

# Wiltshire & Swindon Waste Development Control Policies Development Plan Document

Submission Draft: July 2008





# **Wiltshire & Swindon**

## **Waste Development Control Development Plan Document**

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George Batten, BSC (Hons) CEng FICE FIHT  
Director of Environmental Services  
Wiltshire County Council  
County Hall  
Trowbridge  
Wiltshire  
BA14 8JD

Celia Carrington  
Director of Environment and Regeneration  
Swindon Borough Council  
Premier House  
Station Road  
Swindon  
SN1 1TZ

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# Executive Summary

The Waste Development Control Policies Development Plan Document (DPD) for Wiltshire and Swindon sets out the Councils' policies on managing waste management development over the next 20 years. The Waste Development Control Policies DPD forms one element of the Wiltshire and Swindon Minerals and Waste Development Framework. In this sense, the Development Control Policies DPD should be read in conjunction with national and regional policy as well as local policies –including the Minerals and Waste Core Strategy DPDs and the Waste Site Allocations DPD.

The document outlines the key criteria that will be used to assess whether a planning application should be permitted. The first policy (WDC1) is broad in nature and bridges the gap between the Waste Core Strategy DPD and the Development Control Policies DPD. This approach enables progression of more detailed policies on individual subjects or issues later on in the document.

The document examines the impacts that can be generated from waste management developments. Issues such as amenity, visual aspects, noise and light emissions, vibration, transport, air emissions and climate change, the water environment, contaminated land and agricultural land. Policy WDC2 addresses the need to reduce impacts of these issues.

The Development Control Policies DPD then considers the key criteria in more detail with specific policies covering the areas outlined above. These offer more guidance to applicants and development control planners. A list of policies is shown below:

- Policy WDC3: Water Environment
- Policy WDC4: Recreational Assets
- Policy WDC5: Canals and Railways
- Policy WDC6: Airfield Safeguarded Areas
- Policy WDC7: Conserving Landscape Character
- Policy WDC8: Biodiversity and Geological Interest
- Policy WDC9: Cultural Heritage
- Policy WDC10: Restoration of Waste Management Sites
- Policy WDC11: Sustainable Transportation of Waste
- Policy WDC12: Renewable Energy
- Policy WDC13: Landfill Development

In addition, the final section of the document outlines how the Councils intend to implement and monitor the policies contained in the Development Control Policies DPD in line with Policy WCS7 of the Waste Core Strategy DPD. WCS7 sets out the Councils commitment to delivering a 'plan, monitor and manage' approach to bring forward and implement sustainable waste management. A number of monitoring indicators are identified for each policy. The role of these indicators is to monitor the effectiveness of the policies and offer a mechanism for review should the need arise.



# 1. Introduction

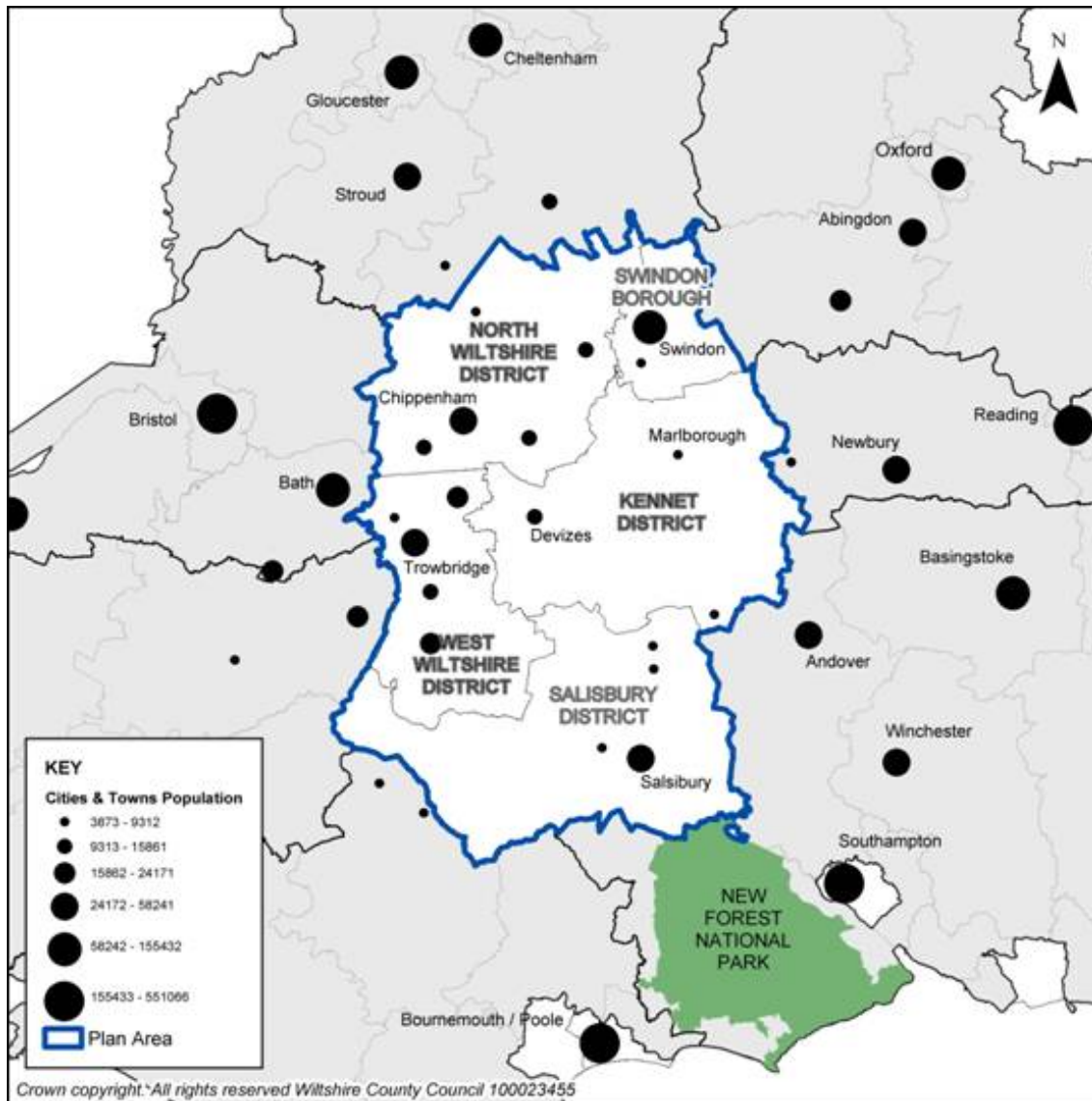
- 1.1 This document sets out the Councils' land use policy framework for determining planning applications for waste management development within the Plan area of Wiltshire and Swindon (see **Figure 1**). The principle aim of the policies within this document is to ensure that sites are operated and managed to high standards with minimum impacts to local communities and the environment.
- 1.2 This document has been prepared by Wiltshire County Council and Swindon Borough Council (the Councils) as part of the preparation of the '**Wiltshire and Swindon Minerals and Waste Development Framework**' (MWDF).
- 1.3 In the interests of brevity the Councils have prepared a separate **Evidence Base** (available on our website: [www.wiltshire.gov.uk/environment-and-planning/planning-home/minerals-waste-evidence.htm](http://www.wiltshire.gov.uk/environment-and-planning/planning-home/minerals-waste-evidence.htm)). This has been produced to underpin the Minerals and Waste Development Framework, and allows a substantial amount of information previously contained within the Minerals and Waste DPDs to be removed, making them more user friendly. A glossary of terms is included in **Appendix 1**.

## **Relationship with Waste Core Strategy**

- 1.4 The purpose of the Waste Core Strategy is to establish a strategic policy framework that determines the nature and spatial extent of waste management development in Wiltshire and Swindon to 2026. The Waste Core Strategy also guides the content of subsequent Waste DPDs and requires this Development Control Policies DPD to contribute to the delivery of the Vision and Strategic Objectives through the provision of more detailed, criteria based policies that will be used to manage the associated impacts of future waste management development.
- 1.5 Elements of the Core Strategy **strategic objectives**, relating to each chapter of this DPD, are set out **emboldened within quote marks** at the beginning of each chapter.



**Figure 1. Map Illustrating the Administrative Areas of Wiltshire County Council and Swindon Borough Council**





## 2. The Development Control Process

### Who does what?

- 2.1 In areas where there are two tiers of local authorities, currently the case in Wiltshire, all decisions on waste, minerals and the councils own planning applications are taken by the County Council. All other planning applications are currently dealt with by the District Councils. Swindon Borough Council, as a unitary authority, deals with all planning applications made for land within the boundaries of the Borough.
- 2.2 Recent local government reorganisation has led to the decision to consolidate the County and District Authorities of Wiltshire to form one Unitary Authority. The formal adoption of the new unitary Wiltshire Council is timetabled to take place in April 2009. The existing arrangements are subject to change as a result of the local government reorganisation but it is not possible to speculate what these changes may or may not involve at this stage.

### Planning Applications – Information Required, Planning Conditions and Planning Agreements

- 2.3 In order to fully consider proposals for waste development, the Councils must have sufficient information upon which to base their development control decisions, and will require submission of a *full* planning application for any such development.
- 2.4 Pre-application consultation with the Councils is therefore essential in terms of establishing what supporting information is likely to be required and as such is strongly encouraged as an important element of applying for permission for waste development, particularly where the need Environmental Impact Assessment (EIA) may be a factor for consideration (see below). Such liaison will also help ensure that planning applications are processed efficiently and effectively. The process of consultation on planning applications is set out by the Councils Statement of Community Involvements (SCI).
- 2.5 In line with good practice, the Councils would strongly encourage developers to consult with the local community at the earliest stage on their proposals. Further advice is provided in the general guidance notes accompanying the application forms for waste development.
- 2.6 Due to the nature of waste development, permissions maybe subject to a number of planning conditions designed to avoid nuisance and adverse impacts throughout, and in some cases beyond, the life of the development. Such conditions must be:
- necessary;
  - relevant to planning;
  - directly related to the proposed development;
  - enforceable;
  - precise; and
  - reasonable in all other aspects.
- 2.7 The use of planning conditions is a common approach towards ensuring a development is acceptable and can therefore be permitted. However, it may be necessary for the Councils and developer to enter into a planning agreement that will ensure that wider environmental impacts, including those that extend beyond the development site can be resolved.

2.8 A planning agreement can be used to make sure that a development proposal is in accordance with national, regional or local planning policy. This may, for example, involve a developer providing a financial contribution towards the provision of additional / improvements to infrastructure or to the protection of biodiversity. The Councils must ensure that planning agreements are:

- necessary;
- relevant to planning;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other aspects.

2.9 Planning Agreements are also often referred to as 'Planning Obligations' or 'Section 106 Agreements'.

### **Environmental Impact Assessment**

2.10 Environmental Impact Assessment (EIA) is undertaken by developers as a means of drawing together (in a systematic way) an assessment of the likely significant environmental effects of proposed development.

2.11 The EIA process, including the method for determining whether an EIA is required for a particular development proposal, is set out in legislation and detailed national guidance<sup>1</sup>. The outcome of an EIA is an Environmental Statement (ES) submitted concurrently with a planning application.

2.12 Planning applications falling within the scope of the EIA Regulations will not be determined until a satisfactory ES has been submitted and its information taken into consideration. Developers should request a screening opinion from the planning authority, if they are in doubt as to whether an application will need to be supported by an EIA.

2.13 Where an EIA is required developers are encouraged to ask the Councils for an opinion as to the scope and level of detail that should be covered, prior to submitting any application for planning permission. In such cases, and to ensure that all relevant environmental issues are identified and addressed, the Councils will consult other relevant conservation and information-holding bodies (including the Environment Agency (EA)) before an opinion is given.

### **Habitats Regulations Assessment / Appropriate Assessment**

2.14 A Habitats Regulation Assessment (HRA), often referred to as Appropriate Assessment (AA) of spatial development plans is a requirement of the Habitats Directive (92/43/EEC) as transposed in UK legislation by the Habitats Regulations (2007). The primary aim of HRA is to ensure that a development proposal, on its own or in combination with other developments, will not compromise the integrity of European designated areas, collectively known as Natura 2000 sites. There are three stages to HRA and AA:

- Stage 1: Screening
- Stage 2: Appropriate Assessment
- Stage 3: Assessment where no alternatives and adverse impacts remain.

