

Licensed Waste Transfer and Recycling Facility at:

Holloway Lane

Sipson

UB7 0AE

**Supporting Statement
in respect of**

**Application for Certificate of Lawful Use of Existing Use or
Development**

On Behalf of Powerday Plc.



Date: August 2022

Brook House
54a Cowley Mill Road
Uxbridge UB8 2FX

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INTRODUCTION:

The application is for a Certificate of Lawful Use for Existing Use or Development. In this instance this relates to an existing use.

This statement has been prepared by jpb architects on behalf of Powerday Plc in support of an Application for a Certificate of Lawfulness of Existing Use or Development for the Materials Recycling Facility, Holloway Lane, Harmondsworth, West Drayton, UB7 0AE.

The application is made under Section 191 of the Town & Country Planning Act 1990, a provision enabling Landowners or other applicants to seek a certificate certifying that an existing use of land is lawful – whether because it benefits from deemed planning permission or because it is immune from enforcement due to the passage of time since it began.

Section 191 of the 1990 Act concerns applications for a certificate of lawfulness of existing use or development which are made to the local planning authority and must be determined having regard to matters of fact and law alone. Planning policy and guidance, including the policies within the statutory development plan are not relevant to the determination of such applications.

Instead, the evidence provided (and supplemented following additional requests or from information already held by the Authority) is assessed and weighed on the balance of probabilities to determine whether the situation as set out in the application exists, and if so has taken place or existed for the required period, in this case 10 years. If the Council finds on the balance of probabilities that the premises has over the last 10 years (or longer) been operating primarily as applied for, then it must grant the Certificate under s.191 of the Town and Country Planning Act 1990.

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THE SITE:

The waste processing facility is located to the south of Holloway Lane and to the north of Harmondsworth Lane on the eastern side of Harmondsworth in the London Borough of Hillingdon.

A Garden Centre is located to the north of the site.

The site is separated from the residential areas of West Drayton by the M4. Heathrow Airport is located approximately 1km to the south of the site. The closest residential properties are located approximately 224 metres to the south east of the site on Harmondsworth Lane.

Harmondsworth Conservation Area is located to the west of the site and there are a number of residential properties in Harmondsworth that are Grade II listed buildings. There is also a Grade I listed building known as Tythe Barn, which is located on the north-western edge of Harmondsworth.

Other uses within the area include Heathrow Primary School, which is located approximately 300m to the west and the Holiday Inn Hotel which is over 500m to the northeast of the site.

Access to the waste processing facility is via the access road from Holloway Lane previously used by the quarry and landfill. Powerday plc have operated a Licensed Waste Transfer & Recycling Facility at Holloway Lane, Sipson UB7 0AE from 12 March 2020 until present day.

The extent of the 24/7 operational area on site is outlined in red on the attached Site Location Plan drawing number 11212/101 & Block Plan drawing number 11212/105.

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EVIDENCE:

The site has operated as Licensed Waste Transfer and Recycling Facility has continued an interrupted basis from April 2003 to date.

Initially it was operated by Iver Recycling (UK) Ltd from April 2003 to 11th March 2020, subsequently by Powerday Plc. The lease and operations continued from 12th March 2020 to date.

The site benefits from a Waste Management Licence issued by the Environment Agency on 20th September 2002. Licence No. WML80564.

Suez UK Environment Ltd who are the freeholders for the site made an application in August 2019 for a certificate of existing development for use of part of the Licensed Area site as a materials recycling facility (Sui Generis). Application Reference: 43155/APP/2019/2616.

This current application relates to an additional area within original licensed demise, and Powerday Plc intention is to regularise the position and correspond with the Licensed Area.

Evidence Schedule:

Appendix A: Licensed Site Area Document.

Appendix B: Notice of Transfer of Licence application duly made on the 13 March 2020 and completed on 28th July 2020.

Appendix C: Completed Statutory Declaration by Iver Recycling (UK) Ltd.

