



The Planning
Inspectorate

Report to Wiltshire Council and Swindon Borough Council

by Mrs K.A. Ellison BA, MPhil, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 6th November 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE
WILTSHIRE AND SWINDON
WASTE SITE ALLOCATIONS
LOCAL PLAN**

Document submitted for examination on 14 February 2012

Examination hearings held between 24 and 26 April 2012

File Ref: PINS/K3930/429/11

Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty (AONB)
CS	Core Strategy
HRA	Habitats Regulation Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
PRoW	public right of way
RTAB	Regional Technical Advisory Body
RS	Regional Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
WCS	Waste Core Strategy
WDC	Waste Development Control policies

Non-Technical Summary

This report concludes that the Wiltshire and Swindon Waste Site Allocations Local Plan provides an appropriate basis for the planning of the Area up to 2026 providing a number of modifications are made to the Plan. The Councils have specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

All of the modifications were proposed by the Councils and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- the inclusion of a policy which sets out how the presumption in favour of sustainable development will be applied
- clarification of the term 'area of search' as it applies to sites where mitigation measures will be required, with consequent additions to the relevant site tables
- setting out the reasons why sites within 16km of a principal settlement have been allocated for local scale waste uses, along with related additions to the relevant site tables
- changes to site tables where necessary to ensure that the requirements they contain are adequately justified
- removal of one site which cannot be shown to be deliverable

Introduction

1. This report contains my assessment of the Wiltshire and Swindon Waste Site Allocations Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be a sound plan. The basis for my examination is the Wiltshire and Swindon Waste Site Allocations DPD Submission Draft February 2012. This differed from the Proposed Submission Draft June 2011 [WAS/01] and, in order to assist the examination, a list of the changes which had been made was published [the Bridging Schedule of Changes]. Arrangements were made within the examination process to consider any further matters which might arise as a result of those changes.
3. During the examination period, The National Planning Policy Framework (the Framework) and Planning Policy for Traveller Sites were published and the opportunity was given for respondents to make representations on any relevant matters raised in those documents.
4. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. These main modifications are set out in the Appendix.
5. The main modifications that go to soundness, along with the Bridging Schedule of Changes and an additional main modification proposed in August 2012, have been subject to public consultation and Sustainability Appraisal (SA) and I have taken the responses into account in writing this report.

Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act, as amended, requires that I consider whether the Councils complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. In essence, the Plan is intended to deliver the strategic planning policy framework of the Wiltshire and Swindon Waste Core Strategy and will complete the Waste Development Framework for the area. The Plan is, therefore, primarily directed towards addressing local waste management needs but the Councils emphasise that they have been working within the spirit of co-operation throughout the preparation period. This is particularly evidenced in the collaboration between the two Authorities but can also be seen in the way the Plan has been prepared in line with the draft Regional Spatial Strategy for the South West, as well as in the light of engagement with

other Waste Planning Authorities through the Regional Technical Advisory Body on Waste (RTAB). The Councils also confirm they have maintained a process of dialogue and engagement with all neighbouring authorities, statutory consultees and those with an interest in waste development matters in the area, including the waste industry. The changes made in the wake of the consultation on the Proposed Submission Draft are a further example of the way the Councils have sought to engage positively with those involved in the preparation of the Plan. Details of this process are given in the Statement of Consultation [WAS/07]. Whilst some issues remain unresolved, particularly in relation to the cases made by some Parish Councils, these can mainly be put down to differences in judgement and should not be seen as indicative of a failure to work collaboratively.

8. The Councils have, therefore, fulfilled the duty to co-operate with regard to the Wiltshire and Swindon Waste Site Allocations Local Plan.

Assessment of Soundness

Preamble

9. Consultations on the Proposed Submission Draft, June 2011 raised questions as to the deliverability of certain sites and indicated a need for further requirements to be set out within the Plan on a range of technical matters. A subsequent landowner consent exercise then revealed that 8 sites would be undeliverable. The revisions which were made between Proposed Submission Draft and Submission Draft were primarily aimed at addressing these points. There was scope within the examination process to allow consideration of any matters which respondents might identify that arose from the changes which the Councils had made. Consultation on the main modifications and the Bridging Schedule of Changes took place during June-July 2012, at which stage further information was provided to indicate that another site would not be deliverable. As a result, the Councils proposed an additional main modification, on which a further round of focussed consultations took place, ending in September 2012.

