restored within the time scale envisaged in the application, in accordance with policy MIN4 of Hillingdon Unitary Development Plan Saved Policies September 2007 and the Mineral Planning Statement 1 - Planning and Minerals.

3 NONSC Site drainage management

The construction of the site drainage system and surface water management system shall be carried out in accordance with the details contained in Section 6 and Appendix 6 of the Environmental Statement, dated September 2007 and drawing numbered 1107/12E, 1107/13D and 1107/11C.

REASON

To prevent pollution of the water environment in accordance with MIN21 of the Hillingdon

4 NONSC Control of hours

i) Except with the prior written agreement of the Minerals Planning Authority, no operations authorised or required by this permission shall be carried out, and plant shall not be operated, other than during the following hours:-

0700 to 1800 hours on Mondays to Fridays and 0700 to 1300 hours on Saturdays.

ii) The formation and subsequent removal of material from any screen banks and soil/overburden storage areas shall not be carried out except between the following times:-

0800 to 1800 hours on Mondays to Fridays and 0800 to 1300 hours on Saturdays and no such operations shall take place on Sundays or Bank or Public Holidays. This condition shall not, however, operate so as to prevent carrying out, outside these working hours, of essential maintenance to the plant and machinery used on the site.

REASON

For the reasonable protection of residential amenity in accordance with Minerals Planning Policy 1 - Planning and Minerals and Policy OE3 of Unitary Development Plan Saved Policies.

5 NONSC In accordance with approved plans

Unless otherwise agreed in writing by the Minerals Planning Authority, no operation hereby permitted by this consent shall commence until the lands is fenced in accordance with the approved plans. The fencing shall be maintained in a secure condition throughout the duration of the permitted operations.

REASON

To deter trespass, especially by children or by persons fly tipping, in the interest of public safety and amenity, in accordance with BE18 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

6 NONSC Limit for site noise level

Noise levels resultant from the development except the stripping and transportation of soils and construction and removal of screen bunds hereby permitted, shall not exceed 70dB during construction and removal of the bunds and 55dB during the extraction of minerals, as measured at the boundary of the following noise sensitive sites as identified in the Figure 1 of the Noise report dated January 2007:

1. Footpath at Field Close
2. Parking area Raywood Close
3. Parking area to south
4. Corner of Chestnut Close
5. Rear of Kenwood Close
6. End of Vincent Drive
7. Additional - the above shall also apply to Sipson House, Sipson Road (dependant upon use of Sipson House at the time of nearest operations)

REASON

For the protection of residential amenity in accordance with OE3 of the Unitary Development Plan Saved Policies.

7 NONSC Noise Monitoring Scheme

Before the development hereby permitted commences a noise monitoring scheme shall be agreed with the Minerals Planning Authority which specifies the provisions to be made for monitoring of noise levels in accordance with Condition 6.

REASON

For protection of residential amenity, in accordance with OE3 of Unitary Development Plan Saved Policies.

8 NONSC No buildings or structure

Notwithstanding the provision of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, structures, fixed or mobile machinery other than that approved by this consent, shall be erected or placed or installed on the site without the prior written approval of the Minerals Planning Authority.

REASON

For the protection of residential amenity, in accordance with Minerals Planning Statement 1 - Planning and Minerals and BE19 of Unitary Development Plan Saved Policies.

9 NONSC Control of Soil used

Prior to any excavation of sand and gravel, the screen banks shown on the approved plans shall be formed of stripped topsoil, subsoil and overburden in the positions indicated on drawing numbered 1107/12E.

Bunds for the storage of agriculture soils shall conform to the following criteria:

- a) Topsoils, subsoils and subsoil substitutes shall be stored separately.
- b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously approved in writing by the Minerals Planning Authority.
- c) Topsoils, subsoils and subsoil substitutes shall not exceed 3 metres in height.
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
- e) All work of soil stripping, stockpiling and reinstatement should be carried out when the topsoil and subsoil shall be transported and not bladed.
- f) All bunds shall be such that the outward facing slopes shall not exceed a gradient of 1 in 3 and the tops of the bunds shall be undulating to void and 'engineered' appearance.
- g) Bunds shall be seeded with a suitable low maintenance grass seed mixture in the first available planting season following their placement and maintained in a tidy condition free of weed infestation.

REASON

To ensure the retention of the existing soils on the site for retention purpose and minimise the impact of the development on the locality, in accordance with Mineral Planning Statement 1 - Planning and Minerals and policy MIN6 of Hillingdon's Unitary Development Plan Saved Policies September 2007.

10 NONSC Restoration of land

- a) The uppermost layer of the waste material shall be graded to 1.2m below those contours shown by approved plan No. 1107/13D, making due allowance for settlement of the waste, replacement of subsoil and topsoil. Level markers shall be provided for guidance of machine operators, and must adequately identify the level of the final waste

and soil restoration horizons.

b) The uppermost layer of the waste shall be ripped to a minimum depth of 250mm to deal with any extensive compaction likely to impede free drainage of the restoration soils prior to their replacement. Any objects or foreign bodies in excess of 150mm in diameter lying on the surface after ripping shall be removed from the site.

REASON

To ensure the satisfactory restoration of the land, in accordance with MIN6 of Hillingdon Unitary Development Plan Saved Policies September 2007.

11 NONSC Restoration of land

On completion of works required of Condition 9 above, clean subsoil and topsoil shall be spread in their natural occurring sequence, to minimum depths of 87cm and 33cm respectively. All clean materials shall be free from objects greater than 150mm in diameter or other objects and foreign bodies considered likely to impede the satisfactory restoration and aftercare of the land.

REASON

To ensure the satisfactory restoration of the land, in accordance with policy MIN6 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

12 NONSC Restoration of land for agricultural use

a) Unless otherwise agreed in writing by the Minerals Planning Authority, following the replacement of subsoil and topsoil as required by Condition 10 above, the site shall be subject to 5 year of controlled aftercare in accordance with an initial aftercare strategy previously approved in writing by the Minerals Planning Authority. Such an aftercare strategy shall be submitted within twelve months of the date of this permission and shall make provision for planting, seeding, (control of weeds) cultivating, fertilising, watering, drainage, failure of planting or seeding and settlement.

b) Agreement of an initial aftercare scheme shall not preclude its subsequent modification or replacement in the light of subsequent annual assessments showing this to be necessary within the 5 year period.

c) In the event of remedial restoration works becoming necessary and negating aftercare already carried out, then a new aftercare scheme shall be carried out on the part of the site for a 5 year period commencing with the date of completion of the remedial work and replacement of restoration soils in accordance with details agreed in writing by the Minerals Planning Authority.

