

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 18 July 2018
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Fleur de Rhé-Philippe (Chairman)	Cllr David Jenkins
Cllr Derek Brown OBE (Vice-Chairman)	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr James Sheppard
Cllr Andrew Davis	Cllr Tony Trotman
Cllr Stewart Dobson	Cllr Fred Westmoreland
Cllr Sarah Gibson	

Substitutes:

Cllr Ian Blair-Pilling	Cllr Ruth Hopkinson
Cllr Clare Cape	Cllr Chris Hurst
Cllr Matthew Dean	Cllr Nick Murry
Cllr Christopher Devine	Cllr Stewart Palmen
Cllr David Halik	Cllr Graham Wright
Cllr Russell Hawker	

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 54*)

To approve and sign as a correct record the minutes of the meeting held on 20 June 2018. (Copy attached)

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 10.20am on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 11 July 2018** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Friday 13 July 2018**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

- 6 **18/03366/WCM - Northacre Resource Recovery Centre, Northacre Industrial Estate, Westbury, BA13 4WD - Waste Management Facility and Welfare, Office and Workshop Building with ancillary development** (*Pages 55 - 94*)

A report by the Case Officer is attached.

- 7 **18/03816/WCM - Northacre Resource Recovery Centre, Northacre Industrial Estate, Westbury, BA13 4WD - Revision of the layout and design of Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM** (*Pages 95 - 174*)

A report by the Case Officer is attached.

- 8 **18/03716/FUL - Junction 20 at A338 Park Road/Pennings Road and Station Road/Lahore Road, Tidworth - Townscape and highway improvement scheme to enhance Park Road/Pennings Road and Station Road/Lahore Road including creation of traffic islands containing relocated traffic lights, the removal of the right turn lane from Station Road to Pennings Road and creation of a signalised slip lane from Park Road to Lahore Road.** (*Pages 175 - 188*)

A report by the Case Officer is attached.

- 9 **17/01798/FUL- Valley View, East Grimstead - Change use of land for the stationing of one mobile home, one touring caravan, and a day/utility room building for residential purposes, together with the formation of hardstanding, and landscaping and erection of maximum 2.8 fence (retrospective).** (*Pages 189 - 214*)

A report by the Case Officer is attached.

10 **Date of Next Meeting**

To note that the next scheduled meeting of this Committee is due to be held on Wednesday 15 August 2018, in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

11 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 20 JUNE 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Fleur de Rhé-Philippe (Chairman), Cllr Derek Brown OBE (Vice-Chairman), Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Sarah Gibson, Cllr David Jenkins, Cllr Christopher Newbury, Cllr James Sheppard, Cllr Tony Trotman, Cllr Ian Blair-Pilling (Substitute) and Cllr Nick Murry (Substitute)

Also Present:

Cllr Alan Hill, Cllr Pip Ridout and Cllr Toby Sturgis.

26 Apologies

Apologies for absence were received from:

Cllr Ernie Clark, who was substituted by Cllr Nick Murry
Cllr Fred Westmoreland, who was substituted by Cllr Ian Blair-Pilling

27 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 25 April 2018.

28 Declarations of Interest

There were no declarations of interest made at the meeting.

29 Chairman's Announcements

There were no Chairman's announcements.

30 Public Participation

There were no questions or statements submitted.

31 15/01800/OUT: Land at the proposed West Warminster Urban Extension North of Victoria Road & to the West of Bath Road Comprising approx. 84 hectares of land, Warminster - Demolition of a series of agricultural sheds and one residential dwelling and the delivery of up to 1,000 dwellings (Class C3); a local centre of 0.56ha (to accommodate commercial development falling under Use Classes A1-A5, C2, C3 and D1); an employment area of 5.6 hectares (to accommodate various businesses

falling under Use Classes B1, B2 and B8); a primary and part-secondary school (Use Class D1); formal and informal recreational open space including children's play areas, allotments and changing facilities; car parking; hard and soft landscaping including a noise bund along part of the western boundary; storm water attenuation ponds; foul and surface water drainage infrastructure; and provision of road access infrastructure to include roundabout accesses on Bath Road and Victoria Road.

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. He also summarised two representations he had received following publication of the agenda papers. The Cranborne Chase & West Wiltshire Downs AONB Officer had very recently sent a further communication stating that the AONB's main concerns were mitigated by the proposed conditions. The second representation received contained no additional points of view.

The purpose of the report was to assess the merits of the application against the relevant national and local development plan policies and other material considerations; and to recommend that permission should be approved subject to the prior completion of archaeological trial trenching and completion of a s106 legal agreement and planning conditions.

Members then had the opportunity to ask technical questions during which Cllr Christopher Newbury questioned why item no 10 of the summarised Section 106 Heads of Terms summary stipulated that the developer contribution of £491,440 should be subject to phased payments to be agreed to contribute towards the improvement and expansion at the Avenue GP surgery rather than to fund a new health care surgery within the Warminster Community Area. The Case Officer explained that to be legally compliant, the planning obligation must have a dedicated project and furthermore, the NHS had stipulated that this was how the developer contributions should be spent as it was not their intention to provide an additional surgery in the Warminster area.

Members also asked the officer to clarify the proposed housing quantum and how it compared to the endorsed site allocation Masterplan and adopted Core Strategy; the proposed affordable housing provision and the bus strategy obligation.

Members then heard the views of Cllr Tony Nicklin, Mayor of Warminster, who explained that although supportive of the application, the Town Council made the following points and recommendations:-

1. The roundabout on the A36 from Victoria Road would need to have some improvements to accommodate the Longleat hotel. Although it was argued that these would be insufficient to take the increased traffic from the WWUE development. The existing traffic flow already made it difficult to access the roundabout from Victoria Road and there were significant safety concerns. It was suggested that traffic lights for the roundabout should be considered.
2. The AONB comments regarding the need for recessive coloured roofs and screening for this site were endorsed.

3. The commercial site was surrounded by housing and did not have an adequate separate access.

The Committee then heard the views of Cllr Pip Ridout, the local Member, who endorsed the views expressed by the Town Mayor. She expressed her appreciation at constructive negotiations that had been taking place with the applicant and hoped that these would continue in order to resolve outstanding issues.

After discussion, which included an amendment to the summarised NHS planning obligation listed within point no.10 below, on the proposal of the Chairman, which was seconded by Cllr Andrew Davis,

Resolved:

To grant outline planning permission subject to the planning conditions and informatives listed below following the completion of a legal agreement to enshrine the developer obligations under s106 of the Town and Country Planning Act 1990 as summarised below:-

1. The developer shall be obligated to provide 30% (i.e. up to 300 affordable housing units) on-site taking the following split: 60% (180) affordable rented homes and 40% (120) shared ownership homes.
2. The developer shall be obligated to provide 1.8 hectares of fully serviced land (with unburdened access to Victoria Road and utility connections) to be transferred to the Council within 12 months of the commencement of residential development at nil cost to the Council for the future provision of a primary school to provide the essential school infrastructure.
3. The developer shall be obligated to safeguard an additional 1.8 hectares of fully serviced land (with unburdened access to Victoria Road and utility connections) to be transferred to the Council within 12 months of the commencement of residential development at nil cost to the Council for the future provision of an additional/secondary school facility in full recognition that Kingdown Academy, as the sole secondary school serving the town is at capacity with limited potential to expand on its current site and through acknowledging it cannot accommodate the projected additional pupils this 1000 house development would generate.
4. If the primary school site is to be delivered by the developers (i.e. to submit the application, construct and deliver) following the agreement of the LEA, the s106 should include bespoke and detailed clauses covering its delivery. To ensure that the housing is suitably served by a new primary school, the s106 would need to restrict housing occupation to a maximum of 180 dwellings. The school would need to be available to accommodate pupils before the 181st dwelling is occupied.
5. If the additional/secondary school facility is to be delivered by the developers (i.e. to submit the application, construct and deliver) following the agreement of the LEA and Kingdown Academy, the s106 should include bespoke and detailed clauses covering its delivery. To ensure that the housing is suitably served by secondary school facilities, the s106

would need to restrict housing occupation to a maximum of 100 dwellings. The secondary school premises would need to be available to pupils before the 101st dwelling is occupied.

