



Form 2 – Responsible Authority Report (Regulation 17)

Property Location:	Lots 4869, 5931, 9926 & 26934 Great Southern Highway, Saint Ronans
Development Description:	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill
Proposed Amendments:	Amend condition 9 which requires the development to be substantially commenced by 8 March 2020, by replacing the date with 8 March 2022.
DAP Name:	Mid West/Wheatbelt Joint Development Assessment Panel
Applicant:	A.M.I Enterprises Pty Ltd
Owner:	Robert Henry Chester
Value of Amendment:	N/A
LG Reference:	P1246
Responsible Authority:	Shire of York
Authorising Officer:	Chris Linnell, Chief Executive Officer
DAP File No:	DAP/14/00039
Report Date:	15 June 2020
Application Received Date:	29 January 2020
Application Process Days:	90 days
Attachment(s):	1: JDAP Determination Notice 31 August 2015 2: SAT Orders delivered 8 March 2016 3: JDAP Determination Notice dated 15 April 2015 4: SAT Orders dated delivered 30 November 2018 5: Applicants Submission 6: Location Plan 7: Site Plan 8: Schedule of Submissions 9: Copies of submissions recieved

Officer Recommendation:

That the Mid West/Wheatbelt JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00039 as detailed on the DAP Form 2 dated 24 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/14/00039 as detailed on the DAP Form 2 dated 24 January 2020 and accompanying plans (attachment 6 and 7) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of York Town Planning Scheme No.2, for the proposed minor amendment to the approved Class II Landfill at Lots 4869,

5931, 9926 & 26934 Great Southern Highway, Saint Ronans, for the following reasons:

Reasons

- 1) There has been substantial change to the planning framework since the original application was granted in that:
 - a) Amendment 50 to Shire of York Town Planning Scheme No.2 (TPS 2) was gazetted on 16 March 2018, which relevantly provides that 'waste disposal facility' is an X use within the General Agriculture zone.
- 2) The development would not likely receive approval now as:
 - a) The development is a 'waste disposal facility' use under TPS 2 which is a prohibited use and cannot be approved.
 - b) It is inconsistent with the requirements of State Planning Policy 2.5: Rural Planning in that the Shire has considered whether regional facilities such as waste facilities are suitable on rural land and concluded that they should not be permitted (a determination supported by Amendment 50 and in the recently developed draft Local Planning Strategy and Scheme).
 - c) It does not comply with the requirements of State Planning Policy 3.7: Planning in Bushfire Prone Areas in that a BAL assessment and BAL contour plan have not been produced resulting in inadequate consideration of bushfire hazard and risks.
 - d) It does not achieve the objectives of the General Agriculture zone under TPS 2, namely the protection of productive agricultural land.
 - e) It cannot be sufficiently demonstrated that the development is not detrimental to the environment, as:
 - i) The proposal is subject to a formal environmental assessment pursuant to the *Environmental Protection Act 1986*; and
 - ii) It cannot be presumed that environmental approval will be forthcoming.
- 3) Pursuant to section 41(3) of the *Environmental Protection Act 1986*, a decision maker is prevented from making a decision which could have the effect of causing or allowing a proposal to be implemented that may be inconsistent with a determination of the Minister for Environment.

Details: outline of development application

Insert Zoning	MRS:	N/A
	TPS:	General Agriculture
Insert Use Class:		Waste Disposal Facility – 'X' use in the 'General Agriculture' zone
Insert Strategy Policy:		Shire of York Local Planning Strategy
Insert Development Scheme:		Shire of York Town Planning Scheme no. 2
Insert Lot Size:		1,512.7 hectares (total area of lots combined)
Insert Existing Land Use:		Farming – grazing and cropping

Allawuna Farm is located approximately 18 kilometres from the York Town Centre in the locality of Saint Ronan's. The property is currently used for grazing and cropping

and contains a single house and associated outbuilding. The property is zoned 'General Agriculture' under the provisions of the Shire of York Town Planning Scheme No. 2 (Scheme) and adjoins the Mount Observation National Park to the west and privately-owned properties used for agricultural purposes on all other boundaries. Access to the property is via Great Southern Highway.