Main Issues

10. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified two main issues upon which the soundness of the Plan depends.

Issue 1 –whether, taken as a whole, the preparatory processes that underpin the plan have a sound basis, having regard to national policy, the relationship with other plans and strategies and the evidence base.

Strategic context

11. The Plan is the third document in the waste planning policy framework for Wiltshire and Swindon which, together, cover the period to 2026. It comprises a short, introductory section and then identifies a series of sites, arranged by area, each accompanied by a site table setting out those matters identified as relevant to any development which may come forward. The Plan takes forward the principles set out in the Wiltshire and Swindon Waste Core Strategy (adopted July 2009) [CPP/60] and applies the approach to

development contained in the Waste Development Control Policies (adopted September 2009) [CPP/61].

12. The Evidence Base [WAS/27, WAS/28] reviews the implications for the Plan of other plans and strategies, including Planning Policy Statement 10: *Planning for Sustainable Waste Management* (PPS 10) and the emerging Core Strategies for Wiltshire and Swindon. This has ensured that the Plan shows general consistency with those plans and strategies. The Plan area borders the New Forest National Park and includes land within three Areas of Outstanding Natural Beauty (AONB), all of which are identified on the Policies Map. The Evidence Base reviews the National Park strategy as well as the management plans for the AONBs and their influence can be seen in the site appraisal and selection process [WAS/17] as well as in the various references contained in the site tables within the Plan itself. Whilst representations were made in relation to recent development management decisions and the potential impact on tranquillity, the Plan itself is sound in that it gives proper consideration to these nationally designated areas.
13. The Councils have viewed the Sustainability Appraisal (SA) as an iterative process, as set out in the Waste Site Selection and Site Appraisal Methodology [WAS/20] and the SA Reports [WAS/02-04]. In this way, reasonable alternatives have been considered and appraised, with clear reasons being published for the inclusion of some sites and the rejection of others. The Habitats Regulations Assessment (HRA) Report [WAS/08] concludes that two of the proposed sites are within a distance at which a waste management facility may adversely affect the River Avon SAC and this has informed the relevant parts of the Plan.
14. The Plan is consistent with the core planning principles set out in the Framework except in relation to the requirement that it should reflect the presumption in favour of sustainable development. A new policy to address this is set out at **MM2**. The wording reflects the Councils' wishes that the policy should be appropriate to this Plan and its local context, whilst at the same time embodying the presumption contained in the Framework.

The evidence base and identified need

15. The Waste Capacity Gap report, October 2011, [WAS/13] updated the relevant information from the Waste Core Strategy so as to take account of permissions granted since 2006. For the municipal stream, the gap is identified as 1 HRC and 1 MRF; for Industrial and Commercial, it stands at some 360,000m³ of void space, 168,000tpa treatment and 58,000tpa recycling. The 35 sites in the Plan clearly offer significantly more capacity than could be justified on the basis of need. This high level of allocation avoids the limitations of aiming primarily to address shortages in capacity. Instead, it takes forward the flexible vision laid down in the Waste Core Strategy and allows for innovation through the range of potential uses it identifies. In this way, the Plan takes a positive approach and offers scope to be responsive to change and to support movement towards the use of waste as a resource, in accordance with the waste hierarchy.
16. One of the strengths of this flexibility can be seen in the way that, even though sites were removed at a late stage in the plan-making process, this

Plan continues to make more than adequate provision for expected waste management development so that, in this respect, its soundness has been unaffected. By the same token, whilst additional sites were suggested which might have led to increased flexibility, it was not necessary for them to be included in order to make the Plan sound. As to their individual merits, there is provision within the wider Waste Development Framework (eg policy WCS3) for consideration of proposals on sites not identified here.