Appendix D: Completed Statutory Declaration by Powerday Plc.

Appendix E: Drawings:

Site Location Plan: 11212/101/P2

Site Layout: 11212/105/P1

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CONCLUSION:

The site has operates a Materials Recycling facility and is within the Environment Agency Waste Management Licence Document reference WML 80564 dated 20th September 2002. Refer to Appendix A.

Iver Recycling (UK) Limited operated the site from April 2003 to 11th March 2020.

Refer to Statutory Declaration Appendix C.

Powerday Plc have been operating the site since 12th March 2020 to date.

Refer to Statutory Declaration Appendix D.

Powerday Plc applied for a transfer of the Licence on 13th March 2020, which was issued on 28th July 2020.

Refer to Appendix B.

The evidence provided demonstrates that the operations as described has been in existence and has been used as such for a period of at least 10 years prior to the date of the application.

Therefore on the balance of probabilities the site has been operating for a period in excess of 10 years a Certificate must be issued under s191 of the Town & Country Planning Act 1990.

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APPENDIX A:

Licensed Site Area Document:

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Tel: (01895) 272 446
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jparchitects.co.uk](mailto:admin@jparchitects.co.uk)

ENVIRONMENTAL PROTECTION ACT 1990

WASTE MANAGEMENT LICENCE

Issued to

SITA PRODUCTS AND SERVICES LIMITED

20 September 2002

LICENCE REF NO: WML80564



ENVIRONMENT
AGENCY

ENVIRONMENTAL PROTECTION ACT 1990

WASTE MANAGEMENT LICENCE

LICENCE REF No: WML80564

FACILITY TYPE: MATERIALS RECYCLING FACILITY

The Environment Agency, in pursuance of Part II of the Environmental Protection Act 1990, hereby grant a waste management licence authorising the keeping and treating of controlled waste on the land specified in schedule 1 to this licence to **SITA Products and Services Limited (Registered Company Number 01373225)** of 'The Pickeridge', Stoke Common Road, Fulmer, Bucks, SL3 6HA. Those persons being in occupation of the said land, the said licence being subject to the conditions specified in schedule 2 to this licence.

In this licence the words and expressions contained in schedule 2 shall have the meaning assigned to them therein.

SCHEDULE 1 - SPECIFIED LAND

The licence relates to the land identified as **Holloway Lane Quarry, Holloway Lane, Sipson, Middlesex, UB7 0AE** (hereinafter called the "site") shown outlined in red on Drawing Name: "Proposed materials recycling facility planning application area – Plan NO2," (1:1250) dated Nov 2000 and attached to this licence.

Signed K. Greene:

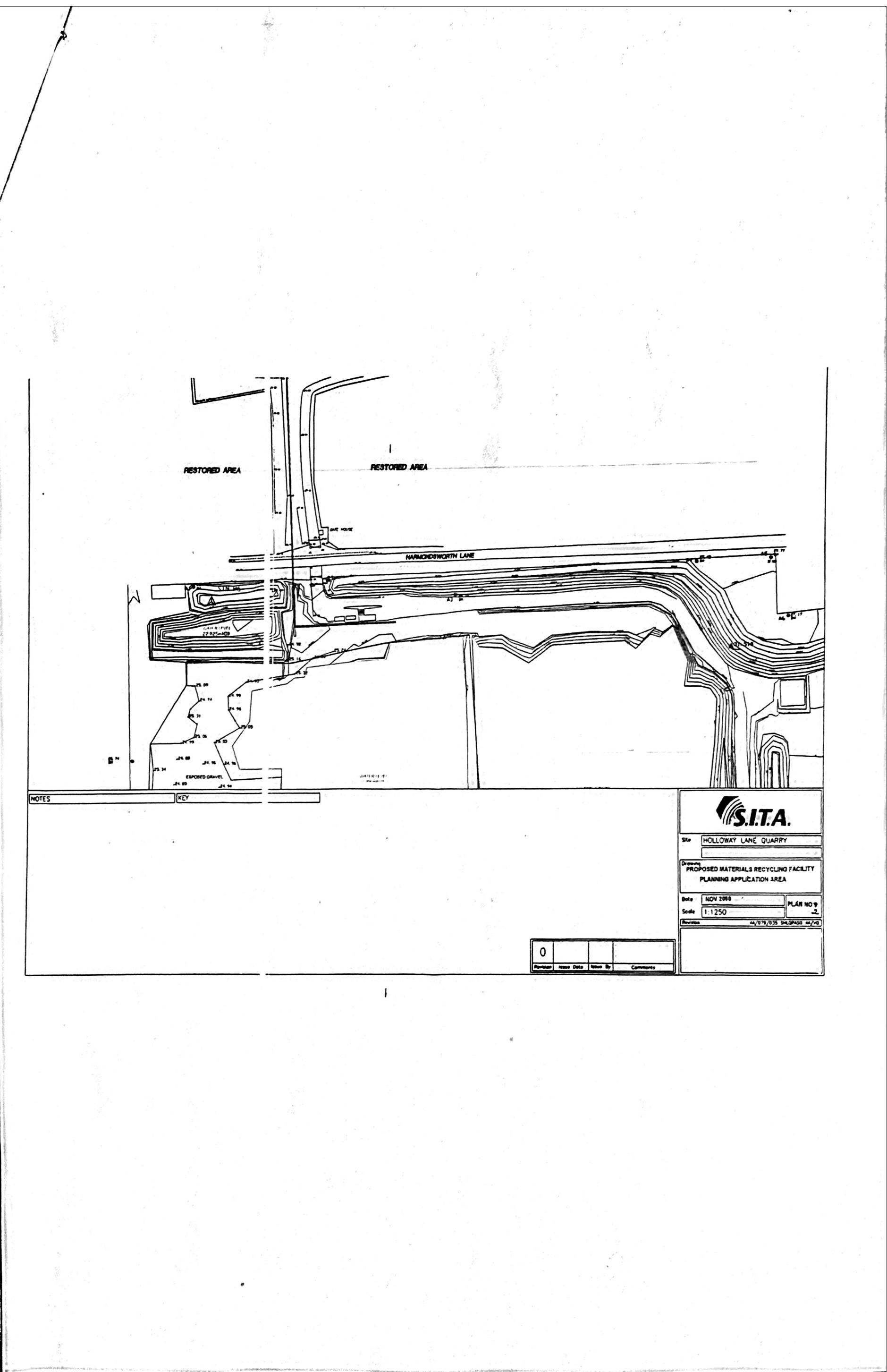
K.A. Greene
Team Leader – Waste Licensing