REASON

To provide the best prospect of the land being reasonably fit for agriculture use within the statutory aftercare period after stable restoration has been achieved, in accordance with policy MIN6 of Hillingdon Unitary Development Plan Saved Policies September 2007.

13 NONSC Site management

Site operations shall at all times be conducted so as to minimise dust generation, including the use of water sprinklers or other means. Regard shall be paid to the strength and direction of winds; especially during formation and removal of screen banks. In the

event of it not being possible to conduct operations without significant spreading of dust beyond the site boundaries, operations on that part of the site shall cease promptly.

REASON

The Minerals Planning Authority consider that careful site management should contain any problems but that it is essential to safeguard the amenities of residents, in accordance with Mineral Planning Statement 1 - Planning and Minerals.

14 NONSC Restrict stockpiling

There shall be no long term stockpiling of materials, and any materials shall not be stored in stockpiles exceeding 3 metres in height.

REASON

To minimise the visual impact of operations, in accordance with Policy OL2 of Hillingdon Unitary Development Plan Saved Policies September 2007.

15 NONSC Watercourse

No excavation shall take place within 5m of public sewer and watercourses.

REASON

So as not to affect the public drainage system, in accordance with Policy MIN21 of Hillingdon Unitary Development Plan Saved Policies September 2007.

16 NONSC Highway protection

No excavation shall take place within 6 metres of the public highway.

REASON

To ensure that the proposed works do not affect the stability of the public highway in accordance with Policy MIN3 of Unitary Development Plan Saved Policies.

17 NONSC Archaeology

No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Minerals Planning Authority.

REASON

The site is within an area of archaeological importance where ground works may result in the destruction of archaeological remains, in accordance with policy MIN14 of Hillingdon Unitary Development Plan Saved Policies September 2007.

18 NONSC Habitat Protection

Existing ponds, lakes and bodies of standing water shall be safeguarded during mineral extraction, along with any natural buffer habitat, and integrated into the final restoration/landscaping of the area. Planting adjacent to, or as of a buffer strip to, a water body/feature shall be locally native species of UK generic stock, as far as possible.

REASON

To protect, restore or replace the natural features of importance within or adjoining the watercourse, in accordance with Policy MIN4 of Hillingdon Unitary Development Plan Saved Policies September 2007.

19 NONSC Landscaping

No development shall take place until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Minerals Planning Authority. Such a scheme shall include details of;

- a) The positions of all existing trees and shrubs and hedgerows to be retained, and the proposal for their protection throughout the operations.
- b) The positions, species and density and initial sizes of all new trees and shrubs.
- c) Any hard landscaping proposed.
- d) The programme and implementation of the scheme.
- e) The arrangement for subsequent maintenance.

The scheme as approved shall be carried out in full.

REASON

The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interest of visual amenity, in accordance with policy OL2 of Hillingdon Unitary Development Plan Saved Policies September 2007 and to avoid endangering the safe movement of aircraft and operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

20 NONSC Monitoring

The operator shall notify the Minerals Planning Authority in writing within one month of the dates of commencement/completion of the following:

- a) implementing this planning permission;
- b) soil stripping;
- c) entering each phase of mineral extraction;
- d) completion of each tipping phase;
- e) completion of restoration of each phase;
- f) completion of the landscaping/planting scheme;
- g) completion of final restoration under his planning permission;
- h) estimated date for completion of aftercare.

REASON

To enable the Mineral Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, in accordance with Policies MIN4, MIN5 and MIN6 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

21 NONSC Construction Vehicle

Best practicable means shall be taken at all times to ensure that all vehicles leaving the site are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular, without prejudice to foregoing, efficient means shall be installed, maintained and employed the cleaning of wheels of all lorries leaving the site.

REASON

In the interest of highway safety and to prevent mud and dust getting on the highway in accordance with Policy OE1 of Unitary Development Plan Saved Policies.

22 NONSC Habitat Protection

No clearing of vegetation or building demolition shall be permitted to take place during the bird nesting season (15th March - 31st August inclusive).

REASON

To minimise disturbance to breeding birds in the interest of nature conservation and in accordance with Policies EC2, EC3 and EC5 of Hillingdon Unitary Development Plan Saved Policies September 2007.

23 NONSC Site Restoration

No later than six months from the cessation of all tipping or within such further period as the Minerals Planning Authority may agree in writing, all plants, machinery, access roads, buildings, foundations, hard standings and any other site facilities no longer required in connection with the workings/landfill operations, restoration or approved afteruse shall be removed from the site.

REASON

In the interest of the amenities of the area and to ensure that proper restoration of the site, in accordance with Policies MIN4, MIN5 and MIN6 of Hillingdon Unitary Development Plan Saved Policies September 2007.

24 NONSC Control of waste materials

Nothing other than clean, dry, non-putrescible waste material (comprising topsoil, subsoil, brickwork, concrete, stone, clay, plaster, sand and silica) shall be deposited on site.

REASON

To prevent water pollution, in accordance with Policy MIN21 of Hillingdon Unitary Development Plan Saved Policies September 2007.

25 NONSC Habitat Management Plan

No works of demolition or development to take place until a Habitat Management Plan has been submitted to the Minerals Planning Authority for approval in writing. This is to include details of the species to be planted/sown and how the site will be managed for the benefit of appropriate London Biodiversity Action Plan habitats and species. The approved scheme shall be implemented in its entirety in compliance with timeframes specified.

REASON

To protect any existing habitats within the site in accordance with the Policies EC1 and EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

26 NONSC Habitat Management

Before the development hereby permitted commences a scheme of measures to prevent disturbance to wildlife from the erection of bunds, mineral extraction and aftercare operations shall be submitted to and agreed in writing by the Minerals Planning Authority.

In particular the scheme should address impacts on nesting birds between 1st March to 31st August inclusive and on badgers that might enter the site (precautions should be taken with regard to the prevention of damage to badgers by falling into open holes/trenches at night, or by machinery and excavations damaging newly built setts, such as manual exclusion fencing around workings). The agreed scheme should be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect wildlife and their habitats in accordance with Policies EC2, EC3 and EC5 of Hillingdon Unitary Development Plan Saved Policies (September 2007).

27 NONSC Highway protection

The excavation shall not be beyond the limits shown on plan 1107/12E and shall not exceed 6.3m below ground level near the M4 spur.

REASON

To maintain highway safety and integrity of the M4 in accordance with Policy OE1 of Unitary Development Plan Saved Policies.