6. The developer shall be obligated to pay the sum of £3,947,625 (for 225 primary school places levied at £17,545 per place);

7. The developer shall be obligated to a pay the sum of £4,616,568 (for 198 secondary places) levied at £23,316 per place;

8. The development qualifies for three phased developer payments for secondary education purposes. The phased education contributions shall be: 30% on the commencement of the residential development, 35% payment following the occupation of the 200th dwelling and the remaining 35% following the occupation of the 400th dwelling. For primary purposes, the development qualifies for four phased payments equating to the following: 5% on the commencement of the residential development, 35% following the occupation of the 100th dwelling, 30% following the occupation of the 200th dwelling and the remaining 30% following the occupation of the 500th dwelling.

9. The developer shall be obligated to pay the full costs of providing all the associated waste and recycling infrastructure across the site (based on the contributions set out within the Council's 2017 adopted Waste Collection Guidance SPD);

10. The developer shall be obligated to pay the sum of £491,440 to be subject to phased payments to be agreed to contribute towards the improvements and expansion at the Avenue GP surgery and the town's medical services; or, alternatively and following agreement with the NHS, to fund any new health care surgery within the Warminster Community Area to provide additional capacity and services to serve this development (which shall be subject to a clawback provision);

11. The developer shall be obligated to enter into an agreement with the Council to establish a Management Company for all the associated maintenance liabilities relative to all the public open space, play areas, sporting facilities, allotments, flood attenuation and SUDs, landscaping and the noise attenuation and landscaped bund;

12. The developer shall be obligated to enter into an agreement with the Council to establish appropriate management of the ecology park;

13. The develop shall be obligated to deliver the two roundabouts off Bath Road (with a zebra crossing) and Victoria Road and complete all the necessary alterations to the existing highway arrangements required to deliver two main safe accesses off the public highway.

14. The developer shall be obligated to deliver the spine road through the site designed to accommodate a bus route and a 3.2m wide shared footway/cycleway for the entire route connecting Bath Road with Victoria Road and its completion must be prior to the occupation of the 600th dwelling, or prior to the occupation of the 301st dwelling (delivered and accessed from either roundabout junction), or before the period of 6 years from the date of the first occupation of the residential development, whichever is the earlier;

15. The developer shall be obligated to deliver a new footpath along the western side of Bath Road to connect the site and Crusader Park and existing footpaths;

16. The developer shall be obligated to deliver a 3.2m wide footpath along the northern edge of Victoria Road from the new roundabout to connect with the existing footpath;
17. The developer shall be obligated to undertake all the necessary on-site upgrade works to PRow WARM8, WARM12, WARM9, WARM10, WARM13 & WARM70 links including an obligation to pay for all the diversions orders and pedestrian/cycle track orders to be enshrined under a separate s278 agreement;
18. The developer shall be obligated to pay £850 to deliver the necessary upgrades to the existing stiles to create kissing gates along footpath WARM13 to be paid prior to the occupation of the 50th dwelling;
19. The developer shall be obligated to pay the pro-rata sum of £14,300 for upgrades to WARWEST15 and £12,500 for upgrades to WARWES 16 to be paid prior to the occupation of the 301st dwelling;
20. The developer shall be obligated to deliver a new controlled Toucan crossing on Victoria Road and to connect with footpaths WARM 5 & 6 (Note: pooled s106 developer contributions that have already been secured from Redrow's consented development based on a 20% pro-rata calculation, would be used to part fund the works once a contract is entered into);
21. The developer shall be obligated to deliver a new roundabout at Copheap Lane/Westbury Road/Portway (Note: pooled s106 developer contributions that have already been secured from Redrow's consented development based on a 20% pro-rata calculation, would be used to part fund the works once a contract is entered into);
22. The developer shall be obligated to deliver and convert WARM8 footpath to a 3m wide pedestrian and cycle route (from Victoria Road to the site boundary) to be enshrined in a s278 agreement;
23. The developer shall be obligated to deliver and convert WARM70 footpath to a 3m wide pedestrian and cycle route to be enshrined in a s278 agreement;
24. The developer shall be obligated to pay a maximum sum of £225,500 to be paid on a pro rata basis and relative to the length of the route within the control and ownership of the developers to upgrade an approximate 290m stretch of WARM9 footpath to form a 3m wide pedestrian and cycle route with a bridge crossing over the brook (from Coldharbour Lane to the southern site boundary that abuts with the Grovelands Way proposed care home site). The full sum would be substantively reduced on a) the extent to which the northern part of the path can be delivered within the site boundary, and (b) the southern part at circa 145m in extent being delivered by the developers for 17/05360/OUT on the Grovelands site;
25. The developer shall be obligated to commit to delivering a bus strategy for the site and to provide for a half hourly weekday services to and from the site and Warminster Town Centre. The strategy shall also include details of support funding, if required to be made by the developers based on an agreed bus strategy or bus service agreement to support the service throughout and beyond the development build out phasing. The bus strategy shall also include enhanced service provision to Kingdown Secondary;

26. The developer shall be obligated to make provision of bus stops, shelters and real time passenger information along the strategic spine road;

27. The developer shall be obligated to pay for all necessary temporary traffic regulation orders, including weight restrictions, prohibition of driving, and parking;

28. The developer shall be obligated to deliver full travel plans for the residential and employment uses on the site, together with details of inducements to encourage site occupants to travel by sustainable means. A travel plan for the school development shall also be required;

29. The developer shall be obligated to enter an agreement with the Council to establish the phased timescales for the advance/early landscape strategic planting and creation of the bund along the site's northern boundary adjacent to the A36(T) SRN;

30. The developer shall be obligated to deliver the necessary Microprocessor Optimised Vehicle Actuation (MOVA) software upgrades at the Weymouth Street, Market Place and High Street traffic controlled junction under a s278 agreement and to cover the resultant costs of the installation and maintenance for a 12 month period. Alternatively, a maximum developer contribution amounting to £120,000 would be required;

31. The developer shall be obligated to enter an agreement with the Council to jointly work on a marketing strategy for the employment site and to actively promote the serviced site as part of the early phase of development;

32. The developer shall be obligated to enter an agreement with the Council in regard to providing all the necessary on site SUDs and land drainage attenuation infrastructure;

33. The developer shall be obligated to enter an agreement with the Council to establish the delivery timescales and provision of the public open space, the sporting pitches and changing rooms across the site (to be linked to phased housing delivery triggers and completion of the link road); and,

(a) A s278 is necessary to establish sufficient securities to deliver the public highway/rights of way infrastructure improvement works. The developers would also be required to enter into a separate agreement with Wessex Water pursuant to obtaining the necessary new water and sewage infrastructure connections. In addition, the development proposes the demolition of an existing dwellinghouse which is served with an existing electricity supply and the site has electricity infrastructure which may require removal and/or diversion. The necessary supply closure to the existing property and any diversion of the existing infrastructure triggers the need for the developer to enter into a separate agreement with the district network operator. Any deviation or diversion of existing infrastructure would require the developer to pay additional contributions and enter into a separate contractual arrangement with the distribution network operator. These matters are suitably captured by planning informatives.