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<sup>1</sup> Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; and Circular 02/99 'Environmental Impact Assessment'

- 2.15 A HRA has been undertaken as part of the production of the Minerals and Waste Development Framework. This covers Stage 1 – Screening and Stage 2 – AA on Natura 2000 sites for impacts associated with general waste management. The HRA conducted does not undertake AA on specific sites proposed for future waste management developments. Where required specific AAs will be undertaken on the Site Allocations DPD. Planning applications on sites that are not contained within the DPD or are for different waste uses than those allocated, will be required to undertake and submit an AA where it is deemed necessary.
- 2.16 Draft guidance for AA ‘Planning for the Protection of European Sites: Appropriate Assessment’ (DCLG, 2006) offers advice to regional and local planning authorities on undertaking AA. The final guidance is expected to be published in early 2008 and planning applications that require AA will be required to follow the guidance.

### **Relationship with Pollution Control Matters**

- 2.17 Pollution control matters cover a range of issues that are of interest to the Councils and other regulatory agencies (in particular the Environment Agency (EA)), and it is important that the roles of each are not confused. Decisions on land use planning matters are the responsibility of the Councils, not the EA. The Councils should, however, take the EA’s advice into account when developing their policies and taking decisions.
- 2.18 The EA, as Waste Regulatory Authority (WRA), is concerned with controlling the pollution aspects of waste facilities through waste management licensing. The EA is required to consult the Councils when waste management licence applications are being considered for approval.
- 2.19 Where a licence is sought for a waste management use on land for which planning permission is required, planning approval has to be obtained before the EA can grant a licence. This is also the case if the waste management facility is to be regulated through the Environmental Permitting (EP) or Local Air Pollution Control (LAPC) regimes. The role of the Councils and the EA in the regulation and enforcement of waste management are therefore separate, but complementary. The EA also controls the aftercare of waste sites to prevent pollution at this stage.
- 2.20 The Councils will continue to work closely with the EA, and with other bodies responsible for pollution control, to ensure that best use is made of their expertise and information, and to avoid unnecessary duplication between the planning and pollution control systems. However it is important to be aware that both a planning permission and a waste management licence or an EP could legitimately address some of the same issues, although for different reasons.

### **Monitoring, Enforcement and Liaison**

- 2.21 The Councils will ensure that the land-use implications of all waste development are carefully monitored and carried out in accordance with the provisions of a valid planning permission, including compliance with associated conditions and any planning agreements. Land-use implications of waste development can include, among others, the movement of waste to, from and within a site; the provision of suitable screening measures; the erection of ancillary buildings and structures; and the final restoration and afteruse of the site.

- 2.22 Where complaints from the public arise concerning land use aspects of waste developments they will be dealt with in accordance with relevant policy and guidance on enforcement, including any adopted by the Councils<sup>2</sup>. Monitoring and dealing with complaints helps to highlight where breaches of planning controls have, or may occur, and usually leads to problems being resolved quickly and effectively.
- 2.23 The Councils will seek to rectify breaches of planning permissions and/or agreements through negotiation with the operator or landowner. Where this fails the Councils have the powers to implement formal enforcement action to halt any unauthorised development and direct appropriate remedial works. It is therefore in the interests of the waste operator to work strictly in accordance with the planning permission and attached conditions and/or planning agreements. This will help to ensure that formal enforcement action will not often be necessary and that the relationship between the waste operator and the local community is not compromised.
- 2.24 Wherever waste management facilities are located they are likely to create concern and anxiety in the neighbouring local community. Through their shared location, the operators of any waste management facility will form a part of the local community, and as such are encouraged to develop links with that community. A recognised approach to creating such links is through community liaison committees, and where planning permission for waste development is granted, the Councils encourage waste operators to establish such committees.
- 2.25 Community liaison committees act as useful forums to ensure that the local community is kept up-to-date on the progress of the site and the compliance of the operations with the conditions attached to the planning permission. They also allow for constructive discussion about concerns or problems and to assist in their resolution to the satisfaction of both the local community and the waste operator.

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<sup>2</sup> Wiltshire County Council has produced specific Planning Enforcement Policy Guidance and Swindon Borough Council adopted an amended version of the Cabinet Office's Enforcement Concordat at the end of 2001.

### 3. Managing the Impacts of Waste Management Development

Links to the Strategic Objectives contained in the Waste Core Strategy:

#### *Strategic Objective 2*

***“Ensure that there is a sufficient and flexible network of safeguarded waste management facilities that make adequate provision for waste requiring management in Wiltshire and Swindon....”***

#### *Strategic Objective 3*

***“Protect and enhance the diverse and highly valued natural and historical environment of Wiltshire and Swindon, incorporating the landscape character, biodiversity and geological interests and cultural heritage. Ensure the protection of the water environment whilst minimising and mitigating flood risk. Contribute to reducing and adapting to the impacts of climate change. Minimise the cross boundary impacts of waste management upon features of the natural and cultural environment. Options for sustainable transportation should be encouraged in order to reduce the impacts of transporting waste through Wiltshire and Swindon. Protect human health from adverse impacts. Maintaining the separate identities of neighbouring communities. The sustainable construction of waste management facilities will be encouraged wherever possible.”***

- 3.1 The policies within this topic set out the broad criteria to be used to ensure the achievement of sustainable waste development; and seek to manage the various operational impacts associated with waste management development. Policy WDC1 sets out the broad criteria upon which planning applications for waste management development will be determined; ensuring proposals reflect the requirement to contribute to the achievement of sustainable development.<sup>3</sup>
- 3.2 The adverse environmental impacts associated with waste management development can be significant if not adequately controlled. Proposals must consider the extent to which adverse environmental impacts are in the first instance avoided, followed by the adequacy of mitigation, and finally compensatory, measures.
- 3.3 The avoidance of impacts refers to the need to prevent impacts happening in the first place. It is acknowledged that this will be difficult due to the scale of waste management development. If required, mitigation measures should be fully scoped and incorporated into development proposals in order to reduce any adverse impacts to the point where it no longer has significant effect. Finally, if significant adverse impacts are still likely after avoidance and mitigation measures, compensation will be sought. Compensatory measures could include on-site or offsite offsetting of the adverse environmental impacts, such as habitat creation, rights of way enhancement, and improvements to the local road network. Such matters will be formalised through planning agreements.
- 3.4 Waste management development must ensure that the impacts of transporting waste are avoided or sufficiently mitigated. This relates to the safety and capacity of the highway network. The use of the Wiltshire HGV network will be sought where possible and alternative forms of transport encouraged helping to reduce carbon emissions in line with policy WDC11 Sustainable Transportation of Waste.

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<sup>3</sup> The requirement to contribute to the achievement of sustainable development is set out in Section 39 of the Planning and Compulsory Purchase Act 2004.

- 3.5 Developments must demonstrate that Flood Risk and impacts upon the water environment are avoided or sufficiently mitigated. Impacts on the water environment includes both surface and groundwater and enhancement to the water environment will be sought where appropriate.
- 3.6 Proposals should consider the wider context of possible adverse impacts, and the possible cumulative and synergistic effects with other development within the vicinity of the area. Any built structures and ancillary buildings associated with the waste management development should be designed to keep their visual impact to a minimum, through the appropriate use of scale and form. Landscape Character Assessments should be used wherever possible to aid and explain the assessment of visual/landscape impact.

***The Councils Policy on the Key Criteria for Ensuring Sustainable Waste Management Development in Wiltshire and Swindon***

**WDC1: Key Criteria for Ensuring Sustainable Waste Management Development**

**Proposals for waste management development must contribute to the delivery of sustainable development in Wiltshire and Swindon by ensuring that the social, economic and environmental benefits of waste management development are maximised and adverse impacts - including cross-boundary and cumulative impacts - are kept to an acceptable minimum. All proposals for waste management development will be assessed using the following key criteria where appropriate:**

- **The extent to which adverse environmental impacts and cumulative impacts associated with other local development, are avoided, and the adequacy of mitigation and/or compensation for the proposals;**
- **the impact of transporting waste to and from the site is minimised;**
- **The extent to which adverse impacts on the water environment and flood risk can be avoided;**
- **The extent to which the development ensures protection and enhancement of local biodiversity, geodiversity and cultural heritage;**
- **The extent to which the impact of any structures and buildings is minimised in terms of the appropriate use of scale and form, informed by the Wiltshire Landscape Character Assessment; and**
- **The quality and appropriateness of the restoration, aftercare and after-use proposals (where applicable), considering the contribution that could be made to the UK, South West and/or Wiltshire, Swindon and Cotswold Water Park Biodiversity Action Plan targets.**

**Policy Drivers**

- **Planning Policy Statement 7 – Sustainable Development in Rural Areas**
- **Planning Policy Statement 9 – Biodiversity and Geological Conservation**
- **Planning Policy Statement 10 - Sustainable Waste Management**
- **Planning Policy Statement 25 – Development and Flood Risk**
- **Planning Policy Guidance Note 13 - Transport**
- **Draft South West Regional Spatial Strategy**
- **Comments received from previous consultations**



## 4. Environmental Protection

### Links to the Strategic Objectives contained in the Waste Core Strategy

#### *Strategic Objective 3*

***“Protect and enhance the diverse and valued natural and historic environment of Wiltshire and Swindon, incorporating the landscape character, biodiversity and geological interests, and cultural heritage. Ensure the protection of the water environment whilst minimising and mitigating flood risk. Contribute to reducing and adapting to the impacts of climate change. Give consideration to the cross boundary impacts of waste management upon features of the natural and cultural environment...”***

4.1 National policy in the form of Planning Policy Statement 23: Planning and Pollution Control outlines that the **Precautionary Principle** should be applied where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The Precautionary principle should be invoked when:

- there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment; and
- the level of scientific uncertainty about the consequences or likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making.

#### *Impacts upon Amenity*

4.2 All waste uses have the potential to impact upon their surrounding environment and it is essential that the Waste DPDs are able to identify, address and control these impacts as part of the process of considering waste planning applications. It will be important to ensure that, where development takes place, impacts are properly controlled both during operation and once the operation has ceased.

4.3 Waste management facilities have the potential to impact significantly on the setting, character and environment of individual properties, settlements and surrounding land uses, thereby potentially affecting the health and the quality of life for people living and working nearby and the use of land for recreation, e.g. green spaces. It will also be particularly important to ensure that, by introducing waste management development to an area, land does not become spoiled through contamination that may prevent its re-use.

#### *Visual Impacts*

4.4 Often associated with landscape character, but equally extending to all areas that may be affected by proposals for waste management development, is the need to address the visual impact of such development. Impacts can arise from the location of the site, its planned layout, the development of built infrastructure, the design of physical developments such as landfill and screening bunds, the provision of access routes and ancillary features such as lighting and fencing. These factors have the potential to impact upon the amenity of surrounding land uses, landscape designations, biodiversity features and the water environment.

### *Noise and Light*

- 4.5 Noise can have a significant effect on the environment and the quality of life enjoyed by individuals and communities. Complaints about noise are amongst the most common received in relation to waste management operations. Waste facilities are likely to produce noise from vehicles and heavy machinery, including reversing alarms, as well as from recycling plant, particularly those concerned with the processing of construction and demolition waste. Consequently, the Councils will require proposals for waste management uses to mitigate the impact of noise as well as reduce un-avoidable noise at the point of source by influencing the layout of the site and by controls on noise emissions.
- 4.6 Similar considerations apply to the control of light pollution. Some waste facilities are located in the open countryside where inappropriate lighting could have a major impact over a wide area. Light pollution is also an issue in urban areas and can affect nocturnal animal species such as bats. The Councils will use controls at the planning application stage over the positioning, height, alignment, intensity (lux), and period of use (time limits) of lighting to minimise impact.

### *Air Emissions, Greenhouse Gases and Climate Change*

- 4.7 Waste management facilities can affect local air quality through emissions from chimneys (or stacks), emissions from vehicles, dust and odours. The legislative control of these emissions is often outside the scope of controls exerted by the Councils. However, the issue of air quality is clearly an important material planning consideration. Due to the overlap of control mechanisms the Councils will, through the use of policy, work closely with regulatory partners in the assessment of planning applications and the imposition of conditions on planning permissions or the reasons for refusal in respect of unacceptable proposals.
- 4.8 Many aspects of waste management can have an impact upon climate change through the production of greenhouse gas emissions. The need to reduce the distance waste is transported and therefore carbon emissions is a key issue that the core strategy is seeking to address. Landfill sites also produce large quantities of methane gas that can contribute significantly to climate change. New waste management development must make provisions to reduce greenhouse gas emissions and impacts upon climate change.

### *Vibration*

- 4.9 Vibration is often linked with noise generation. Vibrations can originate from vehicles and heavy machinery, as well as from recycling plant, particularly those concerned with construction and demolition waste. Consequently, the Councils will aim to mitigate the impact of vibration through the use of policy to reduce such impacts at the point of source by influencing the layout of the site and by suitable controls.

### *Contaminated Land*

- 4.10 It is possible for waste management activities to contaminate land, for example, through leachate from landfill facilities, therefore is an important issue that must be addressed. Proposals for waste management activities that would lead to the creation of contaminated land as part of the operation of that development or the restoration or other removal of that development upon completion of operations will not be permitted.