28 NONSC Control of Noise

The use of RB38 machinery shall not occur any where less than 100m from the eastern and southern boundary and shall not be used any where less than 50m from the western site edge.

REASON

To protect residential amenity, in accordance with Policy OE3 of the Unitary Development Plan Saved Policies.

29 NONSC Air Quality

Notwithstanding hereby submitted, further details on the predicted NO2 levels at all receptors with and without the development for the proposed year of operation and any mitigation measures to deal with the impact on the NO2 levels in the area shall be submitted to and approved in writing by the Minerals Planning Authority.

REASON

To protect residential amenity and in accordance with Ppolicy 4A.6 of London Plan and Hillingdon's Air Quality Supplementary Planning Guidance.

30 NONSC Bird Management Plans

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Minerals Authority. The submitted plan shall include details of:

- the control of Canada geese within the application boundary

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Minerals Planning Authority.

REASON

It is necessary to manage the Canada geese on this site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport in accordance with Policy A6 of Unitary Development Plan Saved Policies.

31 NONSC Access maintenance

The existing haul road and access route as shown on plan 1107/12E shall be maintained throughout the operation hereby approved, and no routing arrangement changes shall be made without the prior written approval by the Mineral Planning Authority.

REASON

To protect the amenity of the local residents, in accordance with Policy MIN2 of Unitary Development Plan Saved Policies.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

| | |
|------|--|
| OL1 | Green Belt - acceptable open land uses and restrictions on new development |
| OL2 | Green Belt -landscaping improvements |
| OL3 | OL3 Green Belt - |
| OL4 | Green Belt - replacement or extension of buildings |
| OL26 | Protection and enhancement of trees, woodland and landscape features |
| EC2 | Nature conservation considerations and ecological assessments |
| EC3 | Potential effects of development on sites of nature conservation importance |
| EC5 | Retention of ecological features and creation of new habitats |
| EC6 | Retention of wildlife habitats on derelict or vacant land |
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| OE3 | Buildings or uses likely to cause noise annoyance - mitigation measures |
| OE6 | Proposals likely to result in pollution |
| OE13 | Recycling facilities in major developments and other appropriate |

| | |
|-------|--|
| | sites |
| MIN1 | Safeguarding of sand and gravel reserves |
| MIN2 | Proposals to work sand and gravel in relation to regional requirements and London-wide Landbank |
| MIN3 | Restriction on area of land south of the M4 motorway subject to planning consent for sand and gravel extraction and/or waste disposal |
| MIN7 | Restoration of good agricultural land following mineral extraction |
| MIN10 | Restoration and after-use of sand and gravel workings in the Colne Valley |
| MIN11 | After-use of mineral sites - landscaping and screening |
| MIN21 | Impact of development proposals involving landfilling on the local hydrogeological regime - requirement for monitoring and mitigation measures |
| AM6 | Measures to discourage the use of Local Distributor and Access Roads by through traffic |
| AM7 | Consideration of traffic generated by proposed developments. |

3 I38 Conditions - Further Advice

The applicant is advised that Condition 5 is not intended to affect your general responsibilities under the Mines and Quarries legislation or other legislation, which may necessitate additional action on your part.

4 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

5 I23 Works affecting the Public Highway - Vehicle Crossover

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

6 I58 Opportunities for Work Experience

The developer is requested to maximise the opportunities to provide high quality work experience for young people (particularly the 14 - 19 age group) from the London Borough of Hillingdon, in such areas as bricklaying, plastering, painting and decorating, electrical installation, carpentry and landscaping in conjunction with the Hillingdon Education and Business Partnership.

Please refer to the enclosed leaflet and contact Peter Sale, Hillingdon Education and Business Partnership Manager: contact details - c/o British Airways Community Learning Centre, Accommodation Lane, Harmondsworth, UB7 0PD. Tel: 020 8897 7633. Fax: 020 897 7644. email: p.sale@btconnect.com .

7 IT05 Wildlife and Countryside Act 1981

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats or nesting birds or other species. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work.

8 138 **Conditions - Further Advice**

The applicant is advised that, the details of Condition 17 should be in accordance with the appropriate English Heritage guidelines.

9

The applicant is advised that the pollution control and prevention measures are the responsibility of the Environment Agency and will be addressed through the PPC license process.

10

The applicant is advised that the development of this site is likely to impact on archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage Guidelines.

11

The applicant is advised that the location of the site falls within both the indicative map published by Department for Transport in the White Paper and falls within the interim land boundary for the third runway development that BAA Heathrow has published its draft Interim Masterplan. Therefore the owner of the site should be aware of the potential implications for the development should a third runway proposal proceed.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is an area of flat land situated to the east of M4 Heathrow spur, in the general area between the main M4 to the north and the A4 to the south. Access to the site would be via an existing haul road access off Sipson Road to the south. The application site is within the Green Belt.

The application site is stated to be 16 hectares in area. It is currently in agricultural use, apart from the haul road on the western side of the site which provides vehicular access to the plant site at Wall Garden Farm (north of the application site, north of Sipson Lane) and to the adjacent extraction site known as 'East of Wall Garden Farm'.

There are no occupied buildings within the application site. Sipson House, which is currently being used as B1 offices, lie immediately adjacent to the southern boundary, and is a listed building. The nearest dwelling is Doghurst House, which is 10-15m from the southern site boundary. Otherwise the nearest dwellings are some 70m to the east of the site, in Raywood Close and Field Close in Harlington (55m between the boundary of the application site and the back fences of these properties).

The Heathrow Express tunnels run beneath the western part of the application site, at a depth of 22-23 metres below ground level.

3.2 Proposed Scheme

The application seeks permission for the extraction of sand and gravel from the last substantial un-worked area of mineral-bearing land between Sipson and Harlington. Land to the north and east of the application site (between the site and Sipson Lane) has either already been extracted as part of the Wall Garden Farm or Harlington Pit operations, or has permission for extraction, or else has to be left un-worked to provide buffer to a VHF receiver immediately north-west of the subject application site.

The net working area of the site is 13.4ha. It is estimated that the site has a total mineral content of 600,000 tonnes, which indicates a yield of just less than 45,000 tonnes per hectare. The site would be dewatered during extraction and landfilling, using a submersible pump as at the current working East of Wall Garden Farm. The water will be discharged to existing lakes and lagoons.