The site selection process

17. The locations within the plan are made up of industrial estates, sites associated with existing waste management activity and new locations for development, all of which are divided according to whether or not they are suitable for strategic scale facilities. At paragraph 1.2, the Plan explains that although some the allocations are site specific, others are areas of search. The Councils have already provided some clarification of this approach for industrial areas but the implications for other areas also needs to be made clear (**MM5**). Also, many allocations concern undeveloped land or sites where remediation following a previous use is expected to take place. Further explanation is necessary in order to justify the use of areas of search in these cases, to ensure that proposals take into account that mitigation measures must be contained within the area designated and should not encroach into the surrounding countryside (**MM1, MM4 and the associated changes to site tables in MM6-A to MM6-J**).
18. The site tables begin with descriptive matters and then move on to identify, in a systematic way, the key issues and mitigation measures which any proposal would be expected to address. This is done under a series of headings which cover potential impacts on human health and the built and natural environment, an approach which sets out with reasonable clarity the basis for a decision maker to react to a proposal.
19. The Councils point out that the Plan results from the consideration of over 100 potential sites which were assessed against a range of economic, social and environmental criteria, as recorded in the Report on Site Selection Process [WAS/11]. Even though the starting point for this sieving process was the capacity for a site to accept waste development rather than a spatial analysis of existing facilities, the distribution of sites correlates well with planned growth over the period to 2026. Had the Plan taken a more restrictive approach, the removal of nine sites might well have proved fatal to its ability to cater for predicted demand. However, the capacity of the remaining sites continues to exceed that identified in the Waste Capacity Gap Report by a considerable margin. Moreover, although the sites which have been removed were predominantly in the south and east of the Plan area, I am satisfied that a suitable level of flexibility has been maintained. As a result, the Plan is still capable of supporting an appropriate pattern of provision based on the 'geography of growth' and the pattern of waste arisings likely to occur.
20. The allocations in the northern and western parts of the Plan area gave rise to concerns as to whether there would be a disproportionate effect in these areas, particularly around Purton and Westbury. However, the context is one which places particular emphasis on flexibility, both in terms of the number of sites allocated and the use of the 'preferred areas' approach as opposed to

more narrowly defined plots of land. As such, the allocations should not be evaluated on the basis that proposals would come forward on all sites or that development would involve the whole of the area identified. It should also be noted that the evidence base does not support development on such a scale. Moreover, the site tables also require account to be taken of cumulative impacts, where relevant. There is sufficient provision within the Plan therefore, to ensure that even though there are more sites in some areas than others, the overall approach would not be likely to lead to unacceptable concentrations in particular localities.

21. The site assessment process was a comprehensive one, with sites being considered against a range of criteria, both qualitative and quantitative. The methodology allowed for a site to be excluded on the basis of significant adverse impact in relation to all of the identified criteria. In the round therefore, a reasonable balance has been ensured between objectively measurable features such as distance from an AONB and criteria requiring a more subjective level of judgement such as impact on amenity or visual intrusion. The findings of the assessment process have then created a clear evidence base to support the various mitigation measures identified within the site profile tables.
22. In line with policy WCS2, the sites are identified for strategic or local scale development. I appreciate that there may be some difference in how these terms are understood, according to the point of view of the local planning authority as compared to, say, that of a waste operator but the spatial and land use characteristics of such operations are set out with reasonable clarity within the Plan. The possibility of local scale development on a site identified for strategic uses should not raise significant issues, since any impact should be within the range which the site assessment process has already established would be manageable. However, the site assessment process has also resulted in several sites within 16km of a principal settlement being identified as unsuitable for strategic scale development. The link between the assessment process and each designation needs to be made more explicit, with the relevant information being carried across into the Plan, so that the designation is properly justified. **(MM3 and the associated changes to site tables in MM7.1-7.18).**

The changes between the Proposed Submission Draft and Submission Draft

23. The Submission Draft was presented for approval to the respective Cabinet and Full Council meetings of the two Authorities. Apart from the removal of eight of the sites, the changes were predominantly concerned with incorporating further technical information provided by the Environment Agency and the Highways Agency as well as the Councils' own officers on detailed matters of heritage, landscape, ecology and sustainability.
24. There is a potential that fewer sites might have reduced the scope for new waste management development. However, bearing in mind the high degree of flexibility which the Plan continues to afford, I consider that the provision remains sufficient to ensure an appropriate degree of choice has been maintained. Paragraph 1.4 now promotes a link between waste development and the emerging Wiltshire Core Strategy but the connection is phrased in positive terms so that it is not overly prescriptive.

25. The impact of vehicle movements on communities in the surrounding localities was a recurring theme in many of the representations, especially for towns and villages already affected by congestion or whose historic character made it particularly difficult to safely accommodate modern HGVs, such as in terms of limited road widths or an absence of footways. In many cases, the site tables refer to particular difficulties, which reflect the findings of the site appraisals. As part of the Bridging Changes, each site table now also includes a requirement for a Transport Assessment and a Travel Plan. In the circumstances, these measures would assist in managing the overall impact of a development and so would not undermine soundness by imposing an unacceptable burden on developers.