Planning approval was originally issued by the State Administrative Tribunal (SAT) on the 8 March 2016 (Appendix 2) for the construction and use of Allawuna Farm for the purposes of a Class II landfill following appeal of the refusal issued by the Mid/West Wheatbelt Joint Development Assessment Panel (JDAP) on the 31 August 2015 (Appendix 1).

The Class II Landfill approved involved the following:

- Landfill footprint area of approximately 36ha, including waste disposal cells and associated infrastructure of leachate ponds, stormwater dams, access roads and infrastructure;
- Overall volume of waste to be placed on site of 5.1 million cubic metres (4.6 million tonnes). The maximum height of the waste on the property would be 350.5m Australian Height Datum;
- The applicant advised the landfill would have a nominal life span of approximately 20 years, based on forecast annual tonnages of between 150,000 to 250,000 tonnes of waste per annum;
- Development of three borrow pits comprising a total area of approximately 20ha commencing from approximately 10 years onwards.

Condition 9 of the planning consent required that the development be substantially commenced within two years of the date of the decision, that is by 8 March 2018.

Due to a change in applicants the development was not substantially commenced, and a Form 2 application was subsequently submitted to the JDAP to extend the period for the development to be substantially commenced to the 8 March 2020.

The JDAP refused the application for the following reasons on the 10 April 2018:

- There had been a substantial change to the planning framework since the development approval was granted involving amending the local planning scheme to provide that 'waste disposal facility' is an X use within the General Agriculture Zone.
- The development would not likely receive approval now as:
 - It is a prohibited use
 - It was not sufficiently demonstrated that the development would not have a detrimental impact on the environment
- The holders of the development approval had not, actively and relatively conscientiously, pursued the implementation of the development approval.
- The extension of time was excessive.

The request to extend the approval period was subsequently approved following an application for review to the SAT, who on the 30 November 2018 issues an order that:

'Condition 9 of the development approval granted by the State Administrative Tribunal on 8 March 2016 is amended by deleting the words 'within two years after the date of the approval' and substituting 'by 8 March 2020'

The SAT, whilst acknowledging that the planning framework had substantially changed since development approval was granted through the prohibition of waste disposal facilities under the local planning scheme, determined that the weight to be given to these findings in the exercise of discretion as to whether to grant the extension application was reduced because:

- The prohibition of waste disposal facilities on the site had only recently been seriously entertained.
- Throughout almost the whole substantial commencement period the site was included in a draft amendment to the local planning scheme which sought to rezone the subject land to 'Special Use' for 'Waste Disposal Facility and associated infrastructure'. (as directed, by the Minister for Planning)
- The Shire failed to comply with the Minister's direction that the draft amendment to the local planning scheme be modified to allow the site to be used as a landfill site.

Since that time, commencement of the development has been delayed by ongoing environmental assessment processes. The EPA has determined that this proposal should be formally assessed and is currently undertaking a public environmental review in accordance with environmental impact assessment process.

The applicant has subsequently submitted another Form 2 application to amend condition 9 to extend the period for the development to be substantially commenced to 8 March 2022.

Background:

The following sets out dates for key events/milestones that have occurred in relation to the application:

Date	Key Events/Milestones
17 December 2013	Development Application submitted by SITA Australian to construct and use portion of Allawuna Farm for a Class II Landfill. Application proposed a landfill with a footprint of 52 hectares with nominal lifespan of 37 years based on between 150,000 and 250,000 tonnes per annum, accommodating 7.4 million tonnes based on 200,000 tonnes of waste per annum
14 April 2014	JDAP refused the development application
31 August 2015	JDAP refused a section 31 reconsideration of an amended development application re-submitted to the JDAP as part of SAT proceedings. The amended application, amongst other modifications involved a reduction of the landfill footprint to 36 hectares
8 March 2016	SAT issued an order that conditional approval be given to the amended application <ul style="list-style-type: none"> • Key reasons in the SAT decision referred: <ul style="list-style-type: none"> ○ That the Department of Environment Regulation (DER) is the principal regulator with regards to environmental matters in the State, and DER had indicated that it would give approval for the proposed development upon extensive conditions. ○ That in regard to orderly and proper planning and

