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West Berkshire Council,
Planning & Trading Standards,
Council Offices,
Market Street,
Newbury RG14 5LD

Dear Sirs,

Application 11/00778/FUL
A4 Metal Recycling Limited – 7 Acre Copse, Beenham

Beenham Parish Council has considered this application and decided to object on the following grounds.

1. Absence of an Environmental Impact Statement

For the reasons given in our letter of 21 June, we consider that your decision not to require an Environmental Impact Statement is flawed, and that you should therefore withdraw the scoping assessment in your letter dated 6 June.

In considering this application it has to be borne in mind at all times that it is a retrospective application. It is seeking consent for development that has already occurred, and indeed to a large extent occurred several years ago. There is therefore no question as to whether the development will have a significant local impact – it has been having such an impact for several years. In addition there should be no doubt as to the extent of the impacts, which should be easy to measure. It is therefore regrettable that the applicant has not been required to produce a full Impact Assessment which would have disclosed more complete and reliable information than that contained in the application.

2. Traffic

The application (4.21) provides the data from a “vehicle log” for the period 4 to 10 January 2011. No information is given as to the methodology used in assembling the data or who was responsible for its collection. If it was based on a count of vehicles entering the site this will result in a material underestimate, since it will exclude vehicles which park on the bridleway including those which unload their scrap metal there without entering the site.

It is to be noted that the data is of vehicles, not vehicle movements. In order to ascertain the number of vehicle movements – which is the only relevant data for this purpose – the figures must be doubled.

Even then the data is significantly understated, probably because the first week of the year is not truly representative. A survey carefully carried out by a group of local residents over the period 7 to 12 March 2011 produced far higher figures of vehicle movements. On the basis of this survey the weekly movements were 1,970 as against the applicant's figure of 1,382; the annual figures would be 100,270 as against 70,482.

The details of the local survey, including the log sheets upon which it was based, can be provided.

In 4.23 the applicant seeks to compare vehicle numbers in 2005 with present numbers. The increase in traffic even based on the applicant's figures is enormous – nearly 4 times. A true comparison on the basis of the local survey would show an increase of over 5 times. This is the impact on traffic generation of the unauthorised development. The Parish Council would consider this of itself to demonstrate a significant adverse impact on the locality.

In 4.24 the applicant seeks to suggest that the generation of an additional 71 vehicles per day (142 movements) is not significant because it is proportionate in the context of a defined employment area with established industrial operations taking place. Elsewhere the application suggests that the traffic generated by the site is small in comparison with other users. Even if the applicant's data were reliable this is not the case. The traffic accessing the applicant's site constitutes the major proportion of the total traffic movements along Grange Lane from the A4 towards the bridleway, even on the applicant's own figures. The only other regular commercial user of the upper part of Grange Lane is Aldermaston Coaches with an average of 28 movements per day. There has been no discernible increase in commercial use of the road since 2005 other than by vehicles accessing the applicant's site.

In 4.30 the applicant refers to the traffic generated by the adjoining coachworks site as if it were significant. The local survey showed that traffic movements related to that site were very few, an average of 9 per day (compared with the applicant's 328). It must be appreciated that the applicant's site and the adjoining one referred to are the only sites using bridleway 18. The applicant is responsible for over 97% of the traffic.

The heavy volume of traffic movements, particularly at the corner of the bridleway and Grange Lane, causes a number of particular problems for local people:

(i) this is an area with young families who cannot be allowed out of their front doors unsupervised because of the dangerous level and sometimes speed of large lorries and others accessing the site;

(ii) the aggressive and unpleasant manner often adopted by drivers accessing the site when local residents express concern at the speed at which some vehicles are driven;

(iii) the parking of vehicles on the bridleway, often blocking it for riders and others (see below further re the bridleway); it is extraordinary that those living at the end of a public right of way are generally unable to use it for normal recreation during weekdays.

(iv) the traffic sometimes backs up all the way to the cottages at the junction of the two bridlevays. This has resulted in residents being unable to gain access to or egress from their own properties. It is also potentially dangerous if emergency vehicles need access either to the cottages or to the scrap yard itself.

(v) the accumulations of rubbish on the bridlevay and in the watercourse; those bringing scrap to the site which is of a type not acceptable to the applicant sometimes dump this unwanted scrap in the bridlevay and the adjoining drain;

(vi) the damage caused to Grange Lane by heavy vehicles accessing the site.

Conclusion: The traffic data provided in the application is misleading. Actual traffic generation is considerably greater than suggested in the application, in absolute terms, in terms of comparison with 2005 usage and in terms of percentage of user traffic. The traffic levels seriously affect the quality of life of local residents.