## *Agricultural Land*

- 4.11 Agricultural land is classified on a scale of 1 to 5. The “best and most versatile” agricultural land is within grades 1 to 3a. and should not be developed unless opportunities have been assessed for accommodating development on previously developed sites or on land of lower agricultural grade. Lower grade land should be used in preference, unless other sustainability factors such as the environmental value of the land or its accessibility to infrastructure, workforce and markets would outweigh agricultural considerations.

### ***The Councils Policy on Managing the Impact of Waste Management Development in Wiltshire and Swindon***

#### **WDC2: MANAGING THE IMPACT OF WASTE MANAGEMENT DEVELOPMENT**

**Proposals for waste management development in Wiltshire and Swindon will be permitted where it can be demonstrated that the proposal firstly avoids, adequately mitigates against, or compensates for significant adverse impacts relating to:**

- **Amenity**
- **Visual Aspects**
- **Noise and light emissions**
- **Vibration**
- **Transportation of Waste**
- **Air emissions and Climate Change**
- **The Water Environment**
- **Contaminated land**
- **The Potential Loss of Best and Most Versatile Agricultural land**

**Proposals for waste management development should be accompanied, where necessary, by assessments of the impacts relating to the issues listed above.**

#### **Policy Drivers**

- **Comments from Issue and Options and the Previous Preferred Options Stage.**
- **Planning Policy Statement 7 – Sustainable Development in Rural Areas**
- **Planning Policy Statement 9 – Biodiversity and Geological Conservation**
- **Planning Policy Statement 10 – Sustainable Waste Management**
- **The draft South West Regional Spatial Strategy**

## *The Water Environment*

- 4.12 Protection and enhancement of the water environment is a particular issue for all waste management developments. The Environment Agency's Position Statement on the Location of Landfills (Regulatory Guidance Note 3) must form part of any site identification criteria so that landfills with a potential for the pollution of groundwater and surface waters are not sited in the sensitive locations which the Position Statement identifies. Both the Councils and the Environment Agency are charged with protecting surface water courses and groundwater from development that might cause derogation of water resources in regard to both quality and quantity. Deterioration of the water resource may be caused, for example, by leachate pollution to groundwater or surface flow to watercourses. Local geology and hydrology therefore need to be taken into account in assessing site suitability. Protection from flood risk is also a key consideration.
- 4.13 The Councils have undertaken a Strategic Flood Risk Assessment (SFRA) for the Wiltshire and Swindon Minerals and Waste Development Framework and this will be used to apply the sequential test when identifying sites for future waste management facilities, avoiding sites in areas with a risk of flooding where possible. The EA set out three flood zones:
- **Flood Zone 1:** This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%).
  - **Flood Zone 2:** This zone comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% – 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% – 0.1%) in any year.
  - **Flood Zone 3a:** This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. **Flood Zone 3b:** This zone comprises land where water has to flow or be stored in times of flood (land which would flood with an annual probability of 1 in 20 (5%) or greater in any year or is designed to flood in an extreme (0.1%) flood, or at another probability to be agreed between the LPA and the Environment Agency, including water conveyance routes).
- 4.14 Government policy (PPS 25) seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. A Flood Risk Assessment is required for development proposals of one hectare or above in Flood Zone 1, and all proposals within areas at risk of flooding as identified by the Strategic Flood Risk Assessment (SFRA) of the Wiltshire and Swindon Minerals and Waste Development Framework. The results of this assessment will be used to guide the sequential approach.
- 4.15 In determining proposals for waste management development, the Councils will need evidence that water will be used efficiently during the operation of the proposal, to avoid shortages and environmental degradation due to pressure on resources. National planning guidance also requires the protection and enhancement of various habitats, including watercourses and other surface water. Use of sustainable drainage system soakaways such as ponds, reedbeds and landscape features to reduce flood risk and pollution, and increase biodiversity, will be supported. The Environment Agency also advise that a Hydrogeological Risk Assessment should form part of the assessment of site suitability and this is supported by the Councils.

*The Councils Policy on the Water Environment in Wiltshire and Swindon*

**WDC3: WATER ENVIRONMENT**

Proposals for waste management development will be permitted where it can be demonstrated that provision has been made to protect and where appropriate, enhance the local water environment, including the protection of groundwater resources, watercourses and other surface water bodies in terms of both quality and quantity, and the avoidance of flood risk.

Flood Risk Assessments will be required for waste management development proposals in areas at risk of flooding or likely to cause flooding elsewhere – appropriate to the nature and scale of the development.

Proposals will also be required to include appropriate provisions for the efficient use of water resources on site.

**Policy Drivers**

- Comments from Issue and Options and the Previous Preferred Options Stage.
- Planning Policy Statement 25 – Development and Flood Risk

### *Recreational Assets, Canals and Railways*

- 4.16 The Plan area has many important recreational and cultural assets, some of which are also important as tourist attractions. These include features such as the Kennet and Avon Canal, the Center Parcs Holiday Village in Longleat, the Cotswold Water Park and the Great Western Community Forest. Their amenity and use will need to be safeguarded when planning new development for waste, to ensure that the broader cultural environment is protected. Established public rights of way, plus canal and heritage railway routes are also important recreational assets and need to be safeguarded from the potential adverse impacts associated with waste developments.
- 4.17 Some public rights of way, may require temporary diversion for the duration of the development or a permanent diversion where this would be preferable for the reinstatement of the original line. Where waste management development will impact upon a disused canal route, provisions should be made to reinstate the original line of the canal or to secure an alternative route that will be acceptable to the relevant Canal Trust. A waste management development requiring a major diversion or re-alignment to a canal is unlikely to gain planning permission due to the high level of engineering work required.

### ***The Councils Policy for Recreational Assets and Canals and Railways in Wiltshire and Swindon***

#### **WDC4: RECREATIONAL ASSETS**

**Proposals for waste management development will be permitted where it can be demonstrated that controls will be made available to safeguard and where appropriate enhance public rights of way on or adjacent to development sites.**

**Proposals that would have a significant adverse impact upon tourism or recreational facilities will not be permitted unless mitigation measures are adopted.**

#### **Policy Drivers**

- **Comments from Issue and Options and the Previous Preferred Options Stage.**
- **Planning Policy Statement 10 – Sustainable Waste Management.**

#### **WDC5: CANALS AND RAILWAYS**

**Proposals for waste management development will be permitted where it can be demonstrated that there would be no significant adverse impact upon the following canal and railway routes:**

- **The Kennet & Avon Canal**
- **The Wiltshire & Berkshire Canal**
- **The Thames & Severn Canal**
- **The North Wiltshire Canal**
- **All railway routes in Wiltshire and Swindon**

**The historic alignments or any approved alternative alignments of the Wiltshire & Berkshire Canal, the North Wiltshire and Thames & Severn Canal will be safeguarded with the view to their long term re-establishment as navigable waterways.**

#### **Policy Drivers**

- **Comments from Issue and Options and the Previous Preferred Options Stage.**
- **Planning Policy Statement 10 – Sustainable Waste Management.**



## *Airfields*

- 4.18 Airfields are safeguarded in accordance with the Town and Country Planning (Safeguarding Aerodromes, Technical Sites and military Explosives Storage Areas) Direction 2002 as Airfield Safeguarding Areas (ASAs). The purpose of ASAs is to ensure that any development proposals in proximity to them are properly considered, for example the impacts of built structures (stacks), lighting or the risk of bird strike. ASAs are prepared by the airfield operator of the installation and the Councils will consult with these where waste plans, policies and proposals fall within any ASA.

### ***The Councils Policy on Airfield Safeguarded Areas in Wiltshire and Swindon***

#### **WDC6: AIRFIELD SAFEGUARDED AREAS**

**Proposals for waste management development within the following Airfield Safeguarding Areas, as identified on the Proposals Map, and any other airfield will be permitted where it can be demonstrated that there would be no unacceptable risk to aircraft safety.**

- **Boscombe Down**
- **Colerne**
- **Fairford**
- **Hullavington Barracks**
- **Keevil Airfield**
- **RAF Lyneham**
- **Middle Wallop**
- **Netheravon**
- **South Cerney**
- **Upavon (Trenchard Lines)**

#### **Policy Drivers**

- **Comments from Issue and Options and the Previous Preferred Options Stage.**
- **Planning Policy Statement 10 – Sustainable Waste Management.**

## *Landscape and the Countryside*

- 4.19 Government policy (PPS10) advocates the need to protect landscapes of national importance such as National Parks and Areas of Outstanding Natural Beauty (AONB) – apart from in exceptional circumstances. With 43% of Wiltshire and Swindon designated as AONB, and the New Forest National Park on Wiltshire’s boundary, it is important to ensure the impacts of waste management development upon these nationally important landscapes are effectively managed through an appropriate policy framework. Major proposals for waste management development within or adjacent to a landscape of national importance should be subject to the most rigorous examination in accordance with the requirements of PPS7 (paragraph 22). Any built structures and ancillary buildings associated with the waste management development should be designed to keep their visual impact to a minimum, through the appropriate use of scale and form.
- 4.20 Landscape Character Assessments (LCAs) are used to describe and map the character and the form of landscape, and provide information to inform judgements about what aspects of the landscape are important and why. LCAs can help to inform the way in which new minerals development can fit within the landscape and assist with the design of restoration proposals (covered in chapter 7). The Wiltshire Landscape Character Assessment has been published covering the whole of Wiltshire and Swindon. Assessments have also been produced for the three AONBs; the Districts of Kennet, Salisbury, North and West Wiltshire; Swindon Borough; the Army Training Estate on Salisbury Plain and the Cotswold Water Park.
- 4.21 Landscape and Visual Effects Assessments are used to understand how a development will change the local landscape character and the appearance of key views, and to inform the design of an appropriate mitigation strategy.
- 4.22 Rural uses such as canal routes, public open space, Public Rights of Way, Bridleways and outdoor recreational facilities all contribute to the landscape setting of an area and are an important consideration for waste management development proposals in line with policy WDC4 and WDC5. The quality and character of the wider countryside should be protected and, where possible, enhanced in accordance with Government policy (PPS7).

## The Councils Policy on Conserving Landscape Character in Wiltshire and Swindon

### **WDC7: CONSERVING LANDSCAPE CHARACTER**

Proposals for waste management development should include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to the following designated areas:

- The New Forest National Park
- The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty
- The Cotswolds Area of Outstanding Natural Beauty
- The North Wessex Downs Area of Outstanding Natural Beauty.

The assessment should be informed by the Wiltshire Landscape Character Assessment, as a minimum, and where the proposed development falls within or in proximity to an AONB or in proximity to the New Forest National Park, the relevant Management Plan.

Proposals for waste management development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. Proposals in proximity to settlements must safeguard their character, setting and rural amenity through the implementation of mitigation measures that incorporate an acceptable separation distance, landscaping and planting, appropriate to the existing landscape setting.

#### Policy Drivers

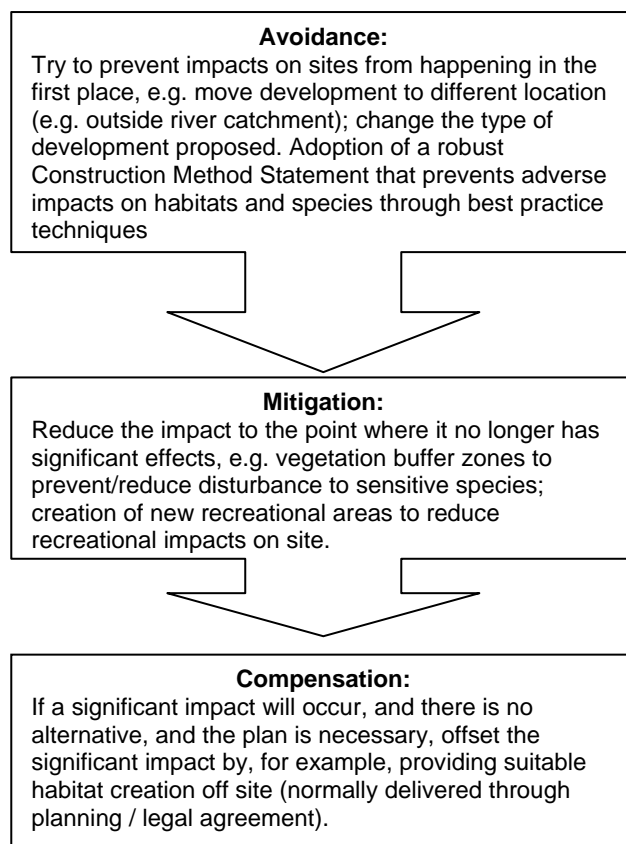
- Comments from Issue and Options and the Previous Preferred Options Stage.
- Planning Policy Statement 10 – Sustainable Waste Management.