Conclusion

26. The preparatory processes underpinning the plan have, on the whole, been shown to be soundly based, with the modifications in **MM1-MM5** being necessary to bring it into line with current national policy and to provide adequate justification for the use of areas of search and the distinction between strategic and local scale development. Whilst other amendments were proposed which were intended to improve the understanding of the Plan, these have not been shown to be necessary in order to make it sound.

Issue 2 – whether the allocated sites are justified and deliverable

27. In order to achieve flexibility, the approach to site selection was that a proposed site should be included in the Plan unless there was evidence that it would not be capable of accommodating a waste use. Given this particular approach, questions of soundness with regard to individual sites might arise either from a shortcoming in the way a site had been assessed or a lack of adequate justification within the relevant site table.

North Wiltshire

28. The Parkgate Farm and Purton Brickworks sites (Tables 2.1 and 2.2) lie either side of the railway line, a short distance to the north of Purton village and are already associated with various large scale facilities. The problematic nature of the links to the primary route network are noted in the site appraisals, a factor which is then addressed in the site tables, particularly in relation to Cricklade. The sites are not ideally located for strategic scale development but, if further development was to be restricted to local scale only, this would run counter to national policy due to the risk of stifling the scope for further innovation in relation to the existing facilities. Whilst the links to Swindon may be affected by the planned expansion in the area of Ridgeway Farm, the information at this stage suggests that it would not adversely affect vehicle movements for these sites. Although some villages would be particularly vulnerable to impacts associated with higher levels of traffic movement, this would fall within the scope of a Transport Assessment, which now forms one of the requirements contained in the site table. As such, it has not been demonstrated that the sites should be designated as suitable only for local scale development.
29. The Parkgate Farm allocation would allow waste-related activities to extend beyond the existing PRow so that there is some basis for the concerns over

the potential visual impact within this area of open countryside. The change outlined in **MM6-A** would make it clear that all mitigation measures should be included within the area allocated. Although the whole of the Purton Brickworks site is allocated, the Plan is sound in that it allows for a waste proposal to be assessed on the basis of its impact on other uses on the industrial estate.

30. The Hills Resource Recovery Centre, Compton Bassett (Table 2.3) contains a substantial waste operation based around the original landfill but now including several other activities. In terms of potential uses, only waste treatment is identified, with energy from waste being specifically excluded on the basis of the site's planning history. The requirements for a Transport Assessment and Travel Plan mean that the Plan provides a clear basis for consideration of any further impacts on nearby communities and the surrounding road network.
31. The two sites at Stanton St Quintin (tables 2.4 and 2.5) are areas of search comprising undeveloped land where mitigation measures would be required (**MM6-B and 6-C**). Both site tables set out a requirement for a Transport Assessment and this would be an adequate mechanism to allow the traffic impact of any development to be addressed.
32. A Transport Assessment would also be required for any development on the Thingley Junction site (table 2.10) and this could be expected to consider any implications for the cycle route. Further text is needed to make clear that the allocation allows for mitigation measures (**MM6-E**). The potential impact on the adjacent Traveller site is identified as an issue in the site table, as well as being one of the constraints which justifies the designation for local scale development (**MM7-D**). Any consultations with nearby residents would fall to be dealt with under the relevant provisions of the SCI, should a proposal come forward on the site.
33. Leaffield Industrial Estate (table 2.11) is designated for local scale development on the basis of traffic impacts, including at Potley Bridge. This constraint should be included in the site profile (**MM7-E**).
34. Further text should be inserted into table 2.7, Barnground, South Cerney to clarify that the allocation should accommodate mitigation measures (**MM6-D**) and to justify the designation for local scale development (**MM7-A**). Justification should also be given for the local status of Whitehills Industrial Estate, Royal Wootton Bassett (table 2.8) and Bumpers Farm Industrial Estate, Chippenham (table 2.9) (**MM7-B and MM7-C**).
35. I understand that the present waste processing operation on the Porte Marsh Industrial Estate (table 2.12) was granted permission on a temporary basis due to particular local circumstances. It does not therefore represent a good reason to set aside the designation for local scale uses, which reflects the findings of the site appraisal (**MM7-F**).