3. The Bridlevay

Contrary to the statement in 4.26 that there is “sufficient space for pedestrians, cyclists, horse riders and even vehicles to pass safely along the bridlevay” this is not the case. Photographic evidence can be produced to demonstrate this. The reality is that over the last few years it has become increasingly difficult for the public to exercise their right of way along the bridlevay, to such an extent that it is now very seldom used at all. Vehicles often park so as to obstruct the right of way. The bridlevay is often blocked by traffic queuing to go into the site.

The rider of a horse walking down the bridlevay from the east would take some two minutes to pass from the site entrance to Grange Lane. On the basis of the traffic movements shown in the local traffic survey he would be more likely than not to encounter a vehicle accessing or leaving the site. Some of these vehicles are very large and passage for a horse and rider would be very difficult.

The applicant suggests in 4.27 and 4.28 that various steps might be taken, and might even be imposed by condition, to make public access easier. The Parish Council has no reason to believe that this will assist in practice. If the applicant had recognised the difficulties and been concerned to ensure that the public had proper access it would have taken steps independently before now to improve matters. It has for years been fully aware of the difficulties experienced by the public, and particularly riders, and has done nothing to assist. If the applicant now believes that signs and traffic calming measures would help, why are they not there now? Why were they not put in place years ago when numerous complaints were being made? The only action the applicant has taken is to widen and surface the bridlevay in order to increase vehicular access and parking, in the interests of the business. It has not in practice increased accessibility for the public.

The applicant states in 4.29 that such traffic calming measures will help ensure “the access arrangements to the operational site are actually more efficient and less disruptive to other users of the bridlevay than was the case in 2005.” This bald assertion is made without any supporting evidence as to the actual effect of such measures, individually or collectively.

The applicant should be required to reinstate the bridleway to the condition it was in prior to the widening and resurfacing. No vehicles should be parked on the bridleway. The applicant draws attention in 2.4 to its “reasonable” right to use the bridleway for vehicular access to the site. It is questionable whether the definition of reasonable would equate to effectively terminating the rights of horse riders due to the excessive level of traffic and the nature and type of vehicles which currently use the bridleway. In addition the applicant has no legal right to park vehicles on the bridleway. The rights granted do not include a right to park, only a reasonable right to pass and repass. Even if they did it is doubtful if such a right could be enforced in respect of a bridleway.

The applicant suggests that if consent is granted any s.106 requirement should be treated as discharged by the expense incurred in respect of the works done to the bridleway. The Parish Council would object to this in the strongest terms. The applicant carried out those works and incurred the expenditure for the benefit of his business, in the hopes that thereby he could continue to park vehicles on the bridleway as he had in the past and so as to improve vehicular access. There has been no benefit to the community, because the community should in any event have been free at all times to use the bridleway unhindered by his parked vehicles and vehicles requiring access to the site.

Conclusion: There is no evidence to support the suggestions that the alterations to the bridleway have benefitted the community. The reverse is the case. The bridleway should be restored to its former condition.

4.Noise

The noise survey report which has been produced with the application is unsatisfactory in a number of respects:

(i) it suggests that other industrial operations in the area, and the A4 and the railway, “contributed substantially to the ambient noise levels at the survey locations” This broad statement is then qualified imprecisely with “at various times of day” and “depending on their own operational needs” without any attempt to quantify the overall effect of the ambient noise level at any particular location. The result is to give the impression that local residents have to endure other significant noises besides those emanating from the site. The reality is that there have been, so far as the Parish Council is aware, no complaints about noise from these other quarters (apart from one property in respect of reversing vehicles at Grundon which has been dealt with). Any such background noise is small and intermittent. None of the specific industrial businesses referred to create a noise disturbance. The noise from the applicant’s site is of an altogether different character.

It is interesting to note (see under “Survey co-ordination”) that it was deemed inappropriate to measure the background noise. The two paragraphs under this heading are inconsistent- one appears to say that this was not appropriate because it was not possible to obtain a representative reading because of the different timings of the other operational activities; the other says that “ambient noise conditions in the area generally are relatively consistent” which is clearly not the case and is indeed quite at variance with the statement in the succeeding paragraph and the statements referred to above under “The Site and the Surrounding Area”. The truth is that the

particular sites referred to create very little, if any, noise disturbance at the five survey locations. Aldermaston coaches operate a small number of coaches which make little noise and then only at very limited times; The Marley and Grundon operations would not be heard at any of the locations, save for Grundon at Grange Place; the repair services at the adjoining lorry site create hardly any noise save from infrequent lorry movements which would be heard only at Wayside Cottage and Yarnfield. The general statements under "Field Observations" which suggest otherwise are simply not credible. Indeed, we understand that officers from the Environmental Health department have described the ambient noise as birdsong; this is supported by recent videos of the site.