## *Biodiversity and Geological Conservation*

- 4.23 Wiltshire and Swindon is home to a rich source of biodiversity and geodiversity with 12 internationally protected nature conservation sites, over 130 Sites of Special Scientific Interest (SSSIs), 60 Regionally Important Geological and geomorphological Sites, around 1,500 County Wildlife Sites, and 13 Local Nature Reserves
- 4.24 The Government's approach to planning policy on biodiversity and geological conservation (PPS9) seeks to maintain and enhance, restore or add to biodiversity and geological interests. A number of areas of biodiversity interest in Wiltshire and Swindon are already afforded significant European and national protection and therefore their inclusion in local level planning policy is not warranted as it would not provide any greater protection than already exists. Any proposal that could potentially impact upon a site protected by the Habitats Directive is legally required to be subject to an appropriate assessment, in accordance with the Habitats Regulations 1994 (as amended).
- 4.25 However European Protected Species, found outside of a SAC / SPA, are the responsibility of the competent authority (i.e. in waste planning matters the Waste Planning Authority), and therefore the need for developers to survey for these species should be reflected in local policy. The Countryside and Rights of Way Act, 2000 along with the guidance in Circular 06/2005 (accompanying PPS9) sets out the national policy position on protecting and enhancing biodiversity and geodiversity. The Councils are committed to ensuring that habitats and species both within and outside designated sites are protected. Taking the lead from PPS9, Policy WDC8 identifies the need to promote the conservation of habitats and species in the widest sense through the implementation of Biodiversity Action Plans and, where produced, Geodiversity Action Plans. In addition, the need to protect 'species of principle importance' (as referenced by PPS9) has been recognised.
- 4.26 The exception to this is where European Protected Species are a feature of European designated sites (SAC or SPA) when Natural England must have the final word on whether the proposal can be allowed to happen. International and national designations are identified on the Proposals Map. Additionally nationally designated SSSIs are also afforded statutory protection.
- 4.27 To ensure that sufficient information is provided for planning officers to efficiently determine a planning application, Policy WDC8 requires waste developers to undertake an assessment of the potential effects of the development on areas of biodiversity and/or geological interest, including those of local importance. The assessment should identify whether a proposal is likely to result in a significant adverse impact (i.e. resulting in unacceptable loss or harm of species or habitat), and set out clearly the options considered for avoiding, mitigating or compensating for the adverse impact.
- 4.28 Not all proposals for waste management development are likely to impact upon biodiversity or geodiversity. Some minor applications for ancillary developments on existing sites, for example, may not present any significant ecological issues and therefore would not necessarily need to be supported with a detailed assessment. However, other applications could relate to small scale development in isolated areas where there is a realistic possibility of an adverse impact upon flora and fauna (noise, disturbance through frequent access to site, etc). It is important that developers engage in early and effective pre-application discussions with the Councils to establish the potential issues associated with a proposed development.

- 4.29 Wiltshire’s County Ecologist will be able provide advice on whether a particular proposal will need to be accompanied by an assessment of the impacts on biodiversity and the level of detail an assessment will need to cover. Where an assessments is required it must incorporate an appropriate ecological survey (additional details on the requirements of an ecological assessment are set out in Appendix 2).
- 4.30 Government policy<sup>4</sup> affords great importance on the need to ensure that biodiversity can adapt to the impacts of climate change. An assessment of the effect of waste management development upon biodiversity should also consider the likely local changes in the distribution of species and habitats in response to a changing climate.
- 4.31 Based on the outcomes of the biodiversity / geodiversity assessment a sequential approach to managing the predicted impacts of waste management development is required. In the first instance applicants should make every effort to ensure that significant harm to protected species and features is **avoided**; including ensuring the development cannot be reasonably located on any alternative sites that would result in less or no harm. In the absence of alternatives, **mitigation** measures should be designed and implemented in order to reduce the impact to the point where it no longer has significant effects. Finally, as a last resort, **compensation** in the form of a planning agreement should be sought where significant harm cannot be avoided or adequately mitigated against. Compensatory measures should result in at least ‘like for like’ habitat creation either within or in proximity to the proposed development. If significant harm cannot be avoided, mitigated against, or adequately compensated for, planning permission should be refused. This process is outlined in the figure 2.

**Figure 2: Preventing harm to Biodiversity and Geological Conservation interests<sup>5</sup>**



<sup>4</sup> Consultation on PPS: Planning and Climate Change – Supplement to PPS1.

<sup>5</sup> Adapted from ‘Appropriate Assessment of Plans: Discussion Paper,’ Scott Wilson et al, June 2006.

- 4.32 Where a proposal identifies a need for mitigation and / or compensation, full details of mitigation and / or compensation measures to be implemented should be incorporated into the design of the proposal. Applicants should make provisions for the need for long term aftercare and management of the site. It is therefore imperative that the ecology of the site has been properly assessed at an early stage, so that mitigation or compensation measures can be presented as part of the planning application.

### **The Councils Policy for Protecting and Enhancing Biodiversity and Geological Interest in Wiltshire and Swindon**

#### **WDC8: BIODIVERSITY AND GEOLOGICAL INTEREST**

**Proposals for waste management development in Wiltshire and Swindon must be accompanied by an objective assessment of the potential effects of the development on areas of biodiversity and/or geological interest, taking into account cumulative impacts with other development and the potential impacts of climate change.**

**Proposals must maintain and / or enhance internationally and nationally designated features of biodiversity and/or geological interest species of principal importance and the following features of international, regional and local importance:**

- **European Protected Species**
- **Wiltshire's Biodiversity Action Plan habitats and species**
- **County Wildlife Sites (including Semi Natural Ancient Woodlands)**
- **Regionally Important Geological and Geomorphological Sites**
- **Local Nature Reserves**
- **The Great Western Community Forest**

**Proposals for waste management development will only be permitted where adverse impacts will be:**

- a) **Avoided; or**
- b) **Where an adverse impact cannot be avoided, the impact will be adequately mitigated; or**
- c) **Where adverse impacts cannot be avoided or adequately mitigated, compensation measures will, as a last resort, be designed and implemented to ensure the maintenance or enhancement of biodiversity / geodiversity.**

#### **Policy Drivers**

- **Comments from Issue and Options and the Previous Preferred Options Stage.**
- **Planning Policy Statement 10 – Sustainable Waste Management.**

## *Cultural Heritage*

- 4.33 The diverse historic environment of Wiltshire and Swindon includes many features of national and international importance and therefore warrants significant consideration for applicants preparing and submitting proposals for waste management development. The World Heritage Site of Stonehenge and Avebury comprises Wiltshire's best known historic landscape and monuments, and there are numerous other highly valued examples of evidence from our past including the Roundway Down Battlefield, over 1,500 Scheduled Ancient Monuments, and nearly 20,000 sites of archaeological or historical remains. Additionally, there are more than 250 Conservation Areas and thousands of listed buildings.
- 4.34 If inappropriately designed and managed waste management development can result in the disturbance and loss of archaeological remains that have been locked away in the soils and underlying strata for hundreds if not thousands of years. National policy outlines a preference for undisturbed archaeological remains to be preserved *in situ*.
- 4.35 To ensure that the appropriate level of protection, investigation and management is given to archaeological remains within and in proximity to proposed waste management development planning applications must follow the guidance in Planning Policy Guidance 16 – Archaeology and Planning. The following stages should be followed when submitting a planning application for waste management development where appropriate:
- Consult the Wiltshire Sites and Monuments Records (SMRs), - this should form the basis for pre-application discussions between the Councils and developers;
  - Based on the advice of the relevant Archaeological Body (e.g. Wiltshire's County Archaeologist), and the existing or potential archaeological importance of the proposed site, undertake an appropriate initial archaeological investigation (e.g. site inspection, remote sensing, trial trenching) prior to the submission of a planning application; and
  - Where initial investigations indicate archaeological remains are likely to be disturbed and based on the advice of the relevant Archaeological Body, agree to a scheme of further archaeological investigations to take place prior to or concurrently with the waste management development. Depending on the importance of the findings of the initial archaeological assessment, the Councils may seek financial contributions from the developer in the form of a legal agreement, to ensure that archaeological evidence is further investigated, recorded, preserved and managed to an appropriate standard and to an appropriate timescale.
- 4.36 Where initial investigations reveal that the waste management development will result in the loss of archaeological features of significant importance (e.g. of national or international significance), it is unlikely that a proposal will be permitted.
- 4.37 The impacts of waste management development can be evident, not only in terms of the potential disturbance of archaeological remains but also upon the character and setting of many of the surviving examples of our past. In addition to archaeological assessment, proposals should assess the potential adverse impacts on the historic landscape and cultural heritage assets, including listed buildings and conservation areas, taking into account Historic Landscape Characterisation and AONB management plans.



## The Councils Policy for Cultural Heritage in Wiltshire and Swindon

### **WDC9: CULTURAL HERITAGE**

In the interest of protecting the rich historic character of Wiltshire and Swindon, proposals for waste management development will be permitted where it can be demonstrated that the following areas of archaeological or cultural heritage importance and their settings can be protected, enhanced and/or preserved.

- **Scheduled Ancient Monuments**
- **Registered Battlefields**
- **Listed buildings**
- **Conservation Areas**
- **Locally important archaeological remains**
- **Historic parks and gardens**

Proposals affecting sites of known or potential archaeological importance must be accompanied by an appropriate archaeological evaluation. Where the findings of the initial assessment indicates necessary, preservation in situ of nationally important remains may be necessary, or developers will be required to agree to a scheme of further archaeological mitigation prior to commencement of the development or as part of the overall development scheme. In the interests of recording, preserving and the future management of important archaeological features affected by a proposal the Councils may seek contributions from the developer in the form of a planning agreement.

Proposals affecting the setting of the World Heritage Site of Stonehenge and Avebury will not be permitted.

#### **Policy Drivers**

- **Comments from Issue and Options and the Previous Preferred Options Stage.**
- **Planning Policy Statement 10 – Sustainable Waste Management.**

### *Restoration of Waste Management Sites*

- 4.38 What constitutes an appropriate reinstatement of a former waste facility is largely determined by the nature and location of the land in question and its surrounding environment. In the case of landfill operations, and any on-site ancillary developments, such as material recycling plant and equipment, it is always necessary to consider the proposed after-use and the measures that will be needed to achieve the highest possible standards of restoration. Councils can seek this as part of the original planning application or require the submission of a scheme setting out the measures to be taken through the life of the permission, to ensure adequate restoration and afteruse of the site.
- 4.39 Other facilities, especially those requiring significant built infrastructure such as in vessel composting, anaerobic digestion, mechanical biological treatment and energy from waste facilities, will need to be decommissioned at the end of their operation. This may require demolition of buildings and equipment, and decontamination of sites.
- 4.40 The Councils will encourage after-uses that will benefit the local community; the local economy; improve amenity; enhance biodiversity and wildlife habitats, landscape features, the local environment or other sites of geological or scientific interest; or provide woodland areas or other habitats of conservation value that will contribute to national, regional and local Biodiversity Action Plan targets and use that help to reduce and buffer the impacts of climate change. All such uses would need to be planned in accordance with the provisions of the Waste Development Framework and the District Council's Local Development Frameworks. It may also be necessary to secure long term after care management where deemed necessary, such as with landfill developments.

## The Councils Policy for the Restoration of Waste Management Sites in Wiltshire and Swindon

### **WDC10: RESTORATION OF WASTE MANAGEMENT SITES**

Proposals for waste management development in Wiltshire and Swindon will be permitted where provision has been made for the appropriate restoration and reinstatement of that site as part of the cessation of waste management activities, where this is appropriate to the development.

The submitted scheme for restoration must ensure that land is returned to a quality suitable for supporting a range of beneficial after uses. Proposals for temporary waste management development will be permitted where they achieve an after use that:

- Will provide benefit to the local community including agriculture and/or;
- Will provide benefit to the local economy where appropriate and/or;
- Will enhance biodiversity interest, landscape quality, cultural heritage and other environmental or community assets;
- The restoration helps to achieve the objectives of the South West Nature Map and contributes to national, regional and local BAP targets;
- Will not cause adverse impacts upon the water environment;
- Represents a sustainable and appropriate use for the site.

Where appropriate, the long term security and management of the proposed after use will be controlled through the use of a planning agreement. Long term after-care management may also be required where this is deemed appropriate.

#### Policy Drivers

- Comments from Issue and Options and the Previous Preferred Options Stage.
- Planning Policy Statement 10 – Sustainable Waste Management.

