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# Central & Eastern Berkshire Joint Minerals and Waste Plan Public Examination

Response to Inspector's Matters, Issues and Questions  
On behalf of  
Knowl Hill Residents

**Main Matter 6  
Strategy for waste**

September 2021



**Central & Eastern Berkshire  
Joint Minerals and Waste Plan  
Public Examination**

**Response to Inspector's Matters, Issues and Questions  
Main Matter 6:**

**Strategy for Waste**

**Barton Willmore LLP on behalf of Knowl Hill Residents**

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## **0.0 INTRODUCTION**

- 0.1 Barton Willmore LLP has been instructed by Knowl Hill Residents to submit this written Hearing Statement ("HS") in response to the Inspector's Matters, Issues and Questions for Examination. This statement expands upon the representations submitted on behalf of our clients in response to the relevant Regulation 19 consultations on the emerging Central & Eastern Berkshire Joint Minerals and Waste Plan.
- 0.2 This statement is made on behalf of Knowl Hill Residents due to their concerns about the existing Minerals and Waste Site at Knowl Hill in Berkshire, operated by Grundon and known as 'Star Works' and the approach to this site within the emerging plan.
- 0.3 Whilst efforts are made not to duplicate the content of previous representations, this HS draws on previous responses where necessary.

## **RESPONSE TO INSPECTOR'S QUESTIONS – Main Matter 6**

### **Protecting mineral resources, infrastructure and facilities**

#### **Q6.13 Is the proposed approach in Policy W2 for safeguarding waste management facilities justified in the context of existing and future waste capacity requirements and the relationship to the growth and development strategies contained within other Development Plan Documents?**

- 1.1 Policy W2, and specifically the safeguarding of the Site at Star Works is not justified as it is not based on proportionate evidence.
- 1.2 A detailed report on the history of the star Works site, and assessment against the policies of the emerging plan are provided in report ref 29634-P1b-A5 which was appended to our Regulation 19 representations and are therefore not rehearsed at length here.
- 1.3 As evidenced within that report (29634-P1b-A5), the Site at Star Works is not currently operating under the correct Use Class. The lawful use of the site continues to be B2. The use of the site includes the treatment of clinical waste which is precluded from a B2 use. As such, the site is being operated under a sui generis use for which it does not have planning permission. On this basis, we do not accept that the Site at Star Works has the necessary planning consents to be considered an existing, planned or allocated waste management facility. We understand that Wokingham Borough Council have requested that Grundon submit a change of use application given that they agree that they are operating beyond the current use class, and at the time of writing we are not aware of any application being forthcoming.
- 1.4 Grundon operate the Star Works site under Planning Permissions 340429 and 426466 – 1994 for the purpose of:

**“The remedial filling and restoration of former landfill site, extension of landfill and restoration of quarry, site roads, weighbridge and office on land west of Star Works, Star Lane Knowl Hill”**

At the time of granting the consent (at Appeal) it was acknowledged that there would be some short term disruption:

**"Against these disadvantages must be set the considerable long term benefit to be derived from the restored landscape and public access".**

The landfill operation has planning permission until 2020 with restoration to be completed in 2021. The operator submitted an application to extend the operational time period to January 2022 with restoration to January 2023. This application has been approved and all parties agree that the landfill operation will cease in the near future. On this basis, there is no need to safeguard the facility throughout the plan period (up to December 2036). The original permissions were granted over 25 years ago for the purposes of restoration of a Greenbelt site. It was not envisaged that the operations would continue in perpetuity.

- 1.5 As previously evidenced the on site operations at Star Works do not have the necessary planning consents to be classified as an existing, planned or allocated waste management facility. Policy W2 states that

**'...facilities shall be safeguarded against development that would prejudice or jeopardise their operation by creating incompatible land uses.'**

- 1.6 The Star Works site is located within the Green Belt to the northern part of Wokingham Borough, with the access falling within the administrative boundary of the Royal Borough of Windsor and Maidenhead. Further environmental factors of relevance are:

- a) SSSI Impact Risk Zone;
- b) Nitrate vulnerable for surface water;
- c) Drinking Water Safeguard Zone;
- d) Lindenhill Wood ancient woodland area is located to the west;
- e) Opposite the main entrance, there are two Grade II Listed Buildings, the Barn at Seven Stars (reference 1119753) and the Seven Stars Public House and attached stables (reference 1119752); and
- f) A number of Public Rights of Way border the site, including WARG FP 41 I, WARG RB 40 I; and Byways referenced HURL BW 41 V, HURL RB 41 VI and HURL BW 41 II.