Extraction will be carried out using a dragline excavator, with the material taken via a new field conveyor to the existing plant at Wall Garden Farm for processing, crossing Sipson Lane via an existing tunnel. Working of the application site is intended to start when extraction from the site East of Wall Garden Farm has ceased, and the level of production through the plant at Wall Garden Farm is intended to remain the same as at present, namely 200,000 tonnes per year. At that rate, extraction of sand and gravel from the application site would take three years.

The site will be worked in five phases which will progressively be restored by backfilling with inert construction and demolition wastes (comprising soil, brick, concrete, and naturally-occurring stone). It is estimated that backfilling will be completed within a year of the completion of extraction and that further six months will be needed to finish the restoration of the site. The total duration of extraction and restoration would therefore be approximately 4½ years.

The site would be restored for agricultural use. A five-year aftercare period is proposed for each phase area. Under separate legislation the site would have to be monitored for water levels and quality, and for gas, for a period of 10 years.

3.3 Relevant Planning History

45408/APP/2007/3189 Land At Sipson Farm Sipson Road Sipson

EXTRACTION OF SAND AND GRAVEL AS AN EXTENSION TO EXISTING QUARRY AT WALL GARDEN FARM BACKFILLING WITH INERT WASTE AND RESTORATION TO AGRICULTURAL LAND.

Decision: 27-06-2008 Refused

Comment on Relevant Planning History

The application site is an extension to the operation at Wall Garden Farm. Extraction from the original Wall Garden Farm site was allowed on appeal in 1978, and since then various extensions have been permitted both north and south of Sipson Lane.

An application for the subject site was previously refused on 27th June 2008 as there was insufficient information in the form of detailed risk assessment to demonstrate the risk of groundwater pollution. The subject application is therefore a re-submission with information to address the previous reason for refusal.

Permission for the area where extraction is currently taking place, to the east of Wall

Garden Farm, was granted on 21 May 2002. The majority of this has now been worked and is in the process of being backfilled. A further planning permission for a small extension to the east was granted recently on 22 December 2008, but the work in this area has not yet commenced. All extraction in the area to the north of Sipson Lane would be completed before work is commenced in the area which is the subject of this application. The only activity in the current working area would therefore be the completion of filling and restoration.

4. Planning Policies and Standards

Planning Policy Guidance Note 2: Green Belts

Minerals Policy Statement 1: Planning and Minerals (MPS1)

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (March 2005)

London Plan February 2008

Hillingdon Unitary Development Plan Saved Policies September 2007

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.
- PT1.7 To promote the conservation, protection and enhancement of the archaeological heritage of the Borough.
- PT1.9 To seek to preserve statutory Listed Buildings and buildings on the Local List.
- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL2 Green Belt -landscaping improvements
- OL3 OL3 Green Belt -
- OL4 Green Belt - replacement or extension of buildings
- OL26 Protection and enhancement of trees, woodland and landscape features
- EC2 Nature conservation considerations and ecological assessments
- EC3 Potential effects of development on sites of nature conservation importance
- EC5 Retention of ecological features and creation of new habitats
- EC6 Retention of wildlife habitats on derelict or vacant land
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- OE6 Proposals likely to result in pollution
- OE13 Recycling facilities in major developments and other appropriate sites

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| MIN1 | Safeguarding of sand and gravel reserves |
| MIN2 | Proposals to work sand and gravel in relation to regional requirements and London-wide Landbank |
| MIN3 | Restriction on area of land south of the M4 motorway subject to planning consent for sand and gravel extraction and/or waste disposal |
| MIN7 | Restoration of good agricultural land following mineral extraction |
| MIN10 | Restoration and after-use of sand and gravel workings in the Colne Valley |
| MIN11 | After-use of mineral sites - landscaping and screening |
| MIN21 | Impact of development proposals involving landfilling on the local hydrogeological regime - requirement for monitoring and mitigation measures |
| AM6 | Measures to discourage the use of Local Distributor and Access Roads by through traffic |
| AM7 | Consideration of traffic generated by proposed developments. |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **25th March 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

This application has been advertised under Article 8 of the Town and Country Planning General Development Procedure Order 1995 as a Major Development. Surrounding property owners/occupiers have been consulted. 695 letters were sent to adjoining residents, and 2 site notices were erected in prominent positions in close proximity to the proposal site. 1 letter of objection have been received objecting to the application on the following grounds:

1. extra noise in addition to airport and traffic noise
2. dust
3. disturbance to local wildlife, intrusion on parkland designated as public walkways
4. extra mud and traffic on the busy roads

GLA

The Mayor considers that, in general, the application complies with the London Plan Policies on Waste, the green belt and biodiversity for following reasons;

Green belt - The site is not a new extraction but an extension to an existing operation at Sipson. Much of the land being worked by the applicant company has also been successfully returned to aftercare, which demonstrates that an adequate restoration regime can be achieved. On this basis, the proposal will not harm the Green Belt. As a result the proposal complies with policy 3D.9 of the London Plan.

Waste - Policy 4A.31 seeks to support the better use of aggregates by identifying and safeguarding resources suitable for extraction and adopting high environmental standards for extraction. Policy 4A.32 states mineral planning authorities in London should maintain a minimum land bank equivalent to seven year's production at the 1 million tonnes per year rate of which 0.5 million tonnes is apportioned to four west London boroughs including Hillingdon. The principle of mineral extraction in Hillingdon is acknowledged in this policy.

Biodiversity - The applicant has submitted an ecological survey and impact evaluation with the application, which is thorough in its scope and findings. This confirms that there are no significant ecological impacts of the proposal. The planning statement claims the restoration of the site has been designed to bring about a general improvement in the landform, with a slight increase in gradients in order to assist natural drainage. As a result the proposal complies with policy 3D.14 of the London Plan.

The Mayor does not need to be consulted again on this application.

ENVIRONMENT AGENCY

The Environment Agency initially objected and recommended refusal on this basis for the reasons that the Flood Risk Assessment submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25.

However, the applicant is currently resolving the issues with the Environment Agency and it is considered that the issues are likely to be resolved. At the time of writing no confirmation by Environment Agency was received and therefore, further information to the Environment Agency's position will be addressed in the Addendum.

HIGHWAYS AGENCY

The excavation does not in anyway affect the stability of the M4. This includes the M4 verge and its fence line. Provided the extraction limit shown on plan 1107/12E and the anticipated maximum depth are not exceeded, this should be satisfactory. For the avoidance of doubt, a condition should be attached to any permission, on these lines: 'excavation shall not be beyond the limits shown on plan 1107/12E and shall not exceed 6.3m below ground level near the M4 spur' the reason is to maintain the safety and integrity of the M4.

NATURAL ENGLAND

No comments to make on this occasion.