## 5. Sustainable Transportation of Waste

### Links to the Strategic Objectives contained in the Waste Core Strategy

#### *Strategic Objective 3*

***“...Options for sustainable transportation should be encouraged in order to reduce the impacts of transporting waste through Wiltshire and Swindon...”***

- 5.1 Waste management facilities are often generators of Heavy Goods Vehicle (HGV) traffic, which can lead to adverse environmental impacts such as noise, air pollution, vibration, dust and a road safety hazard for other vehicles, pedestrians and cyclists. These effects are exacerbated in areas designated for their environmental importance. Additionally, lorries used to transport waste will also produce carbon emissions that are believed to contribute to global warming. The transportation of waste between sites for processing or disposal is therefore an important consideration for managing the impacts of waste management development.
- 5.2 In order to minimise the impacts of HGV traffic associated with waste management development the reduction of transportation distances and the use of rail and water to transport waste should be encouraged wherever possible.
- 5.3 The Wiltshire HGV Route Network sets out the most appropriate routes for HGVs to use, making the distinction between ‘strategic’ and ‘local’ lorry routes. The adverse impacts of waste management transportation, including those upon residential amenity, will be minimised if development is located in close proximity to this network. Close proximity is not defined within planning policy but sites will be supported where they offer direct access to, or have good links with the HGV route network or the Primary Route Network (PRN). Sites will not be encouraged where access is required through residential areas, sensitive land uses or via roads which are not considered suitable by the Highway Authority for HGV use.
- 5.4 A comprehensive Transport Assessment will be required to be submitted with a planning application where a development is likely to have significant transport and related environmental impacts. It should identify the measures that will be taken to adequately mitigate or compensate for the anticipated transport impacts of the proposal and improve accessibility and safety for all travel modes. Where a development will have relatively limited transport implications, a full Transport Assessment may not be required and a simplified Transport Statement can be produced instead. This will be the case where a proposed development is expected to generate relatively low numbers of trips or traffic flows, with minor transport impacts. Finally, where the issue of transport is considered to be of limited significance, no formal assessment is necessary.<sup>6</sup> Pre-application discussions with the Councils will be critical to establish the scope of assessment required when considering the transport impacts of waste management development proposals.

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<sup>6</sup> Government guidance on this matter is detailed within the document ‘Guidance on Transport Assessment’ DCLG, DfT, March 2007.

- 5.5 Government policy (PPG13) has introduced the concept of voluntary waste site transport plans. Waste site operators are encouraged to establish these plans where there will be significant impacts from the transportation of waste. Waste site transport plans should be produced in consultation with the local community, in order to reduce the impact on nearby residents, thus promoting the sustainable transportation of waste. These plans should deal with matters including routeing, offsite parking, hours of movement, considerate driving, and complaints procedures. The establishment of waste site transport plans should be incorporated into pre-application discussions and/or planning agreements (as detailed in chapter 2); and as part of the mitigation measures outlined in transport assessments accompanying proposals for waste management development. Many impacts can be controlled through use of appropriate conditions attached to a permission. However, developers will be encouraged to consider routeing restrictions controllable by agreement to ensure the potential transport impacts of new waste management development are minimised.
- 5.6 There may be cases where the existing road network is not adequate for the amount of lorry movements associated with a waste management development. This has the potential to cause damage to the road structure and adversely affect residential amenity. Where this is the case, legal agreements<sup>7</sup> will be sought to achieve appropriate road network improvements in order to mitigate the adverse impacts of the increased lorry traffic due to the waste management development and through the use of routing agreements to avoid unacceptable impacts upon existing residential communities caused by vehicles using inadequate routes. It may also be possible to limit vehicle sizes in certain circumstances, for example when a waste management development is located in a sensitive area (e.g. AONB) and improving the road network could harm the landscape character of lanes and roads.
- 5.7 Transport Assessments should also consider the impacts of the waste management development upon all modes of travel likely to be affected by the development. Where there is likely to be significant adverse impacts that cannot be avoided or mitigated, legal agreements may be required to protect and where necessary make improvements to the relevant network.

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<sup>7</sup> Section 59, Highways Act 1980, allows the highway authority to seek costs for maintaining the highway as a result of road damage caused by excessive weight or other extraordinary traffic. Section 278 of the Highways Act allows a highways authority to seek costs from a developer, where the developer would derive a special benefit for necessary modifications to be made to the strategic road network as part of the highways authority's proposed works. Also Section 106, of the Town and Country Planning Act 1990 allows a local planning authority to enter into an agreement with developers for the purpose of restricting or regulating a development.

## The Councils Policy for the Sustainable Transportation of Waste in Wiltshire and Swindon

### **WDC11: SUSTAINABLE TRANSPORTATION OF WASTE**

Waste management development will be permitted where it is demonstrated that the proposals facilitate sustainable transport by (where they are relevant to the development):

- Minimising transportation distances;
- Maximising the use of rail or water to transport waste where practicable;
- Minimising the production of carbon emissions;
- Ensuring a proposal has direct access or suitable links with the Wiltshire HGV Route Network or Primary Route Network;
- Establishing waste site transport plans; and
- Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway network.

Where appropriate, applications for waste management development will need to be accompanied by a Transport Assessment. The Transport Assessment will need to:

- Consider the impact of the development upon the highway network in the local area;
- Consider the potential cross-boundary impacts and cumulative impacts of the development with other local developments; and
- Identify any mitigation or compensatory works directly related to the development that may need to be funded by the developer in conjunction with the proposal.

#### **Policy Drivers**

- Comments from Issue and Options and the Previous Preferred Options Stage.
- Planning Policy Statement 10 – Sustainable Waste Management.
- Planning Policy Guidance Note 13 - Transport

## 6. Renewable Energy

### Links to the Strategic Objectives contained in the Waste Core Strategy

#### *Strategic Objective 3*

***"... Contribute to reducing and adapting to the impacts of climate change...The sustainable construction of waste management facilities will be encouraged wherever possible".***

- 6.1 Planning Policy Statement 22 (PPS 22): Renewable Energy outlines the national guidance on the subject. The key principle of PPS 22 is to promote and encourage developments to utilise renewable energy wherever possible and ensure Local Development Documents (LDDs) contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. PPS 22 also outlines that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs locally and nationally.
- 6.2 Where appropriate, new waste management developments will be expected to maximise the opportunity to incorporate renewable energy into the design of the facility for electricity and heat generation. Waste management developments can make contributions to renewable energy targets in a number of ways. New landfill developments will be required to make provisions for any landfill gas generated by the facility, including where appropriate, the recovery of energy from such gas.
- 6.3 The Councils will encourage opportunities for collaborative working with neighbouring authorities and their development frameworks to deliver renewable energy. This may involve integrating combined heat and power (CHP) waste facilities as part of new housing developments or the development of biomass incinerators. The Councils will also encourage the co-location of sensitively designed CHP facilities on industrial areas that can provide renewable energy to serve the surrounding area.
- 6.4 New waste management developments will be required to demonstrate that any buildings associated with the development have had regard to sustainable construction methods. The Councils will also require renewable energy sources to be utilised in new waste management developments wherever possible. This may for example be in the form of utilising energy generated from landfill gas to operate other buildings on site. The Councils will also encourage other forms of renewable energy production such as solar panels as part of new waste management developments.

## The Councils Policy on Renewable Energy in Wiltshire and Swindon

### **WDC12: RENEWABLE ENERGY**

Planning applications for waste management proposals in Wiltshire and Swindon must demonstrate to the satisfaction of the Councils that they have had regard, where appropriate, to the following criteria:

- The need to maximise the opportunities for renewable energy production both for electricity and heat generation;
- New landfill developments have made provision for the recovery of energy from landfill gas; and
- New waste management facilities will be required to demonstrate sustainable construction methods including where appropriate the provision of energy from renewable sources.

#### Policy Drivers

- Planning Policy Statement 12 – Renewable Energy.
- The draft South West Regional Spatial Strategy



## 7. Landfill Development

### Links to the Strategic Objectives contained in the Core Strategy

#### *Strategic Objective 2*

***“Ensure that there is a sufficient network of safeguarded waste management facilities which make adequate provision for waste requiring management in Wiltshire and Swindon in accordance with the apportionments set out in the South West Regional Spatial Strategy. The primary focus for locating sites should be within 16 kilometres of the SSCTs of Swindon, Chippenham, Trowbridge and Salisbury. Waste will be managed at the nearest appropriate facility, co-locating waste management uses where appropriate”.***

- 7.1 The final disposal of waste without the recovery of any value from that waste is generally considered to be the least sustainable option, and as such is positioned at the bottom of the waste hierarchy (see policy WCS5 in the Waste Core Strategy).
- 7.2 Waste disposal will continue to play an important albeit diminishing role in managing residual and un-recyclable waste in the Plan area. Moving away from disposal towards more sustainable waste management methods will undoubtedly be an evolutionary process, requiring time to allow for alternative facilities to be put in place. The Landfill Allowance Trading Scheme (LATS) and increasing taxation on landfill inputs have contributed significantly to the decrease in waste going to landfill.
- 7.3 Comparisons of existing waste management infrastructure in Wiltshire and Swindon with the apportioned future waste management requirements identified by the Joint Municipal Waste Management Strategy (JMWMS) and the South West Regional Assembly indicate that there will be a need for additional landfill capacity for the disposal of industrial and commercial waste and inert wastes in Wiltshire and Swindon for the period up to 2026.
- 7.4 Consequently, the Councils have provided guidance against which proposals for additional disposal capacity can be assessed. Such proposals will have to be shown to be in accordance with the Strategy of the Waste DPDs and to comply with the policies that identify the Councils approach to sustainable waste management and managing the impacts of development.
- 7.5 Applications for extended or new landfill sites will need to, where appropriate to the waste stream, demonstrate the pre-treatment of any waste to be landfilled, in line with the Landfill Regulations.
- 7.6 Extensions to existing landfill sites or changes to their permitted working arrangements may also be necessary for operational reasons, for example improvements or modifications to cell design or engineering made necessary to comply with best practice for landfill engineering and site restoration. Such proposals will need to demonstrate that an extension to capacity is necessary for operational reasons and under such circumstances is the only practicable option for the safe engineering of that site.
- 7.7 Planning applications for extended or new landfill sites will need to provide full details of the methods to be used to contain and control landfill gas and leachate, including, where appropriate, details of provisional measures to be taken to facilitate the recovery of energy from any landfill gas generated in line with Policy WDC12. Impacts on the surrounding environment will need to be addressed through the policies in this document.

- 7.8 Consideration will be given to the relationship between the adjoining landscape and the restoration and final intended afteruse of the restored landform, taking account of pre and post settlement contours, including any requirement for doming to achieve settlement and drainage contours in line with current best waste management practices. Planning applications that fail to demonstrate that the restoration and final afteruse of a proposed landfill site will not have an unacceptable impact upon the adjoining landscape are unlikely to be permitted.
- 7.9 Whilst the Councils will aim to identify and allocate suitable sites for the development of future landfill capacity, the development of these sites will depend upon the availability of the land to the waste industry at the time required, two factors that do not always combine.
- 7.10 Landfill is predominantly carried out on sites requiring some form of restoration work prior to that land being put back into a beneficial use, such as worked out mineral sites or on degraded, contaminated or derelict land. However, this restoration need not always be through the use of landfill. An applicant should be able to demonstrate that landfill is an appropriate and necessary means of providing beneficial restoration and afteruse of the site in question and conforms to Policy WDC10.

### **The Councils Policy on Landfill Development in Wiltshire and Swindon**

#### **WDC13: LANDFILL DEVELOPMENTS**

**Proposals for new landfill developments will be permitted where the applicant can demonstrate where appropriate:**

- **There is no suitable waste management option at a higher level in the waste hierarchy;**
- **the development would lead to a demonstrable improvement in the quality of the land;**
- **the proposal is essential for the restoration of the site;**
- **an extension to landfill operations is essential for operational reasons and is the only demonstrable option.**

#### **Policy Drivers**

- **Comments from Issue and Options and the Previous Preferred Options Stage.**
- **Planning Policy Statement 10 – Sustainable Waste Management.**
- **Wiltshire and Swindon Waste Core Strategy Policy WCS5**

## 8. Implementation, Monitoring and Review

- 8.1 The Councils have proposed a set of indicators and targets, which have been derived from national policy advice (the Core Output Indicators), the Wiltshire and Swindon's Annual Monitoring Reports (the local / contextual / significant effects indicators) and the SA/SEA undertaken on the Waste Development Control Policies DPD. Where there are no indicators appropriate the Councils have formulated an indicator that is suitable for monitoring the relevant policy. These will be monitored in line with policy WCS7: Waste DPD Implementation, Monitoring and Review contained in the Waste Core Strategy DPD.
- 8.2 The following paragraphs set out the Councils delivery and implementation plan, and the monitoring framework for the policies of the Waste Development Control Policies DPD. The indicators are mainly measured in a percentage in order to offer an indication of the performance of the policies from all the applications that will be received.