	<p>strategic planning for landfill sites, a moratorium on new landfill sites could not be justified in the circumstances, given there was already in the planning framework sufficient justification of the need for such a facility and in a location such as that under consideration.</p> <ul style="list-style-type: none"> ○ That the Tribunal did not see rise to any prejudice to the continued strategic planning for the wider regional area (including the site) which was required to address the need for suitable waste disposal facilities.
17 March 2016	Works approval issued by the Department of Environment and Regulation under the EP Act.
5 April 2016	<p>Minister for Planning issued a direction, that Scheme Amendment No. 50 to TPS2 be modified to insert :</p> <ul style="list-style-type: none"> ○ the land use of 'Waste Disposal Facility' into the zoning table which would become an 'X' use in all zones. ○ a new special use zone no. 8 which would apply to Allawuna Farm, identifying the site as a special use for a landfill as per the 8 March 2016 planning approval.
11 August 2016	At the request of the applicant, the works approval issued under the EP Act was cancelled because SUEZ (SITA) were no longer proceeding with the development. An appeal had been lodged to the issuing of the permit, which had not been determined at the time of cancellation.
21 July 2017	Application for works approval submitted by new applicant A.M.I Enterprises.
28 November 2017	DAP Form 2 application submitted to amend condition 9 to extend the period for the development to be substantially commenced to 8 March 2020.
20 February 2018	Minister for Planning issued further correspondence relating to Scheme Amendment 50 to TPS2, which required deletion of Special Use zone no. 8.
1 March 2018	Appeal submitted to the SAT against the deemed refusal of the application by the JDAP.
16 March 2018	Scheme Amendment no. 50 gazetted which includes the land use of 'Waste Disposal Facility' as an 'X' use in all zones.
10 April 2018	JDAP reconsidered application (section 31) and refused the request to amend condition 9 to extend the approval for a further two years.
30 November 2018	<p>SAT issued order that:</p> <p><i>'Condition 9 of the development approval granted by the State Administrative Tribunal on 8 March 2016 is amended by deleting the words 'within two years after the date of the approval' and substituting 'by 8 March 2020'</i></p>
1 April 2019	<p>The works approval application to the DWER is still awaiting determination.</p> <p>The Minister for Environment issued a notice of decision to assess the proposal pursuant to s43(1) of the EP Act, which until completed effectively places a prohibition on other authorities from issuing decisions which would cause the proposal to be implemented. The level of assessment was set at Public Environmental Review.</p>
29 January 2020	The EPA assessment is ongoing. The applicant submitted a Form 2 application to amend condition 9 to extend the period

	for the development to be substantially commenced to 8 March 2022
5 February 2020	The Shire placed a stop the clock on the application pending a decision being from issued the above EPA assessment
31 March 2020	Directed by the Development Assessment Panel to process the application, which recommenced the clock.

Legislation and Policy:

The following section lists legislation, state government policies and local policies that are relevant to the application. As this application relates to an extension of the date for the development to be substantially commenced, only those where a change has occurred since the date of the previous determination, or where there is information that might be relevant are discussed in further detail.

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- Shire of York Town Planning Scheme No. 2

The property is zoned General Agriculture under TPS2. The Class II Landfill was originally considered as a 'use not listed' in accordance with clause 3.2.4 of the Scheme. The Scheme has since been amended, whereby a Waste Disposal Facility is now a 'X' use (not permitted) in the General Agriculture zone.

Draft Local Planning Scheme No. 3 has been adopted by Council and is awaiting approval by the Minister. The draft Scheme does not propose any changes relevant to the landfill; with waste disposal facilities remaining an X use across all zones.

- *Environmental Protection Act 1986 & Environmental Protection Regulations 1987*

The *Environmental Protection Act 1986* (EP Act) and *Environmental Protection Regulations 1987* form the primary legislation relating to environmental matters and provides for the licencing and registration of prescribed premises. A class II or III putrescible landfill with a production or design capacity of greater than 20 tonnes or more per year is identified in Schedule 1 of the Regulations as requiring approval.

An application for a works approval was lodged with the DWER on the 1 July 2017 which is yet to be determined.