DEFRA

No comments received.

BAA SAFEGUARDING

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the following conditions.

1. Submission of a Bird Hazard Management Plan, including the control of Canada geese within the application boundary.
2. Submission of Landscape Scheme, including details of species, number and spacing of trees and shrubs.

BAA also made the following observation on Future Airport Boundary (Heathrow).

We have reviewed this planning application and can confirm that the location of the site falls within both the indicative map published by the Department for Transport in the White Paper and falls within the interim land boundary for a third runway development that BAA Heathrow has published in its draft Interim Masterplan. We believe that the request from the Department of Transport, for BAA to safeguard land for a third runway requires us to make both the Local Planning Authority and the owner of the site aware of the potential implications for the development should a third runway proposal proceed. If the runway proposal does proceed it is likely that BAA would see to compulsory purchase the site. At this stage however, no policy decision has been taken by BAA as to whether a planning application will be brought forward for a third runway at Heathrow Airport.

ENGLISH HERITAGE

Concentration of Bronze Age, Iron Age and Roman features (c2,000 BC to AD 400) is present in the south western corner of the site, although archaeological remains are present across its entirety.

As the applicants have already conducted an archaeological evaluation on the site, no further work is needed to be undertaken prior to determination of this planning application. Rather, the archaeological position should be reserved by attached a condition to any consent granted under this application.

NATS

No safeguarding objections to this proposal.

Internal Consultees

TREES AND LANDSCAPE

The landscaping proposals include bunding and tree and shrub planting. All boundaries have been considered. New planting will be carried out using less than 5% fruit bearing species in accordance with Hillingdon's UDP policy A6 - which acknowledges BAA's Birdstrike Hazard Avoidance Guidelines. If the application is recommended for approval there is no objection subject planning conditions requiring submission of details regarding the landscape mitigation.

POLICY TEAM (Babtie Group)

In policy terms there is support for the mineral extraction. The proposal would help to meet an established and immediate need for the release of additional mineral sites in London in general, and in West London in particular. With respect to the LDF, the site has been identified, albeit not yet finally, as a suitable 'Preferred Area' for future mineral extraction.

Should the Council be minded to approve this application, it is recommended that the permission should be subject to conditions.

ENVIRONMENTAL PROTECTION UNIT

The noise assessment addresses noise from the site and its effects on the surrounding area. The assessment uses guidance Mineral Policy Statement (MPS) 2, controlling and mitigating the Environmental Effects of Mineral Extraction in England. The assessment concludes that through construction of bunds, this will eventually control the noise from the site. Other mitigation measures include operating the Volvo machinery closest the house rather than the noisier RB 38 machinery.

In conclusion, Environmental Protection Unit consider that even though this may be an extension to a functional quarry and the noise levels quoted are within the guidance, noise will be a problem for the residents especially during the construction of the bunds. Therefore a planning condition shall include seeking noise management scheme which would specify the provisions to be made for the control of noise.

In terms of air quality, the submitted air quality assessment takes into account construction and operation from the development and its effect on nitrogen dioxide (NO₂) and particulate matter (PM₁₀) levels as well as dust. The assessment concludes that dust issues can be mitigated but could potentially be a problem to those up to 100m away and nitrogen dioxide levels are likely to increase by 0.97ugm³ although this is not significant, as it does not exceed the health objectives. Therefore, conditions should be placed for submissions for further details. These include the submission of predicted NO₂ levels at all receptors and mitigation measures to deal with impact on the NO₂ levels in the area. To further ensure control of air quality the applicant should also submit a detailed environmental management plan following guidance from GLA Best Practice Guide for Reducing Emissions from Construction.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

NEED AND LAND BANK ISSUES

The national policy (Minerals Policy Statement 1: Planning and Minerals) requires planning authorities to make continuing provision for mineral extraction. Under Policy 4A.32 of the London Plan, London is required to make provision for extraction at a rate of 1 million tonnes per year, with 0.5mt of this being apportioned to the West London Boroughs (which include Hillingdon). New permissions are needed urgently across London if this level of provision is to be maintained: at the end of 2006 London's land bank of permitted sand and gravel reserves stood at only 3.1 years, as compared with the target figure of 'at least seven years' set in MPS1. In West London, the land bank figure at the end of 2006 was even lower, at 2.4 years. (Source: London Aggregates Monitoring 2006, paras. 6.3-6.6)

Granting permission for the mineral extraction proposed in this application would therefore contribute to the maintenance of this level of provision over the coming year. MPS1 states that 'a land bank below (seven years) indicates that additional reserves will need to be permitted if acceptable planning applications are submitted' (MPS1 para 4.1). The word 'acceptable' here is significant: a requirement to aim to maintain a land bank of at least seven years does not remove the Councils discretion to refuse planning permission should there be overriding objections.

SITES FOR MINERAL EXTRACTION

London Plan Policy 4A.31 seeks the identification of aggregate resources suitable for extraction. There are currently no adopted policies in Hillingdon that identify sites or areas where mineral extraction will be permitted, or where it will not. However, for the Local Development Framework (LDF) an exercise has been carried out to identify the most suitable sites for future extraction in Hillingdon. These sites have been put forward as proposed 'Preferred Areas' for extraction in the LDF documents published to date. Following a careful process of comparative site assessment, land including the present application site has been identified as being acceptable in principle for mineral extraction, and has therefore been publicly proposed as a 'Preferred Area'. It is understood that there has been little if any significant objection to this development control process at present, and that account should be taken of the fact that the application, in principle, accords with those policies, which in turn accord with a clear principle laid down in the London Plan.

MINERAL STERILISATION

National policy seeks to prevent the sterilisation of mineral resources, and London Plan Policy 4A.31 seeks to safeguard aggregate resources suitable for extraction. Allowing this proposal would not clearly safeguard the site's resource to meet a longer-term need, but it would help to meet a significant current need for further mineral extraction (para 6.2 above). In this instance, meeting the established present need is considered to be more important than safeguarding the mineral for the longer term.

Refusing the application would not in the first instant be in conflict with safeguarding policies, as it would leave the mineral in the ground and potential available for extraction in the future. However, in practice it is likely that a site of this size, in this location, could only be worked as an extension to another mineral working, as currently proposed. As there are no other substantial un-worked areas in this area and east of the M4 spur, a refusal of the present application could lead to this site being left un-worked indefinitely, as the current operator at Wall Garden Farm would be expected to move away from this immediate area after implementing their current permissions. Thus refusal of this application could lead to the practical sterilisation of the site's minerals, contrary to

national policy aims to avoid sterilising mineral resources.