- 1.7 There are a number of residential properties within close proximity to Star Works, including four dwellings within the two Listed Buildings opposite, and more to the north, east and south. With the main access into and out of Star Works being onto Star Lane, the operation of the site has an impact on residential amenities in this locality.

- 1.8 The Site at Star Works is very close to existing residential uses. This proximity would be a material planning consideration for any future waste management facility. The use is incompatible with neighbouring residential uses. Were the site to be assessed against the proposed DM policies contained within the emerging plan, it would fail on a number of counts (as set out below). This exemplifies the incompatibility with neighbouring uses and the lack of justification to safeguard the site within the emerging plan.
- 1.9 **Emerging Policy DM1** "sustainable development" requires minerals and waste development to comply with all relevant policies in the plan. **The development would conflict with this policy** due to other policy conflicts set out below.
- 1.10 Emerging Policy DM3 "protection of habitats and species" states that development likely to result in the loss, harm or deterioration of Sites of Special Scientific Interest (SSSI), the benefits of the development will need to clearly outweigh the impact on the SSSI and any wider impact on the national network of SSSIs. The site is in a SSSI Impact Risk Zone and, therefore, there is potential for conflict with this policy.
- 1.11 Emerging Policy DM6 "Green Belt" requires that proposals for development do not conflict with the openness of the Green Belt and should demonstrate that there are no appropriate sites outside of the Green Belt that could fulfil the same role. The operations at Star Works are not contained within the existing building on site, and the operator has assembled a number of ad hoc 'temporary buildings', and on-site storage. It has not been demonstrated that there is no non Green Belt alternative to Star Works, and the continuing operations and the nature of those operations presents a potential conflict with this policy.
- 1.12 Emerging Policy DM9 "protecting health, safety and amenity". Fundamentally the operation of Star Works as a waste management facility is incompatible with the adjacent neighbouring uses. Residential properties are within 1 metre of the boundary of Star Works and within 5 metres of the access road to and the principle point of access into the site. Notwithstanding the known impacts of the site, given the proximity to neighbouring properties, if Star Works were to be assessed as a proposed use then matters relating to noise; light pollution; traffic movements; dust; leachate; odour and litter would draw one to the conclusion that this is an incompatible use that would have a detrimental impact on residential amenity of neighbouring residents.
- 1.13 DM12 "sustainable transport movements", The matter of key relevance here is that the Policy would require Star Works to avoid detrimental impacts on the local community from "within and outside the site". This would include noise, light and dust disturbance from vehicles moving within the site, and again once vehicles enter and leave the site. The



policy allows for instances where such impacts can be mitigated, such as highway improvements. It is important to note however that there is only one means of entry and exit onto Star Lane then Bath Road, and this access is shared by a number of residential properties.

- 1.14 DM15 "past operator performance", requires an assessment of operational performance and, where issues have been raised, will be taken into consideration in decision making on the application. There is a long history of the Site operators failing to adhere to required conditions (as set out within our regulation 19 representations) along with the aforementioned issue of the unlawful use. As such, the past performance of the operator has been poor and this has resulted in significant adverse effects.
- 1.15 The report which was appended to our Regulation 19 representations highlights years of planning breaches which impact health, safety and amenity of neighbouring residents. Examples include flooding on the perimeter of the site which affects neighbouring properties, traffic movements which exceed in time and quantum the restrictions imposed by the planning consent for the land fill operation (which remains the only lawful planning permission on the site); external lighting which causes nuisance on an ongoing basis; failure to cover loads, resulting in dust and debris on neighbouring roads and breaches of Environmental permits which have historically resulted in action under separate environmental provisions. On this basis it is considered highly unlikely that Star Works will be able to achieve the correct consent in order to enable it to operate in accordance with draft policy W2.
- 1.16 The impacts currently experienced by nearby residential dwellings are significant. Such impacts were reportedly borne by residents with the understanding that the waste management functions were necessary to restore the former quarry / landfill site. The level of impact upon local residents demonstrates that whilst the Council and the Environment Agency have sought to impose environmentally mitigating conditions on permissions, the close proximity between conflicting uses is such that conflict between Star Works and nearby uses is almost impossible to avoid. Star Works was a temporary facility permitted to enable the restoration of the former quarry / landfill site with inevitable impacts on the locality. Once restoration is complete, those operations detrimental to the local environment should cease and should not be safeguarded.
- 1.17 It is therefore concluded that the safeguarding of the Star Works site is not justified, and therefore its inclusion on the proposals map should be deleted.