West Wiltshire

36. Hampton Business Park (table 3.1) and Bowerhill Industrial Estate (table 3.5) are substantial employment areas located along the southern edge of Melksham which offer good access to the A350. Although waste related

development would be likely to generate additional traffic movements, these would not necessarily be at a significantly greater level than other uses which might equally well come forward on this type of site. In addition, the requisite Transport Assessments would be an appropriate method by which to address the potential impact on the surrounding area. Although the Hampton Business Park site is visible from the A350, the site table notes that design would be a key consideration. The site assessment process identified particular constraints which led to the allocation of Bowerhill for local scale development and these should be set out in the site table (**MM7-G**). Whilst development may take place at some point on land to the north of Bowerhill, that on its own is not sufficient reason for the Plan to impose a restriction on development on part of the site.

37. The West Wiltshire and Northacre Trading Estates at Westbury (tables 3.2 and 3.3) are both substantial areas of industrial development where there is considerable variation in the quality and age of buildings and the types of sites available. Whilst some waste management operations make use of quite basic facilities, it is also the case that others require enclosed, modern buildings which can sit quite comfortably alongside other industrial uses. The recently built facility at Westbury is a case in point. Where changes within the industrial estates fall within the scope of development management, there would be scope to address any impact on the character or appearance of the surrounding area. However, the continuing availability of older buildings such as those in the area around Engineer Road is likely to be due to a number of factors, including their ability to meet the needs of a range of business users rather than being specific to the presence of waste operators. I am not persuaded, therefore, that the allocations in the Plan would lead to a deterioration in the quality of the current environment on these industrial estates. Where waste-related development comes forward, the Plan requires the submission of a Transport Assessment and Travel Plan, thus allowing transport issues to be addressed, even in the absence of a bypass for the town. Given the timeframe of the Plan, it is reasonable for it to recognise the potential for the rail interchange, even if its prospects, at present, appear quite limited.
38. The Lafarge Cement Works (table 3.4) has been defined to include a clay pit to the north east of the existing works. The site itself is in a sensitive location, being outside the built up area of Westbury and within the setting of the White Horse. The table should be amended to make clear that mitigation measures will need to be incorporated within the area allocated (**MM6-F**). The site will undergo change as consideration is given to alternative uses and these would be likely to entail some importation of fill materials. Thus, even though there is local support for the site to be given over to agricultural use, this needs to be balanced against the opportunities to address the current, negative elements through redevelopment. At present therefore, the designation is justified as it stands.
39. The appraisal process appears to have been unclear as to the relationship of the site at Valley Farm, Chitterne (table 3.8) to the nearby landfill operation. Even so, this does not discredit the main finding, that the site has capacity to accommodate some waste management uses, within the limits defined by its allocation for local scale development. It is not necessary therefore, that the site should be removed from the Plan in the interests of soundness. Although

the allocation covers a sizeable area, this takes account of the requirement that it is expected to accommodate mitigation measures within the allocated area (**MM6-G**). The site is in a very sensitive location, being easily visible within the surrounding undeveloped countryside. Given this sensitivity, further requirements should be inserted into the site table to address the form and scale of development. Moreover, while mitigation measures within the site itself may improve its capacity to accept development, it is also prudent for the Plan to draw attention to the scope for off-site planting, in order to encourage measures to address any wider impact (**MM8**). The potential impact on the wider locality as regards traffic, amenity and impact on the historic and natural environment have been identified in the site table so that they would need to be taken into account should a proposal come forward.

40. Modifications should be made to the site tables for Canal Rd (table 3.6) and Warminster (table 3.7) as set out at **MM 7-H and 7-I** to provide adequate justification for their designations for local scale development.

East Wiltshire

41. Although the Hopton Industrial Estate (table 4.1), has good, immediate access to the A361, the impact of traffic movements on Devizes has been identified as a constraint which restricts its suitability to local scale development only (**MM7-J**). In a similar vein, the scale of uses appropriate for the site at Wiltshire Waste (Recycling) Ltd (table 4.2) has also been restricted to local scale uses (**MM7-K**). The scale of development envisaged in the Plan would tend to limit the likelihood that it would impact on the AONB, especially in the context of the scale of uses presently on site so that the Plan is not unsound in this regard. Justification should be given for the scale of the designation of Salisbury Road Business Park, Marlborough (table 4.3) (**MM7-L**).
42. The site at Pickpit Hill (table 4.5) is some way outside of both Tidworth and Ludgershall but lies relatively close to the Wellington Academy, a school which also includes a residential element and a crèche. The site table recognises the need for sensitive site planning, which would include the orientation of any building. However, text should be added to make clear that the site is expected to accommodate the necessary mitigation measures, including screening (**MM6-H**). Local topography, such as the difference in height between this site and the Academy, would need to be taken into account as part of the required investigation into impact on human health and amenity, a matter which is already addressed within the site table. There would also appear to be reasonable grounds to expect that impacts of odours, dust or noise could be addressed through the design and regulation of any facility located on site. The site survey notes the significant risk of a legacy of contaminated ground. Whilst this point was strongly reinforced within the representations, the need to address contamination risks is also already set out within the site table.
43. The site table identifies a number of measures which would be required to enable development to take place, including access arrangements as well as the matters covered above. Whilst there are reasonable grounds to expect that each area of concern could be addressed individually, these could, in combination, represent a substantial burden on a site which has been designated as suitable only for a local scale facility. However, this would be