THE SCALE OF EXTRACTION IN THE WIDER AREA

The present application site is in the area between the A4 and the M4 where the majority of recent minerals-related activity has taken place. Hillingdon's Unitary Development Saved Policy MIN3 sets a normal limit of 165ha on the amount of land south of M4 which is subject to permission for sand and gravel extraction and/or waste disposal, and where restoration has not yet been complete.

The latest monitoring report on this policy shows that at the end of 2008 the amount of land caught by Policy MIN3 provisions totalled just over 136ha, and forecast that this figure would remain roughly constant until the end of 2009, after which it would begin to fall off rapidly. To grant permission for mineral extraction from the application site of 16ha would not cause the figure of 165ha to be exceeded. The proposal is therefore in accordance with Policy MIN3.

It should be noted that the figure of 165ha is a limit and not a target. Hence if this application were found to be subject to significant objections, the fact that it would increase the amount of land in mineral-related uses closer to the figure of 165ha would not be of any significance in assessing the overall merits of the proposal.

RESTORATION PROPOSALS

The proposed restoration of the site to agriculture is in accordance with the restoration achieved on adjacent land, and raises no policy issues.

CONCLUSION

It is considered that there is a strong case for supporting this proposal in terms of mineral policies, above all because;

- a) mineral extraction from the site will make a much-needed contribution to meeting required levels of aggregates provision;
- b) it will also prevent the sterilisation of the remaining mineral reserves;
- c) the principles of the application have already been considered and accepted in the previous proposal (ref. 45408/APP/2007/3189) which is the same as the current proposal;

Furthermore, the site has already been identified, in work on the LDF, as one of the small number of un-worked sites in the Borough where mineral extraction would be acceptable in principle. It has therefore been identified as a 'Preferred Area' in emerging LDF documents published to date. However, only a limited weight in the overall assessment should be given as the proposals have not given rise to significant public examination.

7.02 Density of the proposed development

Not applicable to this development.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

There are remains of local and regional archaeological significance in this area. In particular, a concentration of Bronze Age, Iron Age and Roman features (c2,000BC - AD400) is present in the south-western corner of the site, although archaeological remains are present across its entirety.

The applicants have conducted an archaeological evaluation on the site and there for English Heritage commented that no further work need to be undertake prior to determination of this application. Rather, an appropriately worded condition requiring a programme of archaeological works to prevent damage to archaeological remains would

be required.

7.04 Airport safeguarding

The application was referred to BAA and a response has been received and state that the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria subject to a planning conditions for the submission of a Bird Hazard Management Plan and a Landscape scheme including details of species, number and spacing of trees and shrubs.

In addition, BAA commented that the location of the application site falls within the indicative map for a third runway development that BAA Heathrow has published in their Masterplan.

Therefore, BAA has confirmed that if the plans are to proceed it is likely that the BAA would seek to compulsory purchase the site to safeguard land for a third runway at Heathrow Airport. However, no policy decision has been taken by BAA as to whether a planning application will be brought forward.

7.05 Impact on the green belt

The site is in the Green Belt. Planning Policy Guidance No 2 (PPG2) states that mineral extraction need not be inappropriate development in the Green Belt, as it need not conflict with the purpose of including land in the Green Belt provided that high environmental standards are maintained and that the site is well restored.

On a similar note, London Plan Policy 4A.31 requires development plan documents to adopt the highest environmental standards for aggregates extraction in line with national minerals policy guidance, whether in the Green Belt or not. It is considered that there is no reason to suppose that those criteria, and those of PPG2, will not be met on this proposal.

7.07 Impact on the character & appearance of the area

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In terms of appearance and character of the area, the proposal would have minimal impact. The application site is visible from public vantage points including the M4 spur, with most prominent view from Sipson Road. The application includes a 'Visual Appraisal Report' (VAR), which describes the landscape character and context and the significant areas of vegetation.

The site, whilst not of high landscape value, is considered to offer a degree of visual amenity.

The report summaries that the bunds, which are intended for sound attenuation, will also serve a valuable function in terms of screen the site. These bunds are 2m to 3m high and will have asymmetrical sides, with shallower slopes on the outside face to integrate better into surrounding landform.

With regard to the 'openness' of the site within the Green Belt, it is not considered that there will be a significant long term impact on the perception of openness, due to the temporary nature of the bunds and the proposed land restoration measures. The proposed landscaping associated with the restoration of the land as outlined on the 'Final Restoration Plan' would recreate hedgerows/field boundaries, tree planting which would enhance the appearance and landscape quality of the site and provide ecological benefits.

The additional planting and fencing improvements proposed is considered to enhance the character and appearance of the area in the long term.

7.08 Impact on neighbours

Doghurst House, to the south of the site, is the closest residential dwellinghouse which is approximately 15m from the boundary of the site. Otherwise, the nearest residential dwellings are more than 65m from the boundaries of the site and benefit from the screening effects of existing vegetation. The nearest site to the working area is Sipson House on Sipson Road. The current approved use of the site is offices and therefore is a less sensitive use. Regardless, mitigation measures will be in place to reduce the impact, such as bunding, landscaping and noise monitoring.

Mineral operations can be impact upon existing noise sensitive land uses if they are not appropriately managed. The applicant have stated that the hours of working will be the same as the existing Wall Garden Farm development and the methods of working will ensure that operations which may disturb residential amenities are completed early in the site's development (namely phases 1 to 2). Following on from this, further operations over the four year period are located further away from noise sensitive properties.

The applicant's proposed method of working does to some extent limit the effect on neighbouring residential amenities. Mitigation measures, as proposed, will also reduce noise, air, and traffic problems. The only potential concern is whether a suitable buffer zone exists between the site and residential properties. Retention and strengthening of hedgerow boundaries may help to provide a more effective buffer. Furthermore, as required by the EPU additional conditions will be imposed to limit site noise levels, mitigation measures to deal with the impact on the NO₂ levels in the area and limit dust levels.

7.09 Living conditions for future occupiers

Not applicable to this development.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The applicant has demonstrated that this application represents a continuation of operations at existing production levels, therefore no increase in traffic generation. The current highway arrangements can also remain as existing due to vehicles continuing to access the processing plant from Sipson Road. It is considered that the site traffic can be fully accommodated within the existing road access and site infrastructure arrangements. Any additional impact on local residents can be minimised by maintaining the existing routing arrangements through a suitably worded planning condition.

The proposal is therefore not considered to have significant impact on the nearby highway and to the safety of the users.