The Minister for Environment, on the 26 April 2019, issued a notice of decision to assess the proposal pursuant to s43(1) of the EP Act. Decision making authorities cannot make a decision which would cause or allow the proposal to be implemented unless the decision is in relation to minor or preliminary works (s41A).

- *Waste Avoidance & Recovery Act 2007*
- *Main Roads Act 1930*

State Government Policies and Strategies

- State Planning Policy 2.5: Rural Lands (SPP 2.5)

The purpose of SPP 2.5 is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape value and ensure broad compatibility between land uses. The policy does allow for the accommodation of regional facilities such as waste facilities, however, these should be subject to scheme amendment processes and public advertising. Through Amendment 50, the development of draft Local Planning Strategy and draft Local Planning Scheme No 3, the Shire has strategically considered the location of waste facilities in a local context and determined they should not be permitted.

- State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7)

The intent of SPP 3.7 is to implement effective, risk based land use planning and development to protect life and reduce the impact of bushfire on property and infrastructure. The Shire contains designated bushfire prone areas and SPP 3.7 should be applied to strategic planning proposals, subdivision and development applications within these areas.

The requirements of SPP 3.7 have not been applied to the proposed development and a Bushfire Attack Level (BAL) Assessment and BAL Contour Map have not been conducted to support the development. This means that the bushfire hazard level cannot be properly assessed.

- State Planning Strategy 2050 (WAPC 2012)
- Wheatbelt Regional Planning and Infrastructure Framework (WAPC December 2015)
- Waste Avoidance and Resource Recovery Strategy 2030 (2019) & Waste Avoidance and Resource Recovery Strategy Action Plan 2030 (2019)

The Strategy builds on and replaces the previous 2012 Strategy. The objectives of the Strategy are to avoid waste (most preferred), recover waste (re-use, reprocessing, recycling and energy recovery) and protect the environment by managing waste disposal responsibly (least preferred).

A headline strategy (no. 50) of the Strategy 2030 is to undertake a strategic review of WA waste infrastructure (including landfills) by 2020 to guide future infrastructure development. Actions identified to meet the strategy include undertaking a waste infrastructure audit, developing a State Waste Infrastructure Plan, developing planning instruments for waste infrastructure planning facilitate appropriate siting and design of waste facilities and investigating a needs based approach to landfill and other waste infrastructure that supports a State Waste Infrastructure Plan.

Local Policies

- York Local Planning Strategy
- Draft Local Planning Strategy adopted by Council – December 2019
- 2018 – 2028 Strategic Community Plan

Consultation:

Public Consultation

The application was advertised for a period of 28 days. Advertising involved the following:

- Letters to adjoining landowners
- Letters to those who made submissions to previous applications relating to this development
- Advertisement in the local newspaper – the Avon Valley Gazette
- Inclusion on the Shire's website and notice on Facebook
- Elected members were notified of the advertising

205 individual public submissions were received in objection to the proposal. No submissions of support were received. A schedule of submissions is provided in Attachment 8 and copies of the submissions in their entirety is provided in Attachment 9.

Issue Raised	Officer's comments
Landfills are prohibited by the local planning scheme	Supported.
Sufficient time has passed to substantially commence development	Supported – furthermore, without a works approval development cannot commence. The environmental scoping document indicates the assessment will not be completed until August 2020.
The development will result in environmental degradation – littering, introduction of pests and diseases, clearing of native vegetation	Noted – This will be considered through the EPA assessment of the works approval.
The development will result in ground and surface water contamination	Noted – This will be considered through the EPA assessment of the works approval.
Loss of productive agricultural land	Supported – the proposal will prevent the use of the subject site for agricultural purposes and may impact on the productivity of neighbouring land.
Reduced amenity in the local area	Supported – reduced visual amenity is likely.
Impact to local heritage	Not supported - Agency submissions to not consider that local heritage will be impacted.
Impact to local tourism	Not supported – it is unlikely to directly