largely dependent on the details of any proposal which was made and the extent of mitigation or remediation which then became necessary. It seems to me that the balance is a fine one. Nevertheless, on the information available, I consider that the likely costs of development are not so substantial as to make the allocation unsound on the basis of its viability.

South Wiltshire

44. As with other parts of the plan area, traffic and congestion also represent an issue for South Wiltshire. The requirement for a Transport Assessment would address the question of vehicle routes in relation to any further development at the CB Skip Hire site at Salisbury (table 5.1). The site table also identifies potential issues relating to noise or dust and the case for measures to mitigate potential impacts in these respects would be given added force by the need to address the relationship of the site to the River Avon SAC.
45. The site at Brickworth Quarry and Landfill, Whiteparish (table 5.2) is in open countryside, close to the New Forest National Park and immediately adjacent to ancient woodland, a UK BAP priority habitat. The justification for this site as a location for waste treatment is entirely reliant on the restoration of the quarry. This, together with the sensitivity of the location, makes it reasonable that it should have been assessed only for inert waste recycling and treatment. There is concern that a waste treatment operation could take on a life of its own and either delay restoration or lead to waste activities continuing afterwards. I agree that the Plan should maintain the existing position, that the life of any waste processing should not extend beyond that which is necessary for restoration purposes. The site table requires potential uses to be ancillary to landfill reinstatement so that it provides an adequate framework for more detailed controls to be placed on any proposals which may come forward.
46. Given the clear link between a possible waste operation and the restoration programme, the Transport Assessment would represent an appropriate means of managing any traffic issues arising from such development, including access routes. Although it is likely that the site would accept waste from outside the county, this would not be unreasonable given its geographical location and the waste stream concerned so that this does not undermine overall aim of the Plan for net self-sufficiency. However, the basis for the designation for local scale development needs to be specified in the table (**MM7-M**). Given the proximity to the National Park, the wording should also be amended to clarify that any scheme would need to demonstrate acceptability in terms of landscape impact (**MM6-I and MM9**).
47. The Employment Allocation, Mere (table 5.3) no longer has the clear support of the landowner so that it can not be shown to be deliverable. As a result, it should be removed from the Plan (**MM10**). The site was designated for local scale uses and, as the Councils point out, its removal does not prevent the Plan from meeting projected capacity requirements. Moreover, Mere lies to the south of the West Wiltshire Downs AONB, on the boundary with the adjoining Authority, Dorset. As a local site therefore, a facility in this location would be likely to have made a limited contribution to meeting demand from within Wiltshire itself. Thus, even though this represents a further reduction in the number and range of sites identified in the South Wiltshire area, I consider

that this modification would be of local significance geographically and would not lead to undue pressure being placed on other sites within the Plan area.

48. The Former Imerys Quarry, Quidhampton (table 5.4) is an area of potential change, as new uses are sought for the site. Whilst it has been suggested that the allocation should be enlarged, activities on that part of the site would be mainly directed towards restoration and it would not necessarily be made available subsequently for waste-related development. No modification would therefore be necessary to ensure soundness. However, additional text should be inserted to justify the designation for local scale development (**MM7-N**).