(b) Separate to the s106 obligations listed above, future reserved matters submissions would be CiL liable. It is not possible to confirm the exact CiL amount at this stage, however based on the Council's current charging schedule and an estimated projected average house size, the level of CiL payment is likely to extend to some £1.9million. In the context of this application, CiL payments could contribute towards leisure service infrastructure improvements, improvements to be made at Warminster's Fire Station or its relocation costs, the Wessex Stone Curlew Project, delivering off-site air quality infrastructure improvements, supporting early years education provision; off-site PRow upgrades (not included within the s106); and, the expansion of the Warminster cemetery, although the allocation of CiL receipts from this development is not a matter for consideration by the committee.

(c) In recognition of the made status of the Warminster Neighbourhood Plan, based on the above estimated CiL receipt level, Warminster Town Council would directly secure circa £475k (i.e. 25% of the total CiL contribution).

In addition to the above, prior to the issuing of the s106, to require the applicants/developers to undertake further on-site archaeology trial trenching to proof test the completed geophysical surveying. The extent and scope of the trial trenching must be agreed in writing with the Council's archaeology team and the on-site trench evaluation should run in parallel with the preparation of the aforementioned s106 legal agreement. In the event that the trial trenching evaluation reveals significant archaeology, an updated committee report would be prepared, supported by an additional archaeology appraisal and it would be brought back to the strategic planning committee for fresh consideration before any decision is issued.

Conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No development shall commence on site other than the works hereby approved pursuant to the two new roundabout site accesses, until details of the following matters for the remainder of the site (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:

- (a) The scale of the development;*
- (b) The layout of the development;*
- (c) The external appearance of the development;*

(d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Drawing no.31115-Lea149.dwg identifies the residential and hotel parts of the site.

3 Application(s) for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990

4. The reserved matters applications shall make provision for the following:

a) At least 5.6 ha of land and buildings for employment purposes (Class B1, B2 and/or B8 uses) which shall have recessive dark coloured roofs and wall finishes and a minimum 10m landscaped buffer shall be provided with appropriate impenetrable fencing to separate the site and new residential development;

b) 1.8 ha of fully serviced land and the erection of a primary school (to be future proofed to facilitate a 2FE facility); and an additional safeguarded 1.8ha area of land as an option to deliver additional/secondary school facilities; and, that the 'school's' shall be limited to no more than two-storeys and shall have recessive dark coloured roofs and wall finishes;

c) A 0.56 ha site for a local centre to provide a mix of premises comprising small convenience shops, other A1 uses, food & drink establishments, hot food takeaway uses (A3, A4 and A5); as well as C2, C3 and D1 uses including community uses such as a community hall which shall be limited to no more than two-storeys and shall have recessive, dark coloured roofs and wall finishes;

d) Sites for public open space and play areas to be laid out and equipped in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement); to include 5.05 ha of formal sports pitches with changing rooms and car parking, at least 2124sq.m of equipped play provision in the form of 1 NEAP (neighbourhood equipped area of play) and 2 LEAPs (local equipped areas of play) and 1 trim trail;

e) 39.5 ha of land to be dedicated as public open space, children's play areas, attenuation ponds (to be provided in accordance with the FRA and drainage strategy requirements); and an ecology area comprising 2.96 ha;

f) 0.38 ha of land for allotments;

g) A strategic road link to connect Bath Road and Victoria Road to be constructed on a phased basis; and,

h) Up to 1,000 dwellings with recessive dark coloured roofs.

The 'layout of the development' reserved matter (which is required to be submitted and approved under condition no. 2) shall accommodate all of the above substantially in accordance with the WWUE Illustrative Masterplan (Rev 12) dated 27/03/2018 and the related Parameters Plans (including the Land Use Plan (Rev 6) dated 07/03/2018 Access and Movement Plan (Rev 6) dated 26/03/2018; Density Plan (Rev 10) dated 07/03/2018; and Maximum Building Heights (Rev 7) dated 07/03/2018.

The 'landscaping of the site' reserved matter (which is required to be submitted and approved under condition no. 2) must include all tree and hedge planting specification details alongside a detailed plan setting out all the sizes and species, which shall include larger specimen planting stock to be submitted and agreed in writing by the local planning authority.

REASON: To ensure the creation of a sustainable and balanced urban extension to Warminster, in accordance with the requirements of the Wiltshire Core Strategy and the design objectives of the Design and Access Statement as well as being respectful to the proximity of the AONB and special landscape areas.

5. No development shall commence on site until a 'phasing plan' and an 'order of delivery schedule' for the entire application site have been submitted to and approved in writing by the local planning authority. The phasing plan shall divide the site into clearly identifiable land parcels or sub-phases for each of the subsequent reserved matters applications; and, in the case of the approved 'means of access'; the plan shall encompass sections of the means of access and associated PROW upgrades pursuant to each phase of development. The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority. These shall specify where and when the 'non-phase specific' mitigation measures shall be provided and/or constructed. The 'non-phase specific ecology' measures relate to the following:

- 1. The delivery of the strategic planting along the A36;*
- 2. The delivery of the linear park;*
- 3. The delivery of the ecology park: 're-wilding' area in the south-western part of the site;*
- 4. The delivery of the green corridors - as shown on the Ecological Opportunities map (on page 61 of the Design and Access Statement – dated March 2018).*

The phasing plan and order of delivery schedule shall also confirm the following:

- 5. The delivery of the strategic link road connecting Victoria Road and Bath Road; and,*
- 6. The delivery of all the internal roads, footpaths and cycle tracks upgrades*

REASON: To ensure the proper planning and delivery of the development and to ensure the safeguarding of matters of acknowledged importance, including amenity, ecology and infrastructure provision in general as well as to ensure that the site is built out in a manner which is consistent with the restrictions on dwelling numbers served by a cul-de-sacs, and to secure bus services routes and appropriate PROW connections area available for each phase of development.

NOTE: The upgrade of WARM70 should be prioritised from the Victoria Road end as part of the first phase of the residential development being delivered off Victoria Road to enhance the site permeability and to encourage walking and cycling as part of the initial phasing. Similarly, the completion of the Coldharbour Lane cycle track upgrade should be completed alongside with the delivery of the internal site road network connection with Coldharbour Lane (WARM8).

6. None of the existing on-site electricity infrastructure shall be diverted or removed until details have been submitted to the local planning authority for its written approval. The developer shall confirm whichever

is applicable, a) how the development would be constructed and delivered retaining the existing 11kv and low voltage overhead power lines electricity infrastructure, without any diversion; or (b) setting out the necessary diversions and/or removal of electricity infrastructure and confirm the development programme arrangements; or c) a combination of a) and b).

REASON: To ensure that the appropriate electricity infrastructure is available to service the site and to ensure that all necessary contractual agreements are entered into with the DNO with regard to any modification, diversion or removal of electricity infrastructure.

7. The construction of the roundabouts off Bath Road and Victoria Road hereby approved by plan drawing no's P507/38 Rev A & P507/39 shall not commence until the technical construction details of each roundabout have been submitted to and approved by the local planning authority. Thereafter, the roundabouts shall be constructed in accordance with the approved details before serving the phases of development for which they are intended to provide the vehicular access.

REASON: To ensure the proper planning and delivery of the development accessed off two new roundabout junctions on Victoria Road and Bath Road.

8. No development shall commence on site pursuant to the residential, commercial, education, employment phases of development until a foul water drainage strategy has been submitted and approved in writing by the local planning authority to secure the following:

- A detailed drainage phased scheme and phased construction programme to include the detailed points of connections to the sewer, the discharge rates and off-site foul sewer storage at the sewage pumping station and any necessary treatment improvements required to serve each phase of development; including any temporary arrangements; and, following the approval of the strategy.*

Thereafter, the drainage scheme shall be completed in accordance with the approved details and following the timetable to be agreed in writing with the local planning authority.