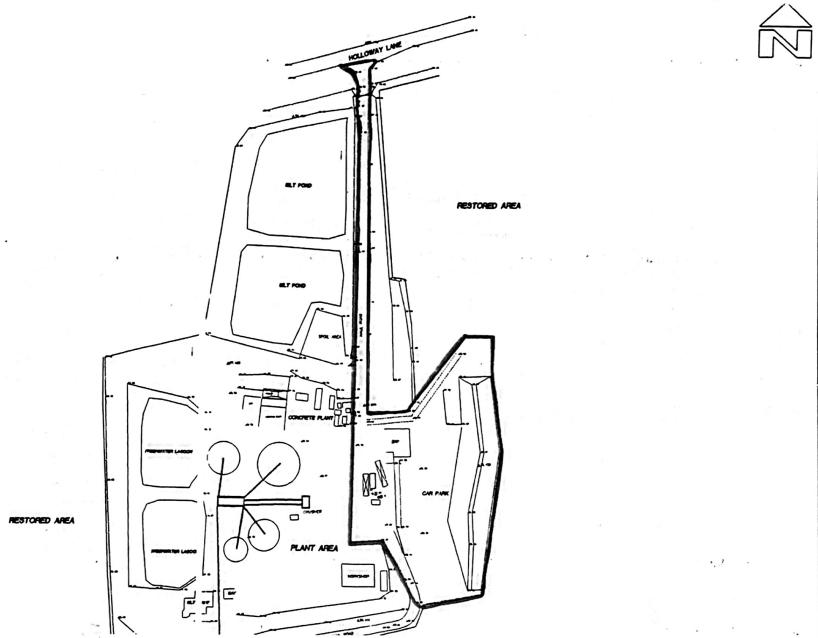
Date 20 September 2002

For Environment Agency official use only

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL DETAILED IN THE NOTES AT THE END OF THIS LICENCE

Environment Agency - Apollo Court, 2 Bishop Square, St Albans Road West, Hatfield, Herts. AL10 9EX
Tel: 01707 632300 Fax: 01707 632500





APPENDIX B:

Notice of Licence Transfer:

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Notice of transfer and Environment Agency initiated variation with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Powerday Plc

Holloway Lane Materials Recycling Facility
Holloway Lane
Sipson
Middlesex
UB7 0AE

Transfer application number

EPR/JB3400HB/T001

Transfer application number
EPR/JB3400HB/T001

Holloway Lane Materials Recycling Facility

Permit number EPR/JB3400HB

Introductory note

This introductory note does not form a part of the notice.

The following notice gives notice of the transfer of an environmental permit to a new operator (the transferee) and notice of an Environment Agency initiated variation of the environmental permit carried out at the time of transfer.

Any changes made as a result of the transfer are set out in the schedules.

This permit authorises the storage of combustible waste and so we have varied it to include a standard condition that requires operators to take all appropriate measures to prevent fires on site and minimise the risk of pollution from them and, if required by us, to submit for approval a fire prevention plan that once approved must be implemented.

The changes made to the original permit as a result of the Environment Agency initiated variation are set out in schedule 3.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

| Status log of the permit | | |
|--|-----------------------|---|
| Description | Date | Comments |
| Permit determined EPR/FP3697NH/A001 (EAWML 80564) | 20/09/02 | Application for Materials Recycling Facility. |
| Variation application EPR/FP3697NH/V002 | 04/12/03 | Permit varied to remove FP. |
| Variation application EPR/FP3697NH/V003 | 07/07/03 | Agency variation issued to update the permit template modern permit |
| Variation application EPR/FP3697NH/V004 | 23/10/08 | Agency variation issued to specify waste types and quantities to be accepted at the facility. |
| Application EPR/KB3935RF/T001 (full transfer of permit EPR/FP3697NH) | Duly made 05/10/12 | Application to transfer the permit in full to Iver Recycling (UK) Limited. |
| Transfer determined EPR/KB3935RF | 26/10/12 | Full transfer of permit complete. |
| Application EPR/JB3400HB/T001 (full/ part transfer of permit EPR/KB3935RF) | Duly made 13/03/20 | Application to transfer the permit in full to Powerday Plc. |
| Transfer and Environment Agency variation determined EPR/JB3400HB | 28/07/20 | Full transfer and Environment Agency initiated variation of permit complete. |

End of introductory note

Transfer application number
EPR/JB3400HB/T001

Notice of transfer and Environment Agency initiated variation

The Environmental Permitting (England and Wales) Regulations 2016

The Environment Agency in exercise of its powers under regulation 21 of the Environmental Permitting (England and Wales) Regulations 2016 transfers and under regulation 20 varies at its own initiative

Permit number

EPR/KB3935RF

to

Powerday Plc ("the operator")

whose registered office is

130 Shaftesbury Avenue

2nd Floor

London

W1D 5EU

company registration number 01509382

to operate a regulated facility at

Holloway Lane Materials Recycling Facility

Holloway Lane

Sipson

Middlesex

UB7 0AE

from Iver Recycling (UK) Limited

The notice shall take effect from 28/07/2020

The number of the new permit granted to Powerday Plc is EPR/JB3400HB

| Name | Date |
|--------------|------------|
| Alan Whitley | 20/07/2020 |

Authorised on behalf of the Environment Agency

APPENDIX C:

Statutory Declaration Iver Recycling (UK) Limited

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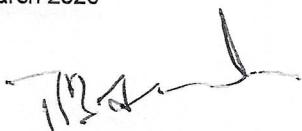
Tel: (01895) 272 446
Email: admin @
jparchitects.co.uk

I, [NAME] of [ADDRESS] *Ranvir Barnhra* 10-14 OLD CHURCH STREET,
DO SOLEMNLY and SINCERELY DECLARE as follows: LONDON SW2 5DQ.

I / We operated a Licensed Waste Transfer & Recycling Facility at Holloway Lane Sipson UB7 0AE from April 2003 until 11th March 2020.

The extent of the operations on site is outlined in red on the attached Site Location Plan number 11212/101 & Block Plan number 11212/105.

The use of the site for the above continued on an interrupted basis until the lease was taken over by Powerday Limited on 12th March 2020



AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the Statutory Declaration Act 1835.
Declared at

This 14 day of June 2022
Before me

A Commissioner for Oaths/Solicitor empowered to administer oaths



Mills Chady LLP
226-228 Kenton Road
Kenton, Harrow
Middx HA3 8BZ

APPENDIX D:

Statutory Declaration Powerday Plc.

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54a Cowley Mill Road
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Tel: (01895) 272 446
Email: admin @
jparchitects.co.uk

I, Michael Crossan of Powerday plc, Crossan House, Old Oak Sidings, off Scrubs Lane, London NW10 6RJ

DO SOLEMNLY and SINCERELY DECLARE as follows:

Powerday plc have operated a Licensed Waste Transfer & Recycling Facility at Holloway Lane Sipson UB7 0AE from 12 March 2020 until present day.

The extent of the operations on site is outlined in red on the attached Site Location Plan number 11212/101 & Block Plan number 11212/105.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the Statutory Declaration Act 1835.

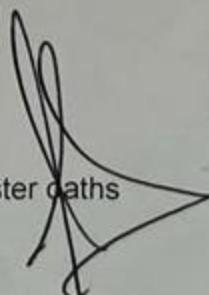
Declared at

Michael Crossan

This 5th day of August 2022

Before me

.....
A Commissioner for Oaths/Solicitor empowered to administer oaths


Saleem Chakera
8th August 2022
Saleem Chakera, Solicitor
Keith Flower & Co
62 Pinner Green
Pinner, Middx HA5 2AB

Michael Crossan 5/12/22

Ref No: Date: Drawing No:

P1 01st July '22 PRELIMINARY ISSUE

FOR CONSTRUCTION PLANNING DO NOT SCALE FROM THIS DRAWING.
ALL DIMENSIONS TO BE CHECKED ON SITE. ANY ENTHUSIASM MUST BE
CONFINED TO THE PAPER. FOR INFORMATION PRIOR TO
COMMITMENT TO THE WORKS, OR THE DIRECTED WORKS, IN DUE COURSE, THIS
DRAWING IS COUNTERPART.

Saleem Chakera
5th Aug 2022
Saleem Chakera, ~~Solicitor~~
Keith Flower & Co
62 Pinner Green
Pinner, Middx HA5 2AB

SCALE - METRES
0 10 20 30 40 50 60 70
0 30 60 90 120 150 180 210 240 270
SCALE - FEET



jub
architects

Powerday
Holloway Lane
Sutton
UB7 0AE

Site Location Plan

Ref No: Date: Drawing No:

11212 101 P1
11212 101 P1

HOLLOWAY LANE

Nursery

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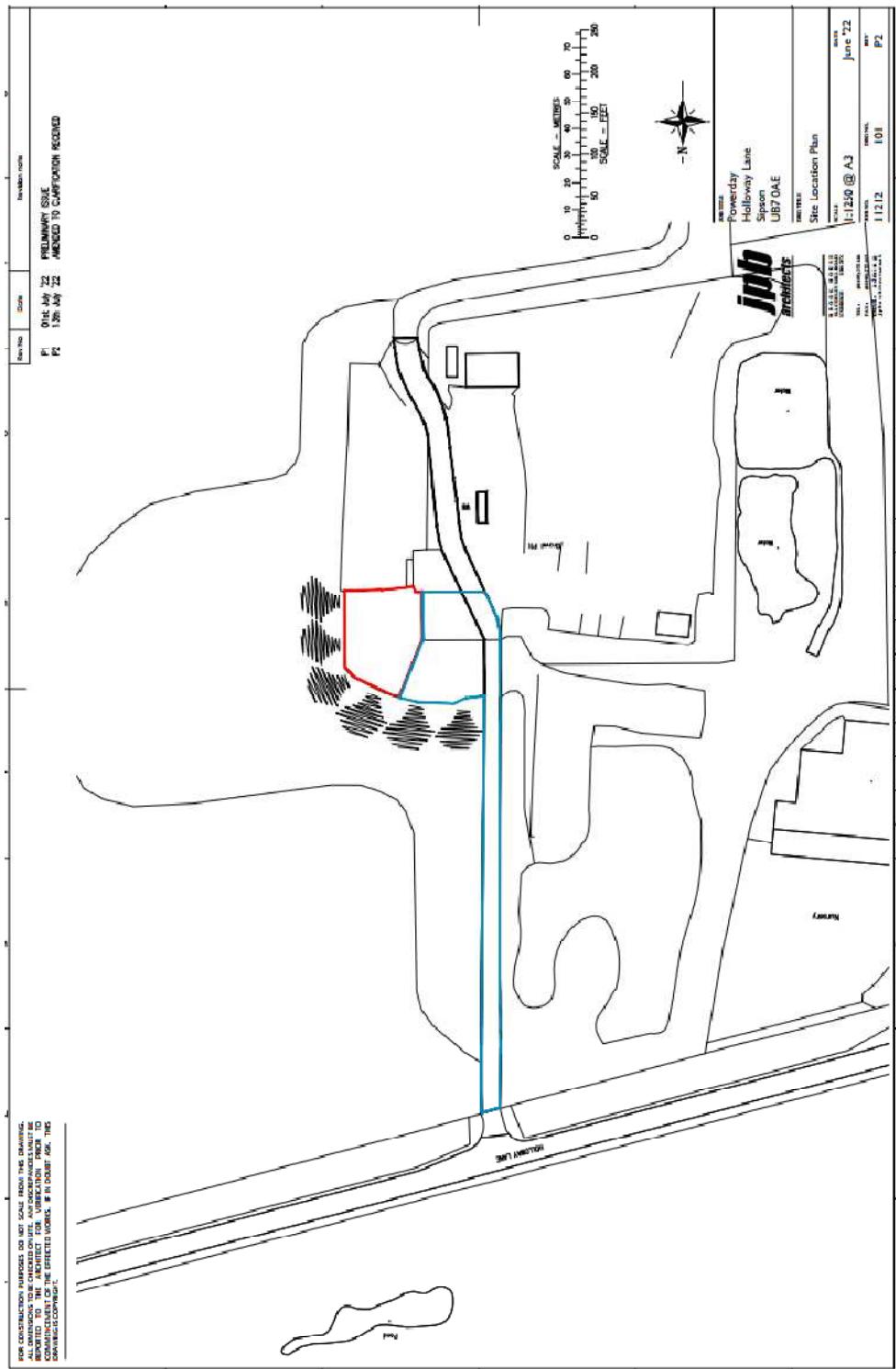
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APPENDIX E - Drawings:

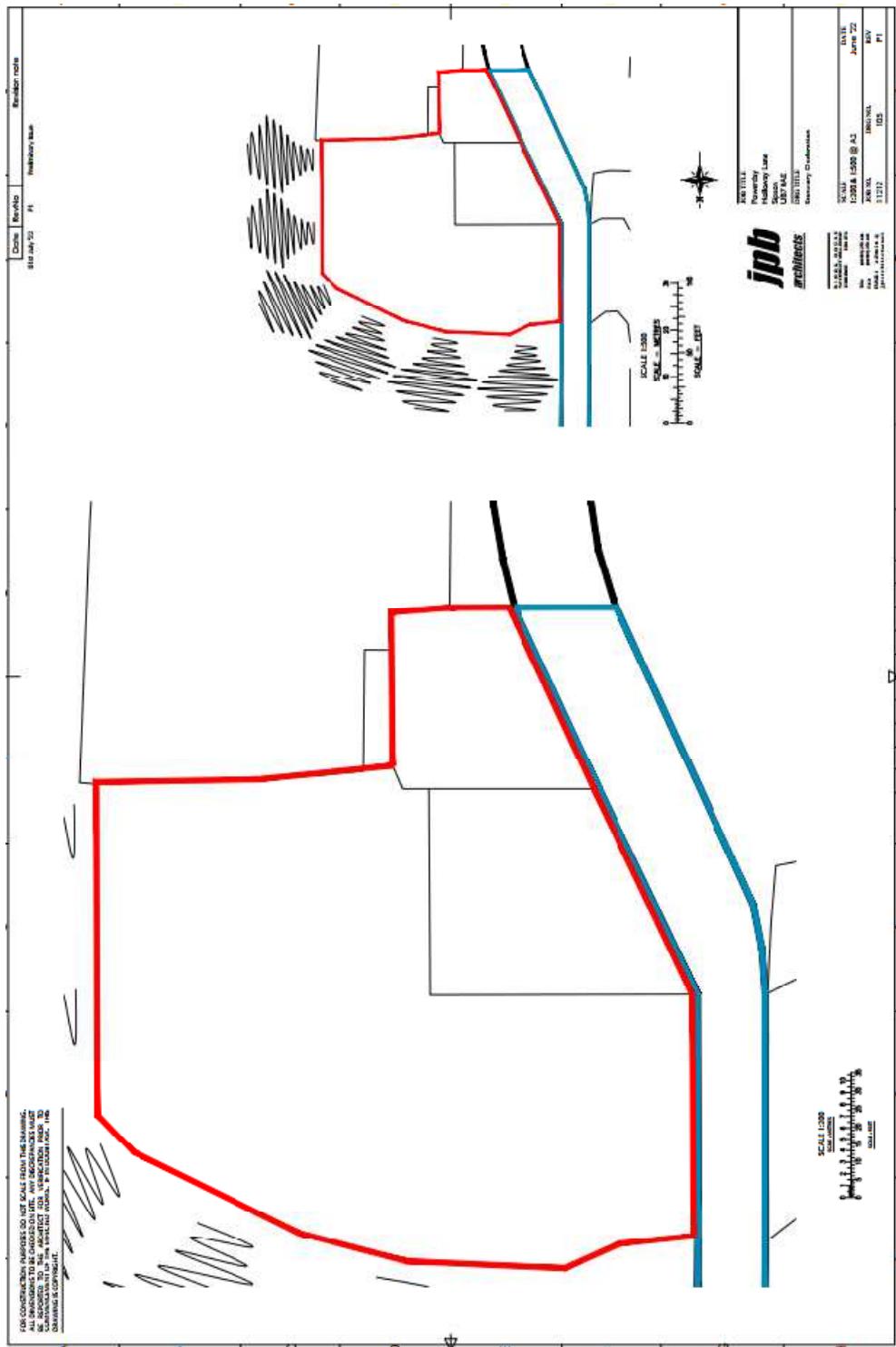
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