7.11 Urban design, access and security

There are no urban design and security issues to consider. With regards to access, the existing routing arrangement will remain same and no new access or haul route will be created.

7.12 Disabled access

Not applicable to this development.

7.13 Provision of affordable & special needs housing

Not applicable to this development.

7.14 Trees, landscaping and Ecology

LANDSCAPE

A full landscape and visual impact assessment was conducted for the site. This concluded that the proposed bunds and new planting would reduce the impact of the proposed development and therefore the development would be acceptable in landscape terms.

Bunding is a tried and tested method of minimising the visual impact of quarrying operations and has the added benefit as soil storage and as a noise buffer. However, the landscape around Sipson Farm is relatively flat and low-lying, therefore the bunds itself could appear odd in the landscape. However, taking into account the overall benefits the bunding, the use of them at this site is considered to be acceptable. The Mineral Planning Authority could consider maintaining and enhancing the hedgerows on the site and adapting the planting on the bunds to incorporate species from the hedgerow thus building the bunds into the landscape.

The Council's Landscape and Trees Officer has no objection to the scheme as presented. It is considered that the proposed scheme would have a minimal if any impact on the landscape and the general character of the area, as the bunds will not be seen apart from the minimal number of sites. Where the bunds can be seen these will be an acceptable development in the landscape, being seen only over fields and in the context and outlook of the area are acceptable. Substantial landscaping is proposed to ensure the bunds are re-vegetated and as soon after they are constructed and it is considered that this landscaping will be suitable, subject to conditions of consent.

ECOLOGICAL ISSUES

An ecological survey was carried out in 2005 to identify habitat present and the potential for the site to support protected species.

There are requirements to conserve and enhance bio-diversity and improve the natural environment set out in PPS 9 'Biodiversity and Geological Conservation', and The Wildlife and Countryside Act, and the Natural Environment and Rural Communities Act (2006) Biodiversity Duty, amongst others. Any proposal, particularly those in the green belt and other locations that present an opportunity to improve bio-diversity, such as this site, should therefore incorporate appropriate measures to enhance the Borough's nature conservation resource and achieve a better and more lasting habitat, in compliance with Policies EC2 and EC5 of the UDP and the legislation outlined above.

It is considered that additional measures can and should be incorporated into the scheme, whilst in operation and obviously during restoration. It is recommended that a Habitat Management Plan be developed for the site, and appropriate measures to ensure that can be implemented. In addition to the management plan, it is recommended that specific measures to protect habitat of nesting birds, and precautions to protect badgers and other animals should be incorporated into the operation of the site.

7.15 Sustainable waste management

Not applicable to this development.

7.16 Renewable energy / Sustainability

Not applicable to this development.

7.17 Flooding or Drainage Issues

The only reason for the refusal of the original planning application (ref. 45408/APP/2007/3189) was due to the Environment Agency Objection to the absence of a hydrological impact assessment which would detail any potential impact to the groundwater source. The applicant has conducted a hydrological impact assessment and flood risk assessment which address the potential strategies for addressing surface water drainage, and potential effects on local hydrology, including water courses. The hydrological report suggests three areas for mitigation including bund construction, grading the surface of the landfill, perimeter ditches, land drains and monitoring of groundwater levels.

The hydrological report suggests that additional perimeter ditches should be constructed on the eastern, northern and western boundaries on and where no extraction have to take place. The applicant has fulfilled this requirement by positioning a drainage ditch on the eastern boundary, some 16m from the site boundary with gravel extraction on either side.

The applicant has addressed the reason for refusal of the original application and further submitted a revised Flood Risk Assessment with the subject application. The Environment Agency is yet to confirm their position on the Flood Risk Assessment. Given that the applicant is actively working with EA to resolve this issue, it is likely that this issue can be resolved. Further information and the EA position will be clarified in the Addendum report.

7.18 Noise or Air Quality Issues

Specialist consultant has undertaken noise and air quality assessments. These suggest suitable rise in noise levels or reduction in air quality.

In mineral planning terms the applicant is using tried and tested approaches to control noise and air quality impacts such as, landscape bunds, tree planting, damping down haul roads and dust and air monitoring. Appropriate worded conditions as suggested by Environmental Protection Unit will be included to ensure that mitigation measures will be in place.

7.19 Comments on Public Consultations

The issues raised have been addressed elsewhere in this report and where appropriate, suitably worded conditions are proposed to address the impacts.

7.20 Planning obligations

None applicable to this development.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

SITE PREPARATION

Following the archaeological investigation, the applicant proposes to create a new haul road across the centre of the site, which will be extended as the operation proceeds. The field conveyor will also use the haul road and access the existing plan/material processing area through an existing tunnel under Sipson Lane. The hedges along the north-eastern boundary will be removed with the boundary fenced for security purposes. The ground will then be prepared for soil stripping and soil storage. Topsoil storage bungs will be located along the north east/west and south east/west boundaries.

This is considered to be an effective method for preparing the site for mineral extraction and suitably worded planning condition will ensure that the operator adopts the working practices demonstrated in the planning application and supporting statements.

METHOD OF WORKING

The site will be worked in 5 phases, commencing in the north-east and working in a clockwise direction. During the excavation the site will be continually dewatered and the water pumped to the existing lakes and lagoons. The extracted material will be moved by a loading shovel and placed onto a hopper that feeds the field conveyor. The gravel will then travel to the existing processing area at Wall Garden Farm, from which lorries will transport the materials using the approved highway arrangements.

The proposed method of working follows standard industry practice. The applicant has provided evidence to show that some 600,000 tonnes of mineral resources is present on the site and is of suitable quality for extraction, without significant harm to the environment. Suitably worded planning condition will ensure that the operator adopts the working practices demonstrated in the planning application and supporting documents.

MINERAL WASTE DISPOSAL

Surveys undertaken by the applicant show that the sand and gravel to be worked lies beneath a layer of soil and overburden, which varies in depth of between 1-3 metres. The top and sub soil will be stored in bunds and used in site restoration. Overburden will be progressively used to backfill the site before other inert waste is used to fill the void as per the restoration scheme.

The applicant has suggested measures to re-use the waste materials in a sustainable manner. Top soil is a very scarce and it will be important that these are stored carefully to avoid compaction. Planning condition can ensure that soils are handled and stored correctly.