REASON: To ensure that the appropriate foul sewerage infrastructure is available to service the site and to ensure that the development does not increase the risk of sewer flooding to downstream properties and to secure off-site sewer improvements to deliver ecological/environmental betterment.

9. No development (pursuant to each phase) shall be brought into use until the foul drainage infrastructure connections and improvements have been completed in accordance with an agreed drainage strategy.

REASON: To ensure that the appropriate foul sewerage infrastructure is available to service the site.

NOTE: The applicant is encouraged to liaise directly with Wessex Water pursuant to any necessary off-site scheme of works to upgrade the emergency storage facilities at the Portway sewage pumping station, any sewer requisitions; and, any additional off-site reinforcement of the water supply network that may be required, for any proposed building exceeding two storeys requiring on site boosted storage facilities.

10. No development (pursuant to each phase) shall commence on site until a scheme for the discharge of surface water from the site to include the provisions and measures to prevent pollution of receiving groundwater and/or surface waters, a timetable for its implementation; and a construction and SUDS management and maintenance plan for the lifetime of the development incorporating sustainable drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the phased development shall not be first brought into use until the surface water drainage provisions (including any temporary arrangements) have been completed and connections are available in accordance with an approved drainage scheme.

REASON: This matter is required to be agreed with the Local Planning Authority before development commences to ensure that the phased development is undertaken in an acceptable manner and to ensure that the development does not increase the risk of flooding.

NOTE: The formation of a SUDS Management Company is a s106 obligation.

11. That all subsequent reserved matters applications (pursuant to each phase) shall include detailed plans that confirm finished floor levels being set no lower than 600mm above the predicted 1 in 100 year annual probability fluvial flood level. The plans shall also show the contextual modelled fluvial flood levels as well as finished on plot site levels.

REASON: This matter is required to be agreed in writing by the Local Planning Authority before development commences to ensure that the development reduces the risk of flooding.

12. No construction or spoil materials shall be stored or heaped (even temporarily) in the areas identified as being flood zones 2 and 3 as shown on the published Flood Map (Drawing No. P831/04 Rev. A) and the map showing the maximum hydraulic modelled 1 in 1000 year fluvial flood extent (Drawing No. P831/05 Rev. A).

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

13. No development (pursuant to each phase) shall commence on site until a land contamination verification report and remediation strategy have been submitted to and approved in writing by the local planning authority.

REASON: To protect controlled waters from any form of pollution.

NOTE: The verification report should follow the PRA (preliminary risk assessment) submitted in support of the application and chapter 13 of the Environmental Statement. The verification plan should include monitoring and maintenance of pollutant linkages and arrangements for contingency action. Any changes to these components would require the written approval of the local planning authority.

14. No development (pursuant to each phase) shall commence on site until an Ecological Mitigation Plan has been submitted to and approved by the Local Planning Authority. The EcMP shall contain details of the number, location, and design of bat and bird boxes/mitigation to be provided within buildings. Thereafter, pursuant to each phase, the works shall be completed in accordance with the approved details.

REASON: To ensure that the bat and bird ecological mitigation requirements are clearly shown on plan(s) and are implemented at the appropriate time as part of each phase of development.

15. No development (pursuant to each phase) shall commence on site until the details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, fire-fighting apparatus and fire hydrants, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development pursuant to each phase shall not be brought into use until the above cited matters have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

NOTE: The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing public highway.

16. With regard to the reserved matter relating to the landscaping of the site, the details to be submitted for each phase shall be made in accordance with a detailed Green Corridors Parameters Plan to be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify:

- Areas including hedgerow and tree planting corridors, with development being designed to ensure that there is no significant increase in light exposure when compared against existing levels;
- Areas of informal open space, wildlife habitat and sports pitches;
- The locations and types of measures which would be used to reduce severance for wildlife where Green Corridors are breached by roads and/or paths;
- The width of buffers which would remain undeveloped and outside the curtilage of dwellings to ensure hedgerows and other habitats which are integrated into the urban fabric would be retained in perpetuity; and
- Locations for reptile, hedgehog and other animal refugia and all other measures, including gaps in close board fencing, necessary to ensure that the urban areas are permeable to wildlife.

The development shall be designed and constructed in accordance with the approved Parameters Plan.

REASON: the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure green corridors function effectively to conserve and promote biodiversity conservation.

17. No development shall commence within any phase, including the construction of either roundabout access until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- The location and current canopy spread of all existing trees and hedgerows on the land;
- Full details of any to be retained, together with measures for their protection in the course of development;
- A detailed planting specification showing all plant species, number, supply and planting sizes and planting densities;
- Finished levels and contours;
- Means of enclosure;
- Car park layouts;
- All hard and soft surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc.);
- Proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines indicating lines, manholes, supports etc.); and
- Any historic landscape features and proposed restoration, where relevant.

All planting shall be in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

18. All soft landscaping comprised in the approved details of landscaping for each approved phase of development shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development phase whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping for each approved phase of development shall also be carried out in accordance with the details enshrined within the preceding condition and prior to the occupation of the respective phase of the development; or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

19. No demolition, site clearance or development, including construction of the roundabouts shall commence on site within any particular phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within any particular phase, until a Tree and Hedgerow Protection Plan showing the exact position of each tree and hedgerow and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree and/or hedge" means an existing tree and hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of commencement of the phase].

REASON: To safeguard trees to be retained in the interests of amenity.

20. No demolition, site clearance or development shall commence on site within any particular phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within any particular phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall address the matters identified in section 5.3.13 of the Environmental Statement (January 2015) and shall identify all the

measures required to minimise the risks to ecology on site and pollution safeguarding to include the following:

- Identification of protection areas where fencing (details to be provided) will be used to exclude works including, for example, the linear park and green corridors;*
- Method statements for specific operations / areas of the site likely to affect protected species;*
- List of operations which will be undertaken under the supervision of an Ecological Clerk of Works or a professional ecologist to those areas where vegetation / topsoil removal could affect protected species;*
- Confirmation of obtaining protected species licenses which are required before certain works commence;*
- For each phase of development pollution safeguarding mitigation details including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle wash-down plant/machinery, and the location and use of oils/chemicals;*
- Submission of a site waste management plan and confirmed recycling plans for waste materials (if any); and*
- Ongoing monitoring, including compliance checks by a competent person / Ecological Clerk of Works(s) and site manager during construction and immediately post-completion.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by the Ecological Clerk of Works or a professional ecologist certifying that the works identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 1 month of the date of substantial completion of each phase of development. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

21. No demolition, site clearance or development shall commence on site within any particular phase until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the local planning authority. The CTMP shall contain details of the routing arrangements for all traffic to the site, and a construction traffic signage scheme including details of how the existing traffic regulation order restricting use of local roads by heavy lorries would be temporarily amended. The CTMP shall also detail the necessary on site arrangements to ensure that site detritus is not carried by construction traffic onto the highway. Details of the arrangements for manoeuvring and storage/parking of all construction vehicles on the site shall be included in the CTMP. The site shall be operated in accordance with the approved CTMP at all times and all the routing signage shall be maintained for the entire construction phase. The plan should also set out how the developers shall reduce and manage the emission of noise, vibration and dust during the demolition and construction phases of development.

The construction/demolition phase of the development shall be carried out fully in accordance with the construction management plan at all times.

REASON: In order to ensure the site construction traffic is properly managed in the interests of highway safety and to ensure that the amenities of local residents are substantively protected as well as adopting measures to minimise noise and disturbance levels.