### ***WDC1: Key Criteria for Ensuring Sustainable Waste Management Development***

- 8.3 Policy WDC1 provides the Key Criteria for which planning applications will be decided upon. The specific areas covered in the policy are covered in more detail in subsequent policies in more detail. Therefore all of the indicators for each policy in the document (Table 1) are relevant to this policy.

### ***WDC2: Managing the Impact of Waste Management Development***

- 8.4 Policy WDC2 covers the issue of managing the impacts of waste management development, which includes impacts on amenity, visual aspects, noise and light emissions, vibration, transport, air emissions and climate change, the water environment, contaminated land and agricultural land. Due to the broad scope of the policy the following indicator has been set to monitor this policy. The indicator relates to the percentage of planning applications that have been submitted with an environmental statement.

#### **Indicator:**

*Percentage of applications for Waste Management Development submitted with a sufficient Environmental Statement.*

### ***WDC3: Water Environment***

- 8.5 The water environment within Wiltshire and Swindon has been identified as an important issue that must be protected and monitored effectively. The aim of Policy WDC3 is to ensure that waste management developments do not adversely impact upon the water environment in both quantity and quality. The policy requires a flood risk assessment to be undertaken in areas of flood risk and that appropriate provisions are made for the efficient use of water resources on site. The following indicators are proposed to monitor Policy WDC3:

#### **Indicators:**

*Percentage of applications supported by a Flood Risk Assessment that identifies a risk and leads to mitigation or compensation for that risk.*

*Percentage of applications including provisions for the efficient use of water on site.*

#### **WDC4: Recreational Assets**

- 8.6 Policy WDC4 relates to the need to protect and where possible enhance recreational assets within Wiltshire and Swindon. The policy safeguards public rights of way and protects tourism and recreational facilities from significant adverse impacts. The following indicators will be used to monitor the effectiveness of policy WDC4.

##### **Indicators:**

*Percentage of applications for waste management development that would lead to a loss of public rights of way.*

*Percentage of applications for waste management development that would lead to an enhancement to public rights of way where this is appropriate.*

*Percentage of applications for waste management development within or adjacent to tourist or recreational assets.*

*Percentage of applications for waste management facilities that enhances tourist or recreational assets.*

#### **WDC5: Canal and Railways**

- 8.7 The Councils approach to protecting Canals and Railways from any significant adverse impacts is outlined in policy WDC5. The Kennet and Avon and Wiltshire and Berkshire canals are protected along with all railway routes in the County and Borough. The following indicators will be used to monitor policy WDC5:

##### **Indicator:**

*Percentage of applications for waste management development that would lead to a loss of historic canal or railway routes.*

#### **WDC6: Airfield Safeguarded Areas**

- 8.8 Policy WDC6 sets out the Councils policy for airfield safeguarding areas within the Plan area. The policy protects these areas from unacceptable risk to aircraft safety. The policy includes a list of sites that will be safeguarded. The following indicators will be used to monitor the policy:

##### **Indicators:**

*Percentage of applications for waste management development within Airfield Safeguarded Areas.*

*Number of objections by the MOD to applications for waste management development within Airfield Safeguarded Areas.*

### **WDC7: Conserving Landscape Character**

- 8.9 The Councils approach to conserving landscape character is set out in policy WDC7. The policy protects Wiltshire's landscapes, in particular those of national importance. The need to protect and where possible enhance the quality and character of the countryside informed by the Wiltshire Landscape Character Assessment, the New Forest National Park Management Plan where relevant and where relevant the AONB Management Plans is a key section within the policy. The following indicators are proposed to monitor policy WDC7:

**Indicators:**

*Percentage of applications for waste management development submitted with a landscape character assessment.*

*Percentage of planning applications within or adjacent to the New Forest National Park and the AONBs that have been informed by the relevant management plan.*

### **WDC8: Biodiversity and Geological Interest**

- 8.10 Policy WDC8 is responsible for protecting biodiversity and geological interest. The policy protects sites of national importance, namely SSSIs and sites of local importance. The policy aims in order of preference to firstly avoid, adequately mitigate and finally compensate for adverse impacts. The policy also includes the need for proposals to contribute to national, regional and local Biodiversity Action Plan targets. The following indicators will be used to monitor the effectiveness of the policy:

**Indicators:**

*Percentage of applications for waste management development part of or all of which lie within a SSSI.*

*Percentage of applications for waste management development part of or all of which lie within designations of local importance.*

*Percentage of applications for waste management development that provides a net gain in biodiversity.*

### **WDC9: Cultural Heritage**

- 8.11 The Councils approach to protecting cultural heritage is set out in policy WDC9. The policy ensures that planning applications protect, enhance where appropriate and / or preserve sites of cultural heritage and their settings. Policy WDC9 also requires developers to undertake archaeological assessments where there is a known or potential site of archaeological importance in close proximity. The Councils will use the following indicators to monitor policy WDC9:

**Indicator:**

*Percentage of applications for waste management development part of or all of which lie within the following designations:*

- *Scheduled Ancient Monuments*
- *Registered Battlefields*
- *Listed buildings*
- *Conservation Areas*
- *Locally important archaeological remains*
- *Historic parks and gardens*

**WDC10: Restoration of Waste Management Sites**

- 8.12 Policy WDC10 sets out the Councils approach to the restoration of waste management sites. The policy requires planning applications to make provision for appropriate restoration and reinstatement after waste management uses where this is necessary. Policy WDC10 also requires waste management uses to be restored to uses that offer a range of benefits. The indicators that will be used by the Councils to monitor the policy are included below:

**Indicators:**

*Percentage of applications for temporary waste management development that will be restored to provide benefits outlined in the policy.*

*Indicators for policies WDC7, WDC8 and WDC9*

**WDC11: Sustainable Transportation of Waste**

- 8.13 WDC11 Sustainable Transportation of Waste shows the Councils approach to ensuring that waste is transported in a sustainable manner. The policy requires issues such as highway safety, ensuring that maximum use is made of the HGV route network and that carbon emissions are reduced where possible are addressed and mitigated as part of planning applications. The policy also encourages other forms of transport such as rail and water and requires applicants to undertake transport assessments and travel plans where this is necessary. The following indicators will be used to monitor the policy:

**Indicators:**

*Number of applications for waste management developments within 2km of the Wiltshire HGV route network.*

*Number of applications supported by site transport plans.*

*Number of applications for waste management development leading to highway improvements.*

### **WDC12: Renewable Energy**

- 8.14 The Councils approach to the generation of renewable energy from waste management developments is displayed in policy WDC12. The policy encourages waste management developments to maximise to opportunities for renewable energy production for electricity and heat generation. The policy also ensures that new landfill developments makes provision for the energy recovery from landfill gas, The indicators below will be used by the Councils to monitor the effectiveness of policy WDC12:

**Indicators:**

*Percentage of applicants for the landfilling of waste proposing to recover energy from landfill gas.*

*Mega Watts of energy generated through waste management.*

*Percentage of applications incorporating renewable energy provisions.*

### **Monitoring Targets and Thresholds for Review**

- 8.15 Table 1. below illustrates the indicators that have been included above. The table displays the policy, the indicators and the targets and thresholds that will be used to identify if a review of the policy is necessary. The table also identifies the relevant organisation that will be responsible for implementing and monitoring the policies.

**Table 1: Monitoring the Waste Development Control Policies DPD**

<b>Policy</b>	<b>Indicator</b>	<b>Responsible Agency</b>	<b>Target</b>	<b>Threshold for Policy Review</b>
WDC1: Key Criteria for Ensuring Sustainable Waste Management Development	All Indicators	WCC / SBC	-	-
WDC2: Managing the Impact of Waste Management Development	Percentage of applications for Waste Management Development submitted with a sufficient Environmental Statement.	WCC / SBC	100%	80%
WDC3: Water Environment	Percentage of applications supported by a Flood Risk Assessment that identifies a risk and leads to mitigation or compensation for that risk.	WCC / SBC	100%	80%
	Percentage of applications including provisions for the efficient use of water on site.	WCC / SBC	100%	80%
WDC4: Recreational Assets	Percentage of applications for waste management development that would lead to a loss of public rights of way.	WCC / SBC	0%	20%
	Percentage of applications for waste management development that would lead to an enhancement to public rights of way where this is appropriate.	WCC / SBC	100%	80%
	Percentage of applications for waste management development within or adjacent to tourist or recreational assets.	WCC / SBC	0%	20%
	Percentage of applications for waste management facilities that enhances tourist or recreational assets.	WCC / SBC	0%	20%
WDC5: Canal and Railways	Percentage of applications for waste management development that would lead to a loss of historic canal or railway routes.	WCC / SBC	0%	20%
WDC6: Airfield Safeguarded Areas	Percentage of applications for waste management development within Airfield Safeguarded Areas.	WCC / SBC	0%	20%
	Percentage of objections by the MOD to applications for waste management development within Airfield Safeguarded Areas.	WCC / SBC	0%	20%
WDC7: Conserving Landscape Character	Percentage of applications for waste management development submitted with a landscape character assessment.	WCC / SBC	100%	80%
	Percentage of planning applications within or adjacent to the New Forest National Park and the AONBs that have been informed by the relevant management plan.	WCC / SBC	100%	80%



WDC8: Biodiversity and Geological Interest	Percentage of applications for waste management development part of or all of which lie within a SSSI.	WCC / SBC	0%	20%
	Percentage of applications for waste management development part of or all of which lie within designations of local importance.	WCC / SBC	0%	20%
	Percentage of applications for waste management development that provides a net gain in biodiversity.	WCC / SBC	80%	50%
WDC9: Cultural Heritage	Percentage of applications for waste management development part of or all of which lie within the following designations: <ul style="list-style-type: none"> <li>• Scheduled Ancient Monuments</li> <li>• Registered Battlefields</li> <li>• Listed buildings</li> <li>• Conservation Areas</li> <li>• Locally important archaeological remains</li> <li>• Historic parks and gardens</li> </ul>	WCC / SBC	0%	20%
WDC10: Restoration of Waste Management Sites	Percentage of applications for temporary waste management development that will be restored to provide benefits outlined in the policy.	WCC / SBC	100%	80%
	Indicators for policies WDC7, WDC8 and WDC9	WCC / SBC	-	-
WDC11: Sustainable Transportation of Waste	Number of applications for waste management developments within 1km of the Wiltshire HGV route network.	WCC / SBC	100%	80%
	Number of applications supported by site transport plans.	WCC / SBC	100%	80%
	Number of applications for waste management development leading to highway	WCC / SBC	100%	80%
WDC12: Renewable Energy	Percentage of applicants for the landfilling of waste proposing to recover energy from landfill gas.	WCC / SBC	100%	80%
	Mega Watts of energy generated through waste management.	WCC / SBC	10 MW by 2010	8 MW by 2010
	Percentage of applications incorporating renewable energy provisions.	WCC / SBC	100%	80%

Abbreviations: WCC – Wiltshire County Council

SBC – Swindon Borough Council

## Appendix 1: Glossary of Terms

- AMR ANNUAL MONITORING REPORT** - A report that principally describes how a Local Planning Authority is performing in terms of meeting the targets and aspirations for Local Development Document preparation as set out in its three-year project plan (the Local Development Scheme). If, as a result of monitoring performance, the Authority's Scheme requires modification, the AMR will be used to justify why targets have not been met within the monitoring year.
- AAP AREA ACTION PLAN** - A Development Plan Document that seeks to plan a distinct area identified as likely to experience 'significant change' as a result of development pressure. If the County Council determines the need to produce an AAP it will ensure reference is made within revisions to the Minerals and Waste Development Scheme.
- AONB AREA OF OUTSTANDING NATURAL BEAUTY** - A landscape area of high natural beauty which has special status, and within which major development will not be permitted, unless there are exceptional circumstances. Designated under the 1949 National Parks and Access to the Countryside Act.
- BIODEGRADABLE** - Materials which can be chemically broken down by naturally occurring micro-organisms into simpler compounds. In the context of this document it refers principally to waste containing organic material which can decompose giving rise to gas and leachate and other by-products.
- CIVIC AMENITY SITE** - See Household Recycling Centres.
- CLINICAL WASTE** - Derived largely from hospitals, medical and other related practices and defined as blood, tissue and other bodily fluids and excretions from humans and animals; drugs and medical equipment; and any other waste which, unless rendered safe, may prove hazardous or infectious to persons coming into contact with it.
- COMMERCIAL WASTE** - Waste arising from premises which are used wholly or mainly for trade, business, sport, recreation or entertainment, excluding municipal and industrial waste.
- COMMUNITY STRATEGY** - The Local Government Act 2000 requires local authorities to prepare a community strategy. "A County Fit for our Children A Strategy for Wiltshire 2004-2014" was produced by the Wiltshire Strategic Board in October 2003. It sets out the broad vision for the future of the County and proposals for delivering that vision.
- COMPOSTING** - an biological process which takes place in the presence of oxygen (aerobic) in which organic wastes, such as garden and kitchen waste are converted into a stable granular material. This can be applied to land to improve soil structure and enrich the nutrient content of the soil.
- CONSTRUCTION/DEMOLITION WASTE** - Includes waste arising from the construction, repair, maintenance and demolition of building and structures.
- CORE STRATEGY DEVELOPMENT PLAN DOCUMENT** - This will be one of the most important Development Plan Documents to be produced. The County Council intends to produce both minerals and waste Core Strategies to define the long term strategic vision and policies for minerals and waste development in the plan area (Wiltshire and the Borough of Swindon).
- DCLG Department of Communities & Local Government** - Government department for planning and local government.
- DEFRA DEPARTMENT FOR THE ENVIRONMENT, FOOD AND RURAL AFFAIRS** - Government department with national responsibility for sustainable waste management.
- DPD DEVELOPMENT PLAN DOCUMENTS** - DPDs are spatial planning documents that are subject to independent examination. They will have 'development plan' status (please see the explanation of 'the development plan' below).