LOGEVITY OF OPERATIONS

The applicant has indicated that the site will operate for a period of 4½ years, followed by a 5 year aftercare period. Further to this, the site is also linked to the existing operations at Wall Garden Farm. The site (ref. 56077/APP/2001/514) was granted permission in 2002 for a period of 7 years, which ends in May 2009 (excluding aftercare period), by which time the processing plant should be removed. However the site is still being worked and that permission has been granted its extension for a period of 12 months from commencement. Excavation of the extension is unlikely to be completed before the end of 2010. The subject application operations will rely on the mineral processing at Wall Garden Farm. Therefore in practice, a further application to extend the life of the processing plant would be required. The applicant has recently submitted a Prior Approval consultation for the installation of replacement concrete plant under the provision of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. This application, at the time of writing, is under consideration and determination to be made in due course.

The applicant has proposed mineral extraction rates of 200,000 tonnes per annum, which is similar to that of the neighbouring Wall Garden Farm site. It is considered that this rate is feasible and therefore the timescales proposed in the application are achievable.

RESTORATION

The site is proposed to be restored to agriculture. This will be achieved by filling the void with overburden and inert waste before replacing the stored sub and top soils. Finally the

site will be seeded for arable cropping. Final contours show a doming effect from the centre of the site (approximately 1m above the existing levels) to allow for effective site drainage.

This form of restoration is suitable for the local landscape character and the restrictions enforced by Heathrow Airport. In terms of technical suitability no concerns are raised in so far as the site will be monitored by Minerals Planning Authority to ensure required levels are achieved and other regulation authorities will ensure compliance with the pollution control/prevention regime.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

There is no policy objection in principle to the mineral extraction at this Green Belt location, subject to satisfactory environmental standards being maintained and land

restoration. The proposal employs mitigation measures to ensure that the environment is protected and it will be further protected through conditions subject to the consent.

Due to the mitigation measures put forward, the proposal would have minimal impact on the amenity of nearby residents, with regard to dust, noise and vibration. It is considered that the bunds required would only have limited short term impact and therefore it is not considered to have an adverse impact on visual amenity and the general character of the landscape or to the appearance of the area in general.

Accordingly, the application is recommended for approval subject to Environment Agency withdrawing their objection and conditions set out above.

11. Reference Documents

Planning Policy Guidance Note 2: Green Belts

Minerals Policy Statement 1: Planning and Minerals (MPS1)

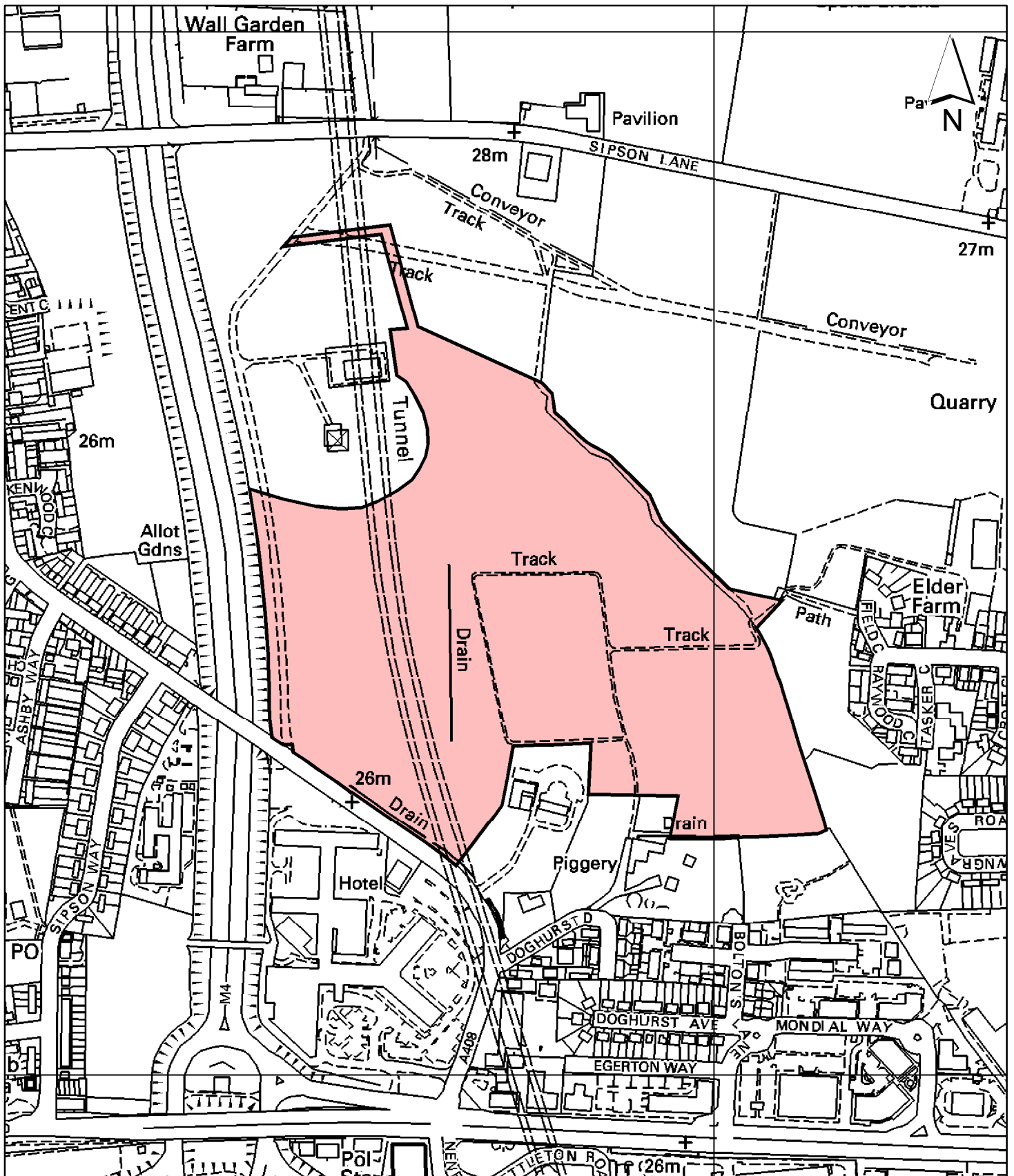
Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (March 2005)

Hillingdon Unitary Development Plan


The London Plan (Consolidated and with alterations since 2004) February 2008

Contact Officer: Jane Jin

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Notes

 Site boundary

For identification purposes only.

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| | |
|---|-------------------|
| Site Address | |
| Land at Sipson Farm Sipson Road Sipson | |
| Planning Application Ref: | Scale |
| 45408/APP/2009/340 | 1:5,000 |
| Planning Committee | Date |
| Central and South | April 2009 |

LONDON BOROUGH OF HILLINGDON

Planning & Community Services

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HILLINGDON

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