22. No development shall commence on site pursuant to any phase (except for the construction of the two roundabouts), until an acoustic design scheme to protect future residents and occupiers of the development hereby approved from A36 road traffic, Bath Road and Victoria Road and noise from premises on Roman Way has been submitted to and approved in writing by the Local Planning Authority. Details and measures included in the scheme should comprise site layout, internal building layout, acoustic insulation measures such as acoustic glazing, trickle ventilation, wall and roof construction, and noise mitigation and screening to be provided for external amenity areas. For each phase of development, the approved acoustic scheme shall be implemented prior to first occupation of any building and it shall be maintained at all times thereafter in accordance with the approved details.

REASON: In order to ensure that the amenities of future residents are substantively protected as well as adopting measures to minimise noise and disturbance levels.

23. No development shall commence pursuant to any proposed licensed premises until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from any licensed premises including noise from regulated entertainment and external plant. Thereafter, the approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: In order to ensure that the amenities of future residents are substantively protected as well as adopting measures to minimise noise and disturbance levels.

NOTE: In discharging this condition the applicant and the appointed consultant are encouraged to liaise directly with the Council's public protection team.

24. No development shall commence pursuant to any proposed food/takeaway premises until a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours and fumes has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: In order to ensure that the amenities of future residents are substantively protected as well as adopting measures to minimise noise and disturbance levels.

NOTE: In discharging this condition the applicant/developer should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. The applicant/developer should also consult and follow the advice contained within the publication: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA 2005).

25. No development shall commence pursuant to any phase until a scheme and the format of a public carriageway condition survey has been agreed in writing by the local planning authority. Once the format is agreed, the condition survey shall duly report on the stretch of public highway along Victoria Road and Bath Road between the two new access roundabouts and the pursuant two A36 roundabouts and the results of the survey shall be submitted to the local planning authority within one month of the survey and report being completed.

REASON: To ensure the authority has an accurate record of the public carriage way condition prior to the aforementioned stretches being used by construction traffic.

26. For each relevant phase of development, details pursuant to the construction of the link road between Bath Road and Victoria Road shall make provision for adequate turning space on a temporary basis to ensure that large vehicles, and specifically buses, can enter and turn within the scheme in a forward gear.

REASON: In order that adequate internal facilities can be provided for buses and other large vehicles to enter, turn and leave the development which shall delivered on a phased approach.

27. For each phase of development, no site clearance, construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In order to ensure that the amenities of local residents are substantively protected.

28. No deliveries shall be made to or collections made from commercial premises outside the hours of 07:30 and 20:00 Monday to Saturday 09:00 and 18:00 Sundays and Public Holidays.

REASON: In order to ensure that the amenities of local residents are substantively protected.

29. No external lighting shall be installed as part of each phase until detailed plans showing the type of light appliance, the height and position of the fitting, the illumination levels and light spillage levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where

development potentially affects green corridors and wildlife habitat, lux plots shall be submitted to demonstrate compliance with the Green Corridors Parameters Plan. Thereafter, all approved lighting shall be installed and be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site as well as being fully mindful of the proximity to the AONB and special landscape areas.

30. Pursuant to each phase of development, the developer shall ensure that the upgraded PRow connections and infrastructure are available and useable all year round with all surfacing to be completed to adoptable or alternative standards and to be agreed in writing by the local planning authority. For each phased reserved matters submission, the developer shall submit the following:

i) A detailed plan specification for all necessary PRow upgrades and diversions, including any temporary diversions required for each phase of development to be submitted and approved in writing by the Local Planning Authority prior to commencement of works on site for each phase. The PRow works legal orders, surfacing to adoptable standards, and signing schedules as necessary;

ii) A detailed timetable setting out the timeframe and delivery of the necessary PRow works; and

iii) The cycle/pedestrian routes shall be 3m wide with segregated pedestrian/cycle surfacing.

REASON: To ensure that each phase of development is sufficiently serviced by PRow upgrades.

31. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority before the first occupation of any each phase of development. The content of the LEMP shall include the following information:

- A drawing setting out the location and extent of landscape and ecological features across the entire site;*
- Description of features to be managed;*
- Aims and objectives of management*
- Management prescriptions to achieve aims and objectives;*
- Work schedule (including an annual work plan capable of being rolled forward over a 5 year period*
- Details of the body or organisation responsible for the implementation of the plan;*
- Monitoring and remedial measures including how these will be triggered and implemented;*
- Timeframe for reviewing the plan*
- Details of how the LEMP will be communicated to the occupiers of the development.*

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

32. No dwelling, pursuant to each phase, shall be brought into use until it has have been provided with car parking and cycle storage spaces in accordance with the Council's adopted parking standards as required by the Wiltshire LTP 2011-2026 Car Parking and Cycle Strategies respectively. Any garage to be counted as being a parking space shall have internal dimensions of at least 3m by 6m per parking space. In addition, no commercial, employment or education uses shall be brought into use until the adopted parking standard requirements are accommodated for on site.

REASON: To ensure adequate parking space is provided on site clear of the highway, and to encourage transport by sustainable means.

33. No additional vehicular access onto Bath Road or Victoria Road is hereby permitted other than the two roundabouts (unless otherwise agreed as a temporary access). Prior to any dwelling, commercial or employment premises being brought into use, a plan showing all existing field gates that are not required shall be removed or closed up and as part of the phased landscaping provisions, details pursuant to each reserved matters application shall confirm new boundary treatments in accordance with a programme to be agreed in writing by the local planning authority

REASON: In order to ensure than vehicular access is not gained to the site from inappropriate locations.

34. The development (pursuant to each phase) shall be completed in accordance with chapter 10 of the Environment Statement, the Outline Dormouse Mitigation Strategy and the 'ecology mitigation and enhancements: outline proposals' (both dated September 2017 and produced by Aspect Ecology); and the Landscape Strategy and Implementation Plan, dated November 2017 produced SLR.

REASON: To ensure that each phase of development delivers adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

35. The residential development hereby approved in outline form shall be designed to ensure that the new housing does not exceed 110 litres per person per day water consumption level (which includes external water usage). Within 3 months of each phase being brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development delivers betterment in terms of the level of discharge of phosphates from the sewage treatment plant into the River Avon SAC.

36. All building service plant and equipment (including air conditioning units and any air handling plant etc.) shall be sited and designed in order to achieve a Rating Level (BS4142:2014 or any subsequent version) of -5dB below the lowest measured background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

REASON: In order to ensure that the amenities of future residents are substantively protected as well as adopting measures to minimise noise and disturbance levels.

37. Prior to the occupation of the 100th dwelling on the site, a public art strategy shall be submitted to the local planning authority for its written approval. The strategy shall set out how public art shall be provided as part of the development alongside a delivery programme. Thereafter, the development shall be carried out in accordance with the approved strategy and the delivery programme.

REASON: In order to achieve a high quality environment and to support the objectives of WCS Core Policies 3, 31 and 57.

38. Prior to the commencement of the local centre, a strategic level scheme for the provision of 2 ultra low energy vehicle infrastructure points (ULEVI) (i.e. electric vehicle charging points) and a programme for its delivery shall be submitted to the local planning authority for its written approval. The local centre shall not be brought into use until the approved infrastructure is completed and available.

REASON: In the interests of reducing vehicular traffic pollution and supporting more sustainable modes of transit.

39. The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Plan Dwg No 504 Rev G; Bath Road Site Access Roundabout Plan – Dwg No P507/38 Rev A; Victoria Road Site Access Roundabout Plan – Dwg No P507/39; WWUE Illustrative Masterplan Rev 12; WWUE Parameters Land Use Plan Rev 6; WWUE Parameters Density Plan Rev 10; WWUE Parameters Access and Movement Plan Rev 6; WWUE Parameters Maximum Building Heights Plan Rev 7; Design and Access Statement dated March 2018; Landscape Strategy and Implementation Plan (LSIP) dated November 2017.