Swindon

49. Swindon is a location where significant growth is planned, including a substantial area of residential development in the area of Tadpole Farm which may involve the provision of an access road across the centre of the Chapel Farm site (table 6.1). Clearly, if the residential scheme was to proceed in that particular form, it would affect the capacity of the site to accept waste-related development. Even so, there is sufficient scope within the 5.5ha allocated to allow for the suggested energy from waste scheme to come forward, as well as the mitigation measures the site is also expected to accommodate (**MM6-J**). Whilst the A419 now bypasses Blunsdon village, the main route to the site continues to be through part of the village so that it would be necessary to address this as part of the required Transport Assessment.
50. The sites at Brindley Close/Darby Close (table 6.3), Kendrick Industrial Estate (table 6.4), Rodbourne Sewage Treatment Works (table 6.5) and the Dorcan Industrial Estate (table 6.6) have all been designated for local scale development. The justifications for those designations should be added to the relevant site tables (**MM 7-O, 7-P, 7-Q and 7-R**).
51. With these modifications, I am satisfied that the allocated sites would be justified and deliverable.

Assessment of Legal Compliance

52. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Waste Site Allocations Local Plan is identified within the approved LDS of both Authorities. The Wiltshire LDS, November 2011, sets out an expected adoption date of November 2012, with the Swindon LDS giving an expected date of July 2012. The Waste Site Allocations Local Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI for Wiltshire was adopted in February 2010 and that for Swindon in January 2007. Consultation has been compliant with the requirements therein,

	including the consultation on the changes between the Proposed Submission Draft and Submission Draft as well as on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report, December 2011 sets out why AA is not necessary.
National Policy	The Waste Site Allocations Local Plan complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Waste Site Allocations Local Plan is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Waste Site Allocations Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

53. The Plan has a number of deficiencies in relation to soundness, for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

54. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Wiltshire and Swindon Waste Site Allocations local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

KA Ellison

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	1	1.2	<p>Amend bullet point (ii) to read:</p> <p>ii) Areas of search comprising land allocated for employment uses, or including existing industrial areas within which waste uses could be accommodated, as and when natural churn provides opportunities to utilise vacant plots; <u>or areas of land capable of accommodating new, or additional waste management development and all required mitigation measures within the designated site boundary</u></p>
MM2	1	1.4	<p>Amend third sentence to read:</p> <p>Proposals for waste management development on sites not included within this document will still be considered on their own merits, if they demonstrate that they are in keeping with national policy and the policies of the development plan (<u>see policy WSA 1</u>).</p> <p><u>Policy WSA 1:</u> <u>When considering waste development proposals the councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Each council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u> <u>Planning applications that accord with the policies in this Local Plan (or policies in other adopted Local Plans of the Councils) will be approved without delay, unless material considerations indicate otherwise.</u> <u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then planning permission will be granted unless material considerations indicate otherwise – taking into account whether:</u></p> <ul style="list-style-type: none"> • <u>Any adverse impacts of granting permission would</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;</u> <u>or</u> • <u>Specific policies in the NPPF indicate that development should be restricted.</u>
MM3	5	1.19	At the end of the paragraph, add the following:- <u>Factors which have led to a local scale allocation when a site is within 16km of a principal settlement are provided in the site profiles.</u>
MM4	9	1.33	At the end of the paragraph, add the following:- <u>For each site, the inset map defines the area of land within which any subsequent planning application and all required mitigation measures will be sited.</u>
MM5	9	1.34	At the end of the paragraph, add the following:- <u>For all other site allocations set out within this plan, only the footprint of new, or expanded waste development will be safeguarded following the grant of planning permission. In all cases, the unnecessary sterilisation of land will be avoided through a rigorous process of monitoring and review</u>
MM6 and MM6-A to MM6-J		Tables: 2.1 2.4 2.5 2.7 2.10 3.4 3.8 4.5 5.2 6.1	In the site profile, at 'Size of site' add the following text: <u>(within which any development proposals and all necessary mitigation measures will need to be incorporated)</u>
MM7-A		Table 2.7 Barnground, South Cerney	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: limited footprint of developable land; and limited capacity for vehicles to turn within the site and/or queue at peak times)</u>

Ref	Page	Policy/ Paragraph	Main Modification
MM7-B		Table 2.8: Whitehills Industrial Estate, Royal Wootton Bassett	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential access and congestion issues; limited opportunity potential of the site; and associated potential impacts on existing users of the estate)</u>
MM7-C		Table 2.9: Bumpers Farm Industrial Estate, Chippenham	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: limited opportunity potential of the site; and associated potential impacts on existing users of the estate)</u>
MM7-D		Table 2.10: Thingley Junction, Chippenham	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: highway connectivity; and proximity to the existing Gypsy and Traveller camp)</u>
MM7-E		Table 2.11: Leafield Industrial Estate, Corsham	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential traffic/transport impacts associated with the layout of the estate roads e.g. constraints at Potley Bridge)</u>
MM7-F		Table 2.12: Porte Marsh Industrial Estate, Calne	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential impact of traffic on the local highway network; and proximity of large-scale existing quarries and waste management facilities at Lower Compton and Sands Farm)</u>
MM7-G		Table 3.5: Bowerhill Industrial Estate, Melksham	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential impact on estate roads and connecting highway; and proximity to adjacent strategic scale operation)</u>