	impact on tourism.
Biosecurity	Noted.
No community benefit	Supported – the applicant has not demonstrated any community benefit.
Increased use of local services	Not supported.
Increased traffic risks/decreased road safety	Not supported.
Not compliant with State Planning Policy	Supported – does not comply with SPP 2.5 or 3.7.
Not compliant with State Waste Avoidance and Resource Recovery Strategy	Supported – this is not a regional approach to waste avoidance and recovery. Needs have not been demonstrated.
Does not meet the principles of sustainable development	Noted.
There are already sufficient landfills and alternatives available	Noted – the EMRC made a submission in support of this, however, there is no little evidence to support this without the completion of the WA waste infrastructure review by the State.
Location within a seismic zone is inappropriate; earthquake activity may impact the landfill engineering	Noted – to be considered as part of the works approval.
Construction and operation of the landfill may result in significant dust	Noted – to be considered as part of the works approval (through assessment of impact on social surroundings).
Construction and operation of the landfill may result in significant odour	Noted – to be considered as part of the works approval (through assessment of impact on social surroundings).
Construction and operation of the landfill may result in visual impact	Noted – a visual impact assessment has not been submitted as part of the application so an assessment cannot be made, however, it will be considered as part of the works approval (through assessment on social surroundings).
Construction and operation of the landfill may result in noise impacts	Noted – to be considered as part of the works approval (through assessment of impact on social surroundings).
Fire management	Supported – the Fire Management Plan does not meet the criteria in SPP 3.7.
Health impacts	Not supported.

Consultation with other Agencies or Consultants

The application was referred to the following agencies:

- Department of Biodiversity, Conservation and Attractions
- Western Power
- Perth Transport Authority
- Department of Lands
- Environmental Protection Authority
- Telstra
- Water Corporation – Development Services
- Department of Mines, Industry Regulation and Safety
- Tourism WA
- Department of Water and Environmental Regulation
- State Heritage Office
- Department of Health
- Main Roads WA
- Department of Fire and Emergency Services
- Department of Aboriginal Affairs

Agency responses

Agency	Officer's comments
DPLH – Heritage Services – no concerns	Noted - the proposed development does not appear to impact upon any place of State cultural heritage or registered place.
Shire of Mundaring Concerns relate to: <ul style="list-style-type: none">• Leachate contamination into the Mundaring Weir water catchment• Metropolitan waste delivered to sites outside the metropolitan area avoiding landfill levy and other more sustainable waste disposal options• Increased large vehicle activity through urban areas and town sites decreasing road safety	Noted - concerns relating to leachate contamination will be addressed through the assessment of the works approval undertaken by the EPA. Noted - Main Roads WA have not raised similar concerns.
Main Roads WA – Main Road supports the application	Noted - in the opinion of Main Roads WA, the traffic impacts of the proposed development can be managed through access upgrades.
DFES – The proposed development is within a designated bushfire prone area – the current fire management plan does not address the requirements of SPP 3.7. The application is not supported until such time that the bushfire risk and hazard reduction measures are established and understood against the current planning policy framework. It is	Supported - the proposed development does not meet current bushfire planning requirements.

recommended that the application be deferred until the proponent submits the required information.	
DWER – The ongoing EPA process prevents the Department from providing support for the application until a decision is made by the EPA.	Noted.
Department of Health – No objection to the extension of planning approval	Noted.

Planning Assessment:

Town Local Planning Scheme No. 2

Item	Requirement	Proposal	Compliance
Land use permissibility	Waste disposal facility is an X use	Use of the land for waste disposal facility purposes	Not compliant
Zone objectives	Zone objectives support: <ul style="list-style-type: none"> • Enhancement of rural character • Protection of broad acre agriculture • Maintenance and enhancement of environmental qualities of landscape, vegetation, soils and water bodies, and • Limit the introduction of sensitive land uses 	Use of rural land for a waste disposal facility	Not compliant
Non-conforming use	Unless specifically provided, the Scheme does not prevent the carrying out of development on land if before the commencement of this Scheme, the development was lawfully approved and the approval has not expired or been cancelled	The proposal extends an existing approval	Not compliant – the land use does not currently exist and should not be considered to be an existing land use

Draft Local Planning Scheme No. 3

Item	Requirement	Proposal	Compliance
Land use permissibility	Waste disposal facility is an X use	Use of the land for waste disposal facility purposes	Not compliant
Zone objectives	Zone objectives support: <ul style="list-style-type: none"> • Enhancement of rural character • Protection of broad acre agriculture • Maintenance and enhancement of environmental qualities of landscape, vegetation, soils and water bodies, and • Limit the introduction of sensitive land uses 	Use of rural land for a waste disposal facility	Not compliant
Non-conforming use	Unless specifically provided, the Scheme does not prevent the carrying out of development on land if before the commencement of this Scheme, the development was lawfully approved and the approval has not expired or been cancelled	The proposal extends an existing approval	Not compliant – development approval has not been acted upon and has subsequently lapsed. A non-conforming use has not, therefore, been established.