REASON: To define the terms of this outline permission.

PLANNING INFORMATIVES:

1. The applicant is required to contact Wessex Water and agree any diversion of the existing water main that runs through the site. An easement of 6m either side of the existing water main must be maintained

following any agreed diversion with Wessex Water. Water Supply network modelling would be required to determine if any off site reinforcement is required to accommodate extra demand on supply generated by the development. Buildings above two storeys would however require on-site boosted storage and this must be factored in as part of future reserved matters applications.

2. The applicant is required to contact the distribution network operator (DNO) to agree any necessary diversions, deviations or removal of any electricity infrastructure. The developer is not lawfully permitted to make any modifications to electricity infrastructure implemented and controlled by Section 37 of the 1989 Electricity Act.

3. The applicant is advised that any works or alterations made to the existing watercourses or connections to them require separate land drainage consent from the appropriate drainage authority. In this case, the environment agency and lead local flood authority would be the appropriate bodies.

4. The Wiltshire Fire & Rescue Service recommends the provision of the following as part of satisfying Building Regulations and reducing the risk of death, injury and property damage:

- Sprinklers work from a standard main, although a 32mm connection is required. They are inexpensive to install, particularly in a new building. They do not activate by accident causing unwanted damage. They only operate through individually activated heads, not the whole system. They can be designed to fit flush to the ceiling behind a flat cover. They cause less water damage in a fire than normal fire-fighting operations. They significantly reduce fire and smoke damage

- Commercial sprinklers should be installed as there are many benefits including: low installation and maintenance costs. Sprinkler systems are designed to last in excess of 50 years and fire damage can be reduced by 90% compared to a similar, unprotected building. The chance of accidental discharge due to a manufacturing fault is 1 in 16,000,000 heads. The likelihood of accidental damage causing a discharge is 1 in every 500,000 heads. Installation of a sprinkler system may allow the relaxation of other passive fire safety measures. Insurance costs may be significantly reduced. Sprinklers can control a fire with significantly less water than full fire service intervention. Sprinklers greatly reduced business disruption due to a fire and improved recovery from it.

- Sprinkler protection in schools is also highly recommended.

5. There are ordinary watercourses within or in close proximity to the site. If the developer seeks to temporarily obstruct any flow from the watercourse, including any proposed culverting; separate Land Drainage Consent would be required from the Lead Local Flood Authority. The Council's Drainage Team should be approached to discuss any requirements and the following guidance reviewed:

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

6. *The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. In order to discharge the condition on*

water consumption, a water usage calculator showing how the development does not exceed a total (internal and external) usage level of 110 litres per person per day should be submitted to the LPA at the discharge of condition stage.

7. The applicant is advised to note that the Environment Agency and Lead Local Flood Authority (LLFA) are undertaking a full investigation and modelling exercise of the whole of the Warminster catchment area. The conditions imposed on any approval requiring additional land drainage submissions should be informed by the modelling with direct liaison between developer and the LLFA.

8. The applicant is furthermore encouraged to enter into a CoPA (Control of Pollution Act) s61 agreement with the Council to secure details on the construction phases, the construction compound locations, the hours of work, the delivery routes, the proposed plant and equipment to be used, identifying noise/vibration generators once specific construction programmes and plant type are known as well as identifying the measures to be adopted to minimise noise/vibration impacts (with community liaison, control measures and compliance monitoring schemes).

32 **17/10550/WCM: Hills HGV Relief Road, Sands Farm and Lower Compton Landfill, Calne, SN11 8RB, Applicant: Hills Waste Solutions Ltd**

Public Participation

Ms Jennie Brooks, representing Calne SOS, spoke in opposition to the application.

Mr John Barnes, a local resident from Derry Hill, spoke in opposition to the application.

Ms Avril Porter, a local resident, spoke in opposition to the application.

Cllr Glenis Ansell, Calne Town Mayor, spoke in support of the application.

Cllr Jim Cook, Vice-Chairman, Calne Without Parish Council, spoke in opposition to the application.

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. He explained that a suite of five planning applications at Lower Compton and Sands Farm was for consideration and these set out proposals to manage waste and minerals in a way which addressed concerns raised by the Planning Authority and the local community during the determination of the previous planning application ref: 14/09744/WCM. The applications under consideration needed to be considered by this Committee as they involved matters of strategic significance that had previously been considered by this Committee and that had raised matters of public interest that had been contested both at appeal and in the Courts.

The purpose of the report was to assess the merits of the proposal against the policies of the Development Plan and other material considerations and to consider a recommendation that planning permission be granted subject to conditions and the completion of a planning obligation under Section 106 of the Planning Acts to address highway matters.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Alan Hill, the local Member, who explained that following consultations with the applicant which had lasted seven years, he was very pleased to report that with the proposal to build a relief road, the subject of this application, much of the local opposition had disappeared although it was appreciated that Calne Without Parish Council and residents living in that area were not happy with the suggested proposal as they considered that the increased amount of traffic would be passing through the outskirts of Calne and surrounding area rather than through the centre of Calne. Cllr Hill was very pleased that the building of the relief road would lead to an improvement of the air quality in Calne which had been a concern for a considerable time.

During discussion it was suggested that the site was not suitable for a strategic facility to cover all parts of Wiltshire taking into account the infrastructure and inadequate road network. Some concern was also expressed at the effect the increased volume of traffic would have on residents living on the outskirts of Calne, especially Derry Hill and the parish of Calne Without.

On the proposal of Cllr Tony Trotman, which was seconded by Cllr Andrew Davis,

Resolved:

To grant planning permission, subject to the completion of a planning obligation within six months of the date of the resolution of this Committee to provide a Traffic Management Plan and subject to the following conditions:-

Conditions

- 1) **The development hereby permitted shall begin not later than 3 years from the date of this decision. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) **The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:**
 - **Drawing No: 18850-1250-002 Sands Farm HGV Relief Road Option 2 dated Sept 2017**

- **Drawing No: 18550-02 Sands Farm HGV Relief Road Sector 1 Site Plan dated Nov 2017**
- **Drawing No: 18550-03 Sands Farm HGV Relief Road Sector 2 Site Plan dated Nov 2017**
- **Drawing No: 18550-04 Sands Farm HGV Relief Road Sector 3 Site Plan dated Nov 2017**
- **Drawing No: 18550-06 Sands Farm HGV Relief Road Sector 4 Site Plan dated Nov 2017**
- **Drawing No: D2515 L.200 A - Combined Landscape and Ecological Mitigation & Enhancement Arrangement Plan – Sheet 1 of 3 - dated Sep '17**
- **Drawing No: D2515 L.201 A - Combined Landscape and Ecological Mitigation & Enhancement Arrangement Plan – Sheet 2 of 3 dated Sep '17**
- **Drawing No: D2515 L.202 A - Combined Landscape and Ecological Mitigation & Enhancement Arrangement Plan – Sheet 3 of 3 dated Sep '17**

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3) **Operations authorised by this permission, including vehicles entering and leaving the site as shown on drawing number 18550-10000-001 (dated Aug. 2017) shall be restricted to the following durations:**

06:00 to 20:00 hours Monday to Sunday.

REASON: In the interests of limiting the effects on local amenity and to control the impacts of the development.