**EC DIRECTIVE** – a European Community legal instruction, which is binding on all Member States, but must be implemented through legislation of national governments within a prescribes timescale.

**EIP Examination in Public** – All Development Plan Documents are subject to an EIP. The purpose of the examination is to consider whether the Development Plan Document is sound. The Secretary of State will appoint an inspector to conduct the examination. In assessing whether the Development Plan Document is sound, the inspector will consider any representations which have been duly made.

**ENERGY RECOVERY** – includes a number of established and emerging technologies, though most energy recovery is through incineration technologies. Many wastes are combustible, with relatively high calorific values – this energy can be recovered through (for instance) incineration with electricity generation, gasification, pyrolysis or refuse derived fuel.

**ENVIRONMENT AGENCY** – Established in April 1996, combining the functions of former local waste regulation authorities, the National Rivers Authority and Her Majesty's Inspectorate of Pollution. Intended to promote a more integrated approach to waste management and consistency in waste regulation. The Agency also conducts national surveys of waste arising and waste facilities.

**GOSW GOVERNMENT OFFICE FOR THE SOUTH WEST** - The Government's regional office. Local Planning Authorities will use this office as a first point of contact for discussing the scope and content of Local Development Documents and procedural matters.

**GREEN BELT** – Areas of land defined in Structure Plans and District Wide Local Plans that are rural in character and adjacent to urban areas, where permanent and strict planning controls apply in order to; check the unrestricted sprawl of built up areas; safeguard the surrounding countryside from further encroachment; prevent neighbouring towns from merging into one another; preserve the special character of historic towns and assist urban regeneration.

**GREENFIELD SITE** - a site previously unaffected by built development.

**GREENHOUSE GASES** – Gases such as methane and carbon dioxide that are believed to contribute to global warming by trapping heat between the earth and the atmosphere.

**HAZARDOUS WASTE** – Waste which by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact if improperly handled, treated or disposed of, as controlled in the EC Directives on Hazardous Waste and defined by Special Waste Regulations 1996 (as amended) (schedule 2).

**HRCs HOUSEHOLD RECYCLING CENTRES**– Sites to which the public can bring domestic waste, such as bottles, textiles, cans and paper for free disposal. HRCs may also accept bulky household waste and green waste. Where possible, the collected waste is recycled after sorting.

**HOUSEHOLD WASTE** - As a major component of the municipal waste stream, household waste includes waste from household collection rounds, bulky waste collection, hazardous household waste collection, garden waste collection, civic amenity site waste, and wastes collected through council recycling schemes.

**INCINERATION** – The controlled burning of waste, either to reduce its volume, or its toxicity. Energy recovery from incineration can be achieved by utilising the calorific value of paper, plastic, etc to produce heat or power. Current flue-gas emission standards are very high. Ash residues still tend to be disposed of to landfill.

**INDUSTRIAL WASTE** – Waste from any factory and from any premises occupied by an industry (excluding mines and quarries).

**INERT WASTE** – waste which, when deposited into a waste disposal site, does not undergo any significant physical, chemical or biological transformations and which complies with the criteria set out in Annex 111 of the EC Directive on the Landfill of Waste.

**INTEGRATED WASTE MANAGEMENT** – involves a number of key elements, including: recognising each step in the waste management process as part of a whole; involving all key players in the decision-making process; and utilising a mixture of waste management options within the locally determined sustainable waste management system.

**LANDFILL** – The deposit of waste onto and into land in such a way that pollution or harm to the environment is prevented and, through restoration, to provide land which may be used for another purpose.

**LATS LANDFILL ALLOWANCE TRADING SCHEME** - Process of apportionment, by Waste Disposal Authority area, of the tonnage of bio-degradable municipal waste that may be disposed of to landfill to meet EU Landfill Directive targets. Annual targets have been set for 2005 and 2020. Tonnages reduce significantly year on year. There are limited powers to trade surplus allowances between Waste Disposal Authorities.

**LANDFILL TAX** – A tax introduced in 1996 by HM Custom and Excise on waste deposited in licensed landfill sites, with the aim of encouraging more sustainable waste management methods and generating funds for local environmental projects. A revision to the landfill tax credit scheme in 2003 introduces the option of giving tax credits explicitly to biodiversity projects.

**LICENSED SITE** – a waste disposal or processing facility which is licensed under the Environmental Protection Act for that function.

**LDD LOCAL DEVELOPMENT DOCUMENT** - A LDD will form part of the Local Development Framework and can either be a Development Plan Document (DPD) or a Supplementary Planning Document (SPD). Wiltshire County Council is responsible for producing a **Minerals and Waste Development Framework** containing Minerals and Waste Local Development Documents.

**LDF LOCAL DEVELOPMENT FRAMEWORK** - The LDF comprises a portfolio of local development documents that will provide the framework for delivering the spatial planning strategy for the area. District and Unitary Authorities will prepare LDFs for their area.

**LDS LOCAL DEVELOPMENT SCHEME** - The LDS sets out a three year programme for the preparation of LDDs. As a County Planning Authority, Wiltshire County Council has prepared a Minerals and Waste Development Scheme, setting out a timetable for preparation of Minerals Development Documents and Waste Development Documents. Schemes must be submitted to the Secretary of State for approval and monitored annually through the AMR system.

**LTP Local Transport Plan** - A statutory document prepared by the County Council that aims to steer the development and implementation of national transport policies at the local level.

**MRF MATERIALS RECOVERY /RECYCLING FACILITY**– A site where recyclable waste, usually collected via kerbside collections or from Household Recycling Centres, is mechanically or manually separated, baled and stored prior to reprocessing.

**M&WDS MINERALS AND WASTE DEVELOPMENT SCHEME**– Essentially the same as the Local Development Schemes produced by the District and Unitary Authorities this three year project plan sets out the preparation milestones of the Minerals and Waste Development Framework. Again, the procedures for approving monitoring and reviewing the M&WDS involves dialogue with the Secretary of State.

**MPG Mineral Planning Guidance.**

**MPS Mineral Policy Statement** – Guidance documents which set out national mineral planning policy. They are being reviewed and updated and are replacing MPGs.

**MUNICIPAL WASTE** – Includes all wastes collected by the Waste Collection Authorities, or their agents, such as all household waste, street litter, municipal parks and gardens waste, and some commercial and industrial wastes.

**NEW FOREST HERITAGE AREA** – An area partly within Wiltshire noted for its high quality countryside, wildlife and landscape interest. Since 1994, it has had the same planning status as a National Park.

**NON INERT WASTE** – Organic waste that decomposes after disposal to land. May include household, industrial, commercial and special waste.

**PCPA Planning and Compulsory Purchase Act 2004.**

**PINS PLANNING INSPECTORATE** - The Government agency responsible for scheduling independent examinations. The planning Inspectors who sit on independent examinations are employed by PINS.

**PPGs PLANNING POLICY GUIDANCE NOTES**– Government policy statements on a variety of issues that are material considerations in determining planning applications.

**PPS PLANNING POLICY STATEMENT**– Guidance documents which set out national planning policy. They are being reviewed and updated and are replacing PPGs.

**PROPOSALS MAP** - A separate Local Development Document which illustrates on an Ordnance Survey base map all the policies and proposals contained in Minerals and Waste Development Plan Documents and 'saved policies' (where applicable). It must be revised each time a new Development Plan Document is approved for adoption.

**PUTRESCIBLE WASTE** – Organic waste which, when deposited at a landfill site, will decompose and give rise to potentially polluting by-products in the form of liquids or gases.

**RESTORATION** – The methods by which the land is returned to a condition suitable for an agreed after-use following the completion of tipping operations.

**RECOVERY** – The process of extracting a product of value from waste materials, including recycling, composting and energy recovery.

**RECYCLED AGGREGATES** - Aggregates produced from recycled construction waste such as crushed concrete, road planning's etc.

**RECYCLING** — Involves the reprocessing of wastes, either into the same product or a different one. Many non-hazardous industrial wastes such as paper, glass, cardboard, plastics and scrap metal can be recycled. Hazardous wastes such as solvents can also be recycled by specialist companies, or by in-house equipment.

**REDUCTION** – achieving as much waste reduction as possible is a priority action. Reduction can be accomplished within a manufacturing process involving the review of production processes to optimise utilisation of raw (and secondary) materials and recirculation processes. It can be cost effective, both in terms of lower disposal costs, reduced demand from raw materials and energy costs. It can be carried out by householders through actions such as home composting, re-using products and buying goods with reduced packaging.

**RPG REGIONAL PLANNING GUIDANCE** - Produced by the Government Office for the South West (GOSW) on behalf of the Secretary of State. Until it is replaced by the new Regional Spatial Strategy (RSS) it provides a regional strategy within which Local Plans, Local Development Documents and the Local Transport Plan should be prepared.

**REGIONAL SELF-SUFFICIENCY** – dealing with wastes within the region or country where they arise.

**RSS REGIONAL SPATIAL STRATEGY**– This document is being prepared by the South West Regional Assembly and will replace the Regional Planning Guidance for the South West. It will have statutory development plan status.

**RE-USE** – The reuse of materials in their original form, without any processing other than cleaning. Can be practised by the commercial sector with the use of products designed to be used a number of times, such as re-useable packaging. Householders can purchase products that use refillable containers, or re-use plastic bags. The processes contribute to sustainable development and can save raw materials, energy and transport costs.

**SAVED PLAN & SAVED POLICIES** - Under the Planning and Compulsory Purchase Act 2004 the Wiltshire and Swindon Minerals and Waste Local Plans have been 'saved' for a period of three years (either from the date of adoption or September 2004 as appropriate).

**SAMs SCHEDULED ANCIENT MONUMENT**– Nationally important archaeological remains that have special protection from development under the 1979 Ancient Monuments and Archaeological Areas Act. Some SAMs are also World Heritage Sites.

**SCOPING** - The process of deciding the scope and level of detail of the SEA. This also includes defining the environmental / sustainability effects and alternatives that need to be considered, the assessment methods to be used, the structure and contents of the Environmental / Sustainability Report.

**SECONDARY AGGREGATES** – Aggregates derived from by-products of the extractive industry, e.g. china clay waste, colliery spoil, blast furnace slag, pulverised fuel ash.

**SWRA SOUTH WEST REGIONAL ASSEMBLY** - Body responsible for regional planning and waste strategy matters in the South West.

**SMART** A technique to ensure policy objectives are **Specific, Measurable, Achievable, Realistic & Time-bound**.

**SAC SPECIAL AREAS OF CONSERVATION**– designation made under the Habitats Directive to ensure the restoration or maintenance of certain natural habitats and species some of which may be listed as 'priority' for protection at a favourable conservation status.

**SLA SPECIAL LANDSCAPE AREA**– Attractive areas of countryside that are of significant local value and are broadly defined in the Wiltshire Structure Plan and precisely defined in the adopted Local Plans.

**SPA SPECIAL PROTECTION AREA**– designations made under the EC Directive 79/409 on bird conservation (The Birds Directive), the aim of which is to conserve the best examples of the habitats of certain threatened species of bird the most important of which are included as priority species.

**SCI STATEMENT OF COMMUNITY INVOLVEMENT** – sets out the Council's vision and strategy for the standards to be achieved in involving the community and stakeholders in the preparation of all Local development Documents and in decisions on planning applications.

**SEA STRATEGIC ENVIRONMENTAL ASSESSMENT** - Local Planning Authorities must comply with European Union Directive 2001/42/EC which requires a high level, strategic assessment of local development documents (DPDs and, where appropriate SPDs) and other programmes (e.g. the Local Transport Plan and the Municipal Waste Management Strategy) that are likely to have significant effects on the environment.