State Planning Policies

Item	Requirement	Proposal	Compliance
SPP 2.5 Rural Planning	<ul style="list-style-type: none"> • Some rural land may be suitable for the accommodation of regional facilities such as waste facilities. 	To use rural land for waste disposal purposes	Not compliant – TPS 2 does not permit waste facilities within the rural zone.

	<ul style="list-style-type: none"> Consider whether sensitive land uses in rural zones serve a secondary function to the purpose of the land for primary production, environment and landscape, and whether they should not be 'permitted' uses in planning schemes. 		
SPP 3.7 Planning in Bushfire Prone Areas	<p>Any development within a designated bushfire area should be accompanied by:</p> <ul style="list-style-type: none"> A BAL assessment BAL contour map Identify any bushfire hazard issues arising from the BAL Contour Map or BAL assessment An assessment against the bushfire protection criteria requirements contained within the Guidelines to demonstrate compliance 		Not compliant - Existing Fire Management Plan does not meet the requirements of SPP 3.7 -

Draft Local Planning Strategy

Item	Requirement	Proposal	Compliance
Planning strategies for rural lands	Continue to proactively engage with State Government to ensure suitable locations for	The proposal locates a landfill within the region, however, does not demonstrate regional need	Non-compliant – the siting of regional facilities requires a collaborative approach and

	regional facilities such as landfill within the Avon Arc Subregion, if appropriate		strategic assessment which is yet to occur
Part 2 describes lack of community and Council support for landfill within the Shire due to amenity and environmental concerns. Amendment 50 and additional scheme updates recognise and respond to the continued pressure for regional facilities within the Shire	Landfills are not supported. Further investigation is required at a State and regional scale.	The proposal does not address the need for strategic assessment at a regional scale	Non-compliant

Officer Comments

In considering the applicant's request, the relevant planning considerations include:

- Whether the planning framework has changed substantially since the development approval was granted;
- Whether the development would like receive approval now; and
- Was the two year period for substantial commencement imposed adequate, was the implementation of the development approval actively pursued or did the holder of the development approval seek to 'warehouse' the application.

In regard to the above the following comments are made:

- TPS 2 has been amended to prohibit waste disposal facilities within the General Agriculture zone. This is a significant change to the planning framework since the application was originally considered.
- Draft Local Planning Scheme No.3 (LPS 3) has been advertised and adopted by Council and is currently awaiting approval by the Minister for Planning. LPS continues to prohibit the use of land in the Shire for waste disposal purposes. This is supported by the community aspirations documented by the draft Local Planning Strategy that should guide land use within the Shire.
- The amendment to TPS 2 and continuation into draft LPS 3, has considered the whether regional facilities such as waste facilities are suitable on rural land in accordance with SPP 2.5. Prohibition of this land use is considered appropriate to protect productive agricultural land, environmental features and local amenity. Use of the land as a landfill site is therefore not considered appropriate to meet the requirements of SPP 2.5.

- Since the original proposal was approved, the requirements for fire management and mitigation have changed. The application would no longer meet the requirements for fire hazard assessment, mitigation and management as provided by SPP 3.7.
- The proposal is subject of a formal environmental assessment pursuant to the EP Act. Pursuant to section 41(3) of the EP Act, a decision maker is prevented from making a decision which could have the effect of causing or allowing a proposal to be implemented, inconsistent with a determination of the Minister for Environment. The JDAP is therefore, prevented from approving the request that is currently before it.
- The applicant was originally approved in March 2016. While it would appear that the current applicant has made effort to progress the approval, the application can no longer be considered within the current planning framework.

Conclusion:

The Form 2 application to amend condition 9 to extend the period for the development to be substantially commenced by 8 March 2022 should be refused for the reasons stated in this report.