- 4) **Within 3 months of the HGV Relief Road being commenced as notified under Condition 1 an Access Road Maintenance Plan (generally in accordance with the Access Road Maintenance Plan 2.1 dated 14/11/2016 previously provided in respect of application reference 14/09744/WCM) shall be submitted to the Local Planning Authority for approval. The Plan shall relate to both the Lower Compton and Sands Farm sites and include details of wheel-cleaning facilities, road sweeping, dust management and surface maintenance measures to prevent the tracking out of dust and detritus onto the public highway. The relief road shall be maintained at all times in accordance with the approved details.**

REASON: In the interests of road safety for public users of the road.

- 5) **Improvement of the site access road and the provision of a footway into the site from the public highway shall be implemented within 12 months of the HGV Relief Road being commenced as notified under**

Condition 1 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such scheme shall accord with Drawing No A094007-SK005 previously provided in respect of application reference 14/09744/WCM.

REASON: In order to secure improved site access to satisfactorily accommodate the additional traffic associated with the proposal, and to encourage sustainable travel to and from the site.

- 6) No floodlighting, security lighting, beacons or safety/navigation lights or other external means of illumination of the site as shown on drawing number 18550-10000-001 (dated Aug. 2017) shall be provided, installed or operated at the site.

REASON: To preserve the rural and visual amenities of the locality.

- 7) The development shall be carried out in strict accordance with all recommendations and procedures set out in Chapter 10: Biodiversity Impact Assessment prepared by Johns Associates Limited dated October 2017.

REASON: To secure the mitigation measures contained in the Environmental Statement in the interests of protecting the biodiversity of the environment.

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the HGV relief road or the completion of the development whichever is the sooner; all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

In the event that the parties do not agree to complete the S106 agreement within this timeframe to delegate authority to the Head of Development Management to refuse Planning Permission for the following reason:-

- The application proposal fails to provide and secure the proposed and necessary Traffic Management Plan and is therefore contrary to Core Policies 8, 60, 61 and 62 of the Wiltshire Core Strategy and

Policies WDC2 and WDC11 of the Waste Development Control Policies DPD.

33 **17/10554/WCM: Retention and Change of use of Concrete Products Factory to Mixed Employment, Industrial, Waste and Ancillary Uses, Calne Quarry, Abberd Lane, Calne, SN11 8TJ: Applicant: Hills Waste Solutions Ltd**

The Committee received a presentation by the Case Officer which set out the issues in respect of the application with a recommendation that planning permission be granted, subject to conditions and the completion of a planning obligation under Section 106 of the Planning Acts to address highway matters.

Members then had the opportunity to ask technical questions.

After some discussion, on the proposal of Cllr Tony Trotman, which was seconded by Cllr Andrew Davis,

Resolved:

To grant planning permission, subject to the completion of a Section 106 agreement within six months of the date of the resolution of this Committee to provide a Traffic Management Plan and subject to the following conditions:-

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:**

- Drawing No: 18546-1000-002 - Site Plan - dated Aug 2017**
- Drawing No: CA-13-08 Sheet 1 - Existing Calne Factory Plan and Elevations – dated 10.10.13**
- Brunel Surveys Ld drawing titled ‘South East Elevation’ dated April 2017**
- Drawing No: D2515 L.200 A - Combined Landscape and Ecological Mitigation & Enhancement Arrangement Plan – Sheet 1 of 3 - dated Sep ‘17**

- Drawing No: D2515 L.201 A - Combined Landscape and Ecological Mitigation & Enhancement Arrangement Plan – Sheet 2 of 3 dated Sep '17
- Drawing No: D2515 L.202 A - Combined Landscape and Ecological Mitigation & Enhancement Arrangement Plan – Sheet 3 of 3 dated Sep '17

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3) The use shall not commence until the construction of the HGV Relief Road permitted under application reference 17/10550/WCM has been completed. No other access shall be used by traffic entering or leaving the site.

REASON: To ensure that the access is brought into use before any other part of the development proposals are commenced in the interests of highway safety and safeguarding local amenity and to ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

- 4) The use shall not commence until details of a sign[s], advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details with the sign[s] being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

REASON: In the interests of highway safety and safeguarding local amenity

- 5) The total tonnage of waste material delivered to the Sands Farm Material Recovery/recycling Facility shall not exceed 44,000 tonnes in any twelve month period.

REASON: To ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

- 6) A record of the quantities (in tonnes) of waste materials delivered to the site and all waste and waste-derived products despatched from the site shall be maintained by the operator at all times and made available to the Local Planning Authority upon request. All records shall be kept for at least 36 months.

REASON: In order that the Local Planning Authority can monitor the approved development.

7) Operations authorised by this permission shall be restricted to the following durations:

Use	Days	Operating Hours
Materials Recycling Facility (MRF)	<ul style="list-style-type: none"> Monday to Friday Bank Holidays (excluding Christmas Day, Boxing Day and New Year's Day) The Saturday immediately following: <ul style="list-style-type: none"> Good Friday Easter Monday May and August bank holidays Any additional bank holidays issued in a given year The two consecutive Saturdays immediately following New Year's Day 	07:00 to 20:00
	<ul style="list-style-type: none"> Saturday (except those listed above) 	07:00 to 13:00
	<ul style="list-style-type: none"> Sunday Christmas Day Boxing Day New Year's Day 	No operation
Receipt of waste from household recycling centres	<ul style="list-style-type: none"> Saturday 	13:00 to 20:00
	<ul style="list-style-type: none"> Sunday 	07:00 to 18:00
Other site uses	<ul style="list-style-type: none"> Monday to Friday 	07:00 to 18:00
	<ul style="list-style-type: none"> Saturday 	08:00 to 13:00
	<ul style="list-style-type: none"> Sunday 	No operation
Internal link road	<ul style="list-style-type: none"> Monday to Sunday 	06:00 to 20:00

REASON: In the interests of limiting the effects on local amenity and to control the impacts of the development.

8) Within 3 months of the Change of Use being commenced as notified under Condition 1 an Access Road Maintenance Plan (generally in accordance with the Access Road Maintenance Plan 2.1 dated 14/11/2016 previously provided in respect of application reference 14/09744/WCM) shall be submitted to the Local Planning Authority for approval. The Plan shall include details of wheel-cleaning facilities, road sweeping, dust management and surface maintenance measures to prevent the tracking out of dust and detritus onto the public highway. The access road shall be maintained at all times in accordance with the approved details.

REASON: In the interests of road safety for public users of the road network.

- 9) Within 3 months of the Change of Use being commenced as notified under Condition 1 a Travel Plan (generally in accordance with the Travel Plan prepared by Cole Easdon Consultants Issue 4 February 2015 previously provided in respect of application reference 14/09744/WCM) shall be submitted to the Local Planning Authority for approval. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of reducing vehicular traffic to the development and to encourage sustainable travel to and from the site.

- 10) The development shall be carried out in strict accordance with all recommendations and procedures set out in Section 5 of the Ecological Impact Assessment prepared by Johns Associates Limited dated October 2017.

REASON: To secure the mitigation measures contained in the Environmental Statement in the interests of protecting the biodiversity of the environment.

- 11) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges or hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on the site in accordance with relevant British Standards for the duration of the works on site. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

REASON: To ensure the continuity of amenity afforded by existing trees, hedges and hedgerows.

- 12) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the building; all shrubs, trees and

hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: To ensure a satisfactory landscaped setting for the development.

In the event that the parties do not agree to complete the S106 agreement within this timeframe to delegate authority to the Head of Development Management to refuse Planning Permission for the following reason:-

- **The application proposal fails to provide and secure the proposed and necessary Traffic Management Plan and is therefore contrary to Core Policies 8, 60, 61 and 62 of the Wiltshire Core Strategy and Policies WDC2 and WDC11 of the Waste Development Control Policies DPD.**

34 **17/10557/WCM: Change of Use of existing Materials Recycling and Waste Transfer Building to a Waste Transfer Building only, Lower Compton Waste Management Facility, Compton Bassett, SN11 8RB: Applicant: Hills Waste Solutions Ltd**

The Committee received a presentation by the Case Officer which set out the issues in respect of the application with a recommendation that planning permission be granted, subject to conditions and the completion of a planning obligation under Section 106 of the Planning Acts to address highway matters.