**SPD SUPPLEMENTARY PLANNING DOCUMENT** - Whilst not having 'development plan' status, SPDs can form an important part of the local development framework of an area. They can be used to expand policy or provide further detail to policies in development plan documents. Community involvement will be important in preparing SPDs but they will not be subject to independent examination.



**SA SUSTAINABILITY APPRAISAL** - Local Planning Authorities are bound by legislation to appraise the degree to which their plans and policies contribute to the achievement of sustainable development. The process of Sustainability Appraisal is similar to Strategic Environmental Assessment but is broader in context, examining the effects of plans and policies on a range of social, economic and environmental factors. To comply with Government policy, Wiltshire County Council is producing a Sustainability Appraisal that incorporates a Strategic Environmental Assessment of its Minerals and Waste Local Development Documents.

**SUSTAINABLE DEVELOPMENT** — development which is sustainable in that which meets the needs of the present without comprising the ability of future generations to meet their own needs.

**SSCTs STRATEGICALLY SIGNIFICANT CITIES AND TOWNS** – Identified through the draft Regional Spatial Strategy as the primary focus for development, those places which offer the greatest opportunities for employment, and the greatest levels of accessibility by means other than car to cultural, transport, health, education and other services.

**SUSTAINABLE WASTE MANAGEMENT** - means using material resources efficiently, to cut down on the amount of waste we produce. And where waste is generated, dealing with it in a way that actively contributes to economic, social and environmental goals of sustainable development.

**THE DEVELOPMENT PLAN** - The Government is committed to ensuring that planning decisions on proposals for development or the change of use of land should not be arbitrary. The statutory development plan will continue to be the starting point in the consideration of planning applications (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The development plan consists of:

- (i) the Regional Spatial Strategy prepared by the South West Regional Assembly (“the Regional Planning Body”); and
- (ii) Development Plan Documents prepared by the district Councils, unitary authorities, National Park authorities (where applicable) and the County Councils.

**VOID SPACE** – The remaining capacity in active or committed landfill or landraise sites.

**WASTE** – Is the wide ranging term encompassing most unwanted materials and is defined by the Environmental Protection Act 1990. Waste includes any scrap metal, effluent or unwanted surplus substance or article that requires to be disposed of because it is broken, worn out, contaminated or otherwise spoiled. Explosives and radioactive wastes are excluded.

**WASTE ARISING** – the amount of waste generated in a given locality over a given period of time.

**WDD WASTE DEVELOPMENT DOCUMENT** - The replacement to the existing Waste Local Plan as well as constituting other ‘non-development plan’ documents like Statements of Community Involvement.

**WASTE HIERARCHY** – suggests that: the most effective environmental solution may often be to reduce the amount of waste generated – reduction. Where further reduction is not practicable, products and materials can sometimes be used again, either for the same or a different purpose – re-use. Failing that, value should be recovered from waste, through recycling, composting or energy recovery from waste. Only if none of the above offer an appropriate solution should waste be disposed.

**WASTE MANAGEMENT INDUSTRY** – the businesses (and not-for-profit organisations) involved in the collection, management and disposal of waste.

**WASTE MANAGEMENT LICENCE** - Waste Management Licensing – licenses are required by anyone who proposes to deposit, recover or dispose of controlled waste. The licensing system is separate from, but complementary to, the land use planning system. The purpose of a licence and the conditions attached to it is to ensure that the waste operation that it authorises is carried out in a way that protects the environment and human health.

**WASTE MINIMISATION** – Reducing the volume of waste that is produced.

## **Appendix 2: Requirements of Ecological Survey to inform the Planning Decision**

### **1. Why Survey?**

The purpose of the survey is to examine what habitats and species exist at the site BEFORE development takes place, in order to protect wildlife from injury during development and to ensure that there is no adverse impact on local biodiversity as a result of the development. Carrying out appropriate ecological survey of the site will ensure that:

- Both the developer/applicant and the planning authority will be informed of the ecological issues at the site.
- The development can be designed so that it has the least possible effect on the biodiversity of the site.
- The presence of species that are afforded special protection under European or British legislation will be known for the site and immediate surrounding area and so the development can be designed to result in minimum impact on these populations, or direct injury to individuals that may result in prosecution.
- By knowing the existing ecology on the site, the design of mitigation and enhancement can complement existing habitats and species and can also feed directly into specific targets in the Wiltshire Biodiversity Action Plan (WBAP)

### **2. Who should carry out the survey**

A competent consultant field ecologist should be engaged to carry out the field survey work and to write the report

The consultant ecologist should hold the relevant species licences appropriate to the type of habitats and species expected to be encountered on the site

A list of consultant ecologists who are able to carry out work within Wiltshire can be obtained from the LPA. This list is in alphabetical order, is no indication of preference and is not an endorsement by the LA of the standard of work of any of the individuals listed.

It is the responsibility of the developer/applicant to seek assurance before engagement, that the consultant ecologist will be competent to carry out the survey required. They should make it clear that the survey is required to inform a planning application and give an outline of the nature of the development.

If the developer is in any doubt as to how to select a suitable ecologist from the list, they may seek guidance from the County ecologist, however, they will only be given advice on the criteria to use in deciding who will be best and individual names/companies/consultancies will not be discussed.

### **3. Informing the surveyor in relation to the proposal**

The consultant ecologist should be fully informed of the proposed location and the exact nature of the development, so that they are fully able to judge the effect of that development against the biodiversity of the site.

The consultant ecologist should also consult the local Biological Records Centre for details of existing species records within 2km of the site, before the survey work commences.

The consultant ecologist must have access to suitable OS maps and aerial photographs of the site and surrounding area in order to make a preliminary assessment of the scope of the survey.

The consultant ecologist and the developer should engage in pre-application consultation with the LA's County Ecologist to agree the appropriate scope of the survey



#### **4. Level of survey required**

The consultant ecologist will carry out the agreed surveys at the appropriate time of year, in line with recognised species and habitat survey guidelines.

The developer MUST be guided by the consultant ecologist and the County Ecologist as to the optimum timing of surveys and the number of surveys required for each species as adequate to inform the planning application.

The number of surveys or survey days per species may be agreed at the scoping meeting, however, in some circumstances this may alter once the initial surveys have been completed and the Consultant Ecologist may recommend that further survey is necessary to determine ecological issues at the site.

In case of uncertainty in relation to the need for further survey, the County Ecologist should judge whether or not sufficient survey has been undertaken to inform the planning decision.

#### **5. The survey report**

The consultant ecologist will produce a report detailing the survey findings, together with an assessment of how the proposed development could be expected to impact on the habitats and species that exist at the site and suggested mitigation designed to reduce those impacts. The report would be expected to contain the following components:

- Summary sheet
- Site Grid Reference
- List of designated sites and their proximity to the proposed development
- List of records obtained from the Local Biological Records Centre
- Date of survey
- Conditions at time of survey (weather, visibility, cloud cover, wind speed, temperature and any other relevant information)
- Limitations of survey
- Methods (including specific Survey Guidelines followed)
- Description of site (including photographic representation as appropriate)
- Survey results (raw data e.g. from bat counts or botanical target notes etc., should be included as an appendix)
- Assessment of impact on site of the proposed development
- Suggested mitigation to reduce impact
- Suggested compensation (ONLY where neither avoidance of impact OR mitigation are possible)
- Suggested ecological enhancement of the site for biodiversity benefit
- Recommendations for further survey necessary to inform the planning decision, based on the findings of the initial survey – for instance, where a particular species is unexpectedly encountered on the site during the survey, which requires specialist or individual survey to determine its presence at and use of the site, or where further observation of a species is required to determine its use of the site to a level where successful mitigation can be designed.

#### **6. The requirement for Further Survey**

If the consultant ecologist finds that further survey is required to determine the ecology of the site in relation to the proposal, this must be clearly stated in the ecology report, together with justification and recommendations for the nature of further survey.

The scope of further survey will be drawn up between the County Ecologist, the Consultant Ecologist and the Applicant/Developer.

## **7. The Construction Method statement**

The Construction Method Statement (CMS) will describe how each element of the proposal is to be carried out and what measures are taken at each stage to ensure the protection of biodiversity both within the site and in the surrounding area, where it is possible that an impact may occur off site as a result of on site processes. E.g. the CMS could state that "Sedimats"™ will be used on the site to prevent silt and pollutant run-off into nearby watercourses, which could result in a change in water quality and an impact to fish and aquatic plants and animals. Other examples include the protection of tree roots and hedges from impact as a result of heavy machinery being driven or stored too close, bunding of refuelling areas to prevent pollution from hydrocarbons getting into surrounding soil or watercourses.

The CMS will describe the order in which each element of the project is carried out and take account of the necessity to design some processes around "optimum timings" for wildlife, e.g. hedges should not be removed or severely trimmed during the bird nesting season; some work involving reptile habitat is better carried out in winter, etc.

It is strongly recommended that the Consultant Ecologist has input into the design of the CMS. The CMS must satisfy the County Ecologist that all elements of the proposed procedures have been assessed for their potential impact on the ecology of the site and measures put in place to reduce (and where possible delete) the impact.

The CMS must be achievable by relevant construction workers at all stages of the development. Before the development is commenced, all construction workers involved with the site will be made aware of the contents of the CMS and their legal duty to carry out processes as detailed therein. This is best carried out as an on-site "toolbox talk" at the very start of the first day of project commencement

## **8. Avoidance of Impacts**

Avoidance of potential impacts should be a major factor in the design of the proposal. Consideration should be given as to how this might be achieved, e.g. by moving the site boundary or by altering the construction method. Only if potential impacts cannot be avoided should mitigation of potential impacts be considered.

## **9. Design of Mitigation**

Design of mitigation to reduce the impacts of the development on the ecology of the site should be detailed in a specified section of the Environmental Statement.

The rationale for the design of mitigation should cite similar situations where mitigation works have been carried out and make an assessment of their success. Innovative mitigation designs will be welcome providing they can demonstrate a high level of confidence that they will succeed.

Design of mitigation should aim to build on cumulative national and international knowledge of habitats and species and adverse impacts that may affect them.

Mitigation must be designed around the specific ecological systems on the site and not as broad brush "worst case scenario" solutions.

The mitigation must be designed to maintain the environmental conditions that exist at the site, that are paramount to the existence of the habitats and species that the site supports e.g. temperature, slope aspect, availability of natural light, avoidance of light pollution, prevailing wind etc..

A monitoring schedule should be built into the design of mitigation, that details how often and for how long the mitigation will be monitored. It must also include prescriptions for review of monitoring data and a mechanism by which the mitigation can be altered if found to be ineffective IN ANY WAY.

The developer should ensure that the necessary funding is set aside specifically to address any necessary alteration to mitigation measures, if found by monitoring to be ineffective.

Where European protected species are present at a proposed site, the consultant ecologist should advise the developer on the requirement to obtain development licences for the relevant species and the criteria that must be met to satisfy the granting of a licence.

The County Ecologist will review and approve mitigation designs for all proposals. If the mitigation is unlikely to satisfy the licensing criteria (i.e. a licence for development is likely to be refused), then planning permission must be refused.

## **10. Ecological Compensation**

In a very small percentage of cases it will not be possible either to avoid adverse impact on the ecology of the site, or to mitigate to reduce the adverse impact. In these cases, the Local Authority will consider proposals for Ecological Compensation designed to be placed off site, however, this must be strictly as a last resort, after the first two options have been thoroughly explored.

The basis of Ecological Compensation will be to produce "like for like" habitat. It will not be acceptable, for instance, to create an area of chalk grassland in compensation for an area of woodland lost to development.

The location of compensation sites must be appropriate to habitats and species they are designed to support, taking into account the soil substrate, slope aspect etc., and the long term integrity of the location.

Compensation sites must be subject to management agreements as part of a legal document, to ensure the long term integrity of the site for wildlife benefit.

The consultant ecologist and the developer should liaise on the design of the compensation and the resulting design must be approved by the County Ecologist.

## **11. Design of Habitat Enhancement**

Within PPS 9 paragraph 12 states the requirement that Local Authorities should aim to maintain connectivity of habitats, avoiding or repairing their fragmentation and isolation. Similarly, paragraph 14 refers to biodiversity enhancement within developments.

Wherever possible, opportunities should be actively sought to include habitat enhancement for biodiversity benefit within all development proposals, over and above any proposals for mitigation to reduce adverse impacts.

The Consultant Ecologist should input into the design of habitat enhancement and the design should be approved by the County Ecologist.

Habitat enhancement should be specifically designed to fall within and to help meet targets set out in the Wiltshire Biodiversity Action plan (BAP), i.e. it should name the species it is designed to benefit and give justification as to its appropriateness.