(ii) While much is made in the report of the constant background and ambient noise levels it is interesting that measured results for these were obtained only at two of the five survey locations. In particular it would appear from the report that no measurements were taken at the property nearest to the site, Grange Place. That is strange, because it is known that measurements were taken there in the morning and afternoon so why have they not been included in the report? Indeed the report is very misleading in that the noise prediction for Grange Place [reference 1 in the noise report] is significantly lower than Yarnfield [reference 4] although the property is considerably closer.

(iii) While reference is made to the nearest private residence Grange Place and other residences to the west of the site, no information is given about other residences which are near to the site and affected by the noise generated by it. There are a number of residential properties to the east on Beenham Hill which are affected by noise from the site. Indeed, noise from the site is frequently heard at properties on the Beenham escarpment, up to a kilometre away.

(iv) The noise readings were taken with the wind conditions described as light southerly. This is from the applicant's point of view the most favourable condition, as the wind is taking the noise away from the properties surveyed. Readings in a northerly or east wind would be likely to have been significantly different.

(v) During the noise survey only one of the grabs on the site was working. Most of the time two are in operation. In addition the readings were taken out by one operative who would have been unable to observe site operations to ensure that working levels were normal.

(vi) The report states (page 11) that "the proposed developmentdoes not increase the intensity of operations at the site from those which currently take place". This is irrelevant and misleading. The application is seeking consent for the current operations, not for new operations.

(vii) The report provides for a number of "operational recommendations" which "...can be considered to ensure that the effects of operations at A4 Metal Recycling on the surrounding area is minimized...". None of the 10 recommendations will mitigate the primary cause of the noise disturbance that being the use of the grabs, the unloading / loading of vehicles and the bailing machine. Interestingly the noise report has not attempted an assessment of residual noise impacts with the "operational recommendations" in place. Noise complaints will therefore continue to be likely;

(viii) If you were minded to give consent we would wish to discuss with you the conditions to be attached in relation to noise. Many of those suggested in the noise report are unsatisfactory and will

not in practice assist in ameliorating the current problems, For instance, the suggested condition that operating hours be limited except where there is a backlog; and that the doors of the new building be closed “when feasible”.

Conclusion: The conclusion of the noise report is that noise levels from the site are such as to trigger complaints. It then states “the results are typical of noise levels experienced round a facility of this nature ... and are to be expected in such circumstances”. That is the exact point. The application is for retrospective consent for an operation which is acknowledged to be sufficiently noisy to give rise to complaints. In addition, the general conclusions in the report as to noise levels materially underestimate the adverse impacts and the suggestions as to how noise might be ameliorated are not credible.

There is currently an unacceptable level of noise generated both by operations on site – the loading, unloading and movement on site of vehicles and other metal objects, the dismantling operations and the crushing of metal- and by a significant volume of traffic passing with heavy, often unstable, loads of metal within a few yards of dwellings.

At the very least, this application should not be considered further without the benefit of a complete and objective assessment of the noise impacts from the present operations – those being the operations for which consent is being sought..

5. Contamination/Drainage

The application gives no information about the nature or quantity of the pollutants arising from the applicant’s operations and how they are dealt with, or as to the drainage system. The fact that there may be in force an environmental licence dealing with such matters does not excuse the applicant from the necessity of explaining in the application how these matters are dealt with. Please bear in mind that we are dealing with an application which relates to an existing use which has been carried on for several years. There can be no practical difficulty in the applicant providing details of drainage and contamination matters which already exist.

The Parish Council is concerned about this aspect, because the site adjoins a public right of way along which there is a surface water drain. Any seepage of contaminants from the site could have serious consequences.

Conclusion: full details of the drainage and contaminant storage arrangements should be required.

6. Conditions

In considering whether to grant consent, and if so what conditions to impose, the local authority should bear in mind the history of this site over recent years. The applicant acknowledges that it has carried on activities such as vehicle crushing, vehicle servicing and the operation of a scrap metals business for which it has neither planning consent nor (at least until recently) the appropriate environmental permissions. The resultant impact on the lives of local residents has been very bad. If consent is granted it is therefore incumbent on the planning authority, as well as the Environmental

Agency, to impose stringent conditions on the operation of the site and particularly in relation to noise levels, hours of opening, traffic movements, the regular collection of rubbish from the bridleway, the disposal of waste and the drainage arrangements. It is also incumbent on the authority to police and enforce these conditions. **We nevertheless stress that the imposition of conditions is not the right approach. For all the reasons given in this letter, and bearing in mind the objections from other local residents, the application should be refused.**

We may wish to raise further objections in relation to the local planning aspects of the application.

Yours faithfully,

Dick Russell,
Chairman, Beenham Parish Council