Ref	Page	Policy/ Paragraph	Main Modification
MM7-H		Table3.6: Canal Road Industrial Estate, Trowbridge	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential traffic and transport impacts on Trowbridge town centre and/or the village of Hilperton)</u>
MM7-I		Table3.7: Warminster Business Park, Warminster	In the site profile, at 'Size of site' add the following text: <u>Local (based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: limited scope for accommodating significant development; potential highway impacts)</u>
MM7-J		Table4.1: Hopton Industrial Estate	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential transport impacts on Devizes; and potential for impact on the North Wessex Downs AONB)</u>
MM7-K		Table4.2: Wiltshire Waste (Recycling) Ltd, Devizes	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential transport impacts on Devizes; and potential for impact on the North Wessex Downs AONB)</u>
MM7-L		Table 4.3: Salisbury Road Business Park, Marlborough	In the site profile, at 'Size of site' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: potential highway impacts; limitation in terms of potential developable land; and the potential for impact on the North Wessex Downs AONB)</u>
MM7-M		Table 5.2: Brickworth Quarry and Landfill, Whiteparish	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: the need to ensure that any new waste development does not prejudice the overall restoration of the quarry; and proximity to the New Forest National Park)</u>
MM7-N		Table 5.4: Former Imerys Quarry,	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints</u>

Ref	Page	Policy/ Paragraph	Main Modification
		Quidhampton	<u>include: competing interests on the area of developable land; and constrained vehicular access/egress over the railway)</u>
MM7-O		Table6.3: Brindley Close/Darby Close, Swindon	In the site profile, at 'Size of site' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: limitation in terms of potential developable land; potential for traffic impacts on the local highway network due to intensification of development at Waterside; potential impact on residential communities to the north and east of the estate)</u>
MM7-P		Table 6.4: Land at Kendrick Industrial Estate, Swindon	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: the undulating nature of the site; limited opportunity potential of the site; and associated potential impacts on existing users of the estate)</u>
MM7-Q		Table 6.5: Rodbourne Sewage Treatment Works, Swindon	In the site profile, at 'Scale' add the following text: <u>(limited solely to the extension of the existing Sewage Treatment Works to provide increased capacity to meet future planned demand)</u>
MM7-R		Table6.6: Land within Dorcan Industrial Estate, Swindon	In the site profile, at 'Scale' add the following text: <u>(based upon the appraisals and assessments undertaken to date, the councils do not consider this site can accommodate a strategic scale operation. Site constraints include: proximity to sensitive receptors e.g. Great Western Hospital, local shops and adjacent housing to the south of the estate)</u>
MM8		Table 3.8: Land at Valley Farm, Chitterne	Amend the 'landscape, townscape and visual' section of the site profile to read: Potential for landscape and visual impacts on the surrounding area due to the highly visible site location. Mitigation will be required and could <u>should</u> include the planting of a 15m woodland buffer around site boundaries to screen views into the site, integrating it with the surrounding rural character. The woodland should connect with existing trees and planting within the area. In addition <u>Opportunities for strategic off-site hedgerow planting, along the B390 to reduce perceptions of the erosion of the rural landscape character of the area will-should be required explored.</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>The form and scale of any built development should respect the agricultural character of the area.</u></p> <p>Any development will need to safeguard PRow</p>
MM9		Table5.2	<p>Amend the 'landscape, townscape and visual' section of the site profile to read:</p> <p>Although in close proximity to of the New Forest National Park, the semi-enclosed wooded setting and existing quarried character of the site means that it is able to accommodate change will need to be fully considered through any subsequent planning application process.</p> <p><u>Proposals for new waste development will need to demonstrate that the interests of the New Forest National Park and its setting are not eroded</u></p>
MM10		Table 5.3: Employment Allocation, Mere	Delete Table 5.3 and remove the site from the Plan