Members then had the opportunity to ask technical questions.

After some discussion, on the proposal of Cllr Tony Trotman, which was seconded by Cllr Andrew Davis,

Resolved:

To grant planning permission, subject to the completion of a Section 106 agreement within six months of the date of the resolution of this Committee to provide a Traffic Management Plan and subject to the following conditions:-

- 1) **The development hereby permitted shall begin not later than 3 years from the date of this decision. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) **The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:**
 - **Drawing No: 18769-10000-001 Location Plan dated Aug 2017**
 - **Drawing No: HILLS/1011-DWG-003 – Existing Site Layout – dated 11-08-2011**
 - **Drawing No: HILLS/1011-DWG-004 – Existing MRF Building Plans, Elevations and Section – dated 09-08-2011**
 - **Drawing No: HILLS/1011-DWG-010-REVE – Combined Landscape and Ecological Mitigation Plan – dated June 2011**
 - **Drawing No: HILLS/1011-DWG-012-REVF – Combined Landscape and Ecological Masterplan – dated June 2011**
 - **Drawing No: A094007-SK005 – Proposed Site Access Improvements and Footway Provision - dated 20.01.2017**

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3) The use shall not commence until the construction of the HGV Relief Road permitted under application reference 17/10550/WCM has been completed. No other access shall be used by traffic entering or leaving the site.

REASON: To ensure that the access is brought into use before any other part of the development proposals are commenced in the interests of highway safety and safeguarding local amenity and to ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

- 4) The use shall not commence until details of a sign[s], advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details with the sign[s] being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

REASON: In the interests of highway safety and safeguarding local amenity

- 5) The total tonnage of waste delivered to and processed at the Waste Transfer Station shall not exceed 75,000 tonnes in any twelve month period.

REASON: To ensure that the development that takes place substantially accords with the development that was the subject of Environmental Impact Assessment.

- 6) A record of the quantities (in tonnes) of waste materials delivered to the site and all waste / waste derived products despatched from the site shall be maintained by the applicant at all times and made available to the Local Planning Authority upon request. All records shall be kept for at least 36 months.

REASON: In order that the Local Planning Authority can monitor the approved development.

- 7) Operations authorised by this permission shall be restricted to the following durations:

07:00 to 20:00 hours	Monday to Friday
07:00 to 13:00 hours	Saturday

and shall not take place on Sundays or Bank Holidays, other than as indicated below:

07:00 to 20:00 hours and New Year's Day)	Bank Holidays (excluding Christmas Day
07:00 to 20:00 hours	Saturdays following Bank Holidays
07:00 to 20:00 hours	for the two consecutive Saturdays immediately following New Year's Day
13:00 to 20:00 hours	Saturday receipt of wastes from household waste recycling centres
07:00 to 18:00 hours	Sunday receipt of wastes from household waste recycling centres

No operations shall take place on Christmas Day, Boxing Day or New Year's Day.

REASON: In the interests of limiting the effects on local amenity and to control the impacts of the development.

- 8) Within 3 months of the Change of Use being commenced as notified under Condition 1 an Access Road Maintenance Plan (generally in accordance with the Access Road Maintenance Plan 2.1 dated 14/11/2016 previously provided in respect of application reference 14/09744/WCM) shall be submitted to the Local Planning Authority for approval. The Plan shall include details of wheel-cleaning facilities, road sweeping, dust management and surface maintenance measures to prevent the tracking out of dust and detritus onto the public highway. The access road shall be maintained at all times in accordance with the approved details.

REASON: In the interests of road safety for public users of the road network.

- 9) Within 3 months of the Change of Use being commenced as notified under Condition 1 a Travel Plan (generally in accordance with the Travel Plan prepared by Cole Easdon Consultants Issue 4 February 2015 previously provided in respect of application reference 14/09744/WCM) shall be submitted to the Local Planning Authority for approval. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of reducing vehicular traffic to the development and to encourage sustainable travel to and from the site.

- 10) The improvement of the site access road and the provision of a footway into the site from the public highway as shown on Drawing No A094007-SK005 shall be implemented within 12 months of the Change of Use being commenced as notified under Condition 1.

REASON: In the interests of road safety for public users of the road

- 11) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the building; all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: To ensure a satisfactory landscaped setting for the development.

In the event that the parties do not agree to complete the S106 agreement within this timeframe to delegate authority to the Head of Development Management to refuse Planning Permission for the following reason:-

- The application proposal fails to provide and secure the proposed and necessary Traffic Management Plan and is therefore contrary to Core Policies 8, 60, 61 and 62 of the Wiltshire Core Strategy and Policies WDC2 and WDC11 of the Waste Development Control Policies DPD.

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A.17/10539/WCM and B.17/10543/WCM: A. Variation of conditions 3 & 4 of Planning Permission N/09/01497/WCM (Extension to a Sand Quarry and Infilling with Waste) to extend the end date of mineral extraction until 17 October 2029 and to extend the end date of restoration by landfill until 31 December 2042. B. Variation of condition 3 of planning permission 13/05229/WCM (Extension of mineral and landfill operations) to extend the operational end date of the landfill until 31 August 2028 and complete subsequent restoration by 31 August 2029, Lower Compton, Old Camp Farm Mineral Extraction and Landfill Compton Bassett and Low Lane Landfill, Lower Compton, SN11 8RB: Applicant: Hills Waste Solutions Ltd

The Committee received a presentation by the Case Officer which set out the issues in respect of the application with a recommendation that planning permission be granted, subject to conditions and the completion of a planning obligation under Section 106 of the Planning Acts to address highway matters.

Members then had the opportunity to ask technical questions.

After some discussion, on the proposal of Cllr Tony Trotman, which was seconded by Cllr Andrew Davis,

Resolved:

(A) Application 17/10539/WCM

To grant planning permission, subject to the completion of a Section 106 agreement within six months of the date of the resolution of this Committee to provide a Traffic Management Plan and subject to the following conditions:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.**

Reason: To enable the Mineral Planning Authority to monitor the operations and to ensure compliance with this permission.

- 3) The extraction of sand shall cease on or before 24th May 2029.**

Reason: To ensure that the development is carried out in accordance with the approved details.

- 4) The tipping/deposit of waste material and restoration operations shall cease on or before 24 May 2042.

Reason: To ensure that the development is carried out in accordance with the approved details.

- 5) The working, restoration and aftercare of the site shall be carried out only in accordance with Drawings Nos. 6304-5000-001 RRC Landfill Restoration Pre Settlement and 6304-5000-002 RRC Landfill Restoration Post Settlement.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings and structures shall be erected, extended, installed, re-arranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

- 7) No topsoil, subsoil or overburden shall be exported from the site.

Reason: To ensure the satisfactory restoration of the site.

- 8) Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority in writing within seven days) no mineral extraction operations, including vehicles entering or leaving the site, shall be carried out at the site except between the times:-

07.00 hours and 20.00 hours Monday to Friday;

And

07.00 hours to 13.00 hours Saturday;

No operations shall be carried out at any time on Sundays or Bank or Public Holidays.

Reason: In the interests of local amenity.

- 9) Except in emergencies to maintain safe landfill working (which shall be notified to the Waste Planning Authority in writing within seven days) there shall be no tipping of waste or associated activities, including vehicles entering or leaving the site, other than during the following hours:-

07.00 hours and 20.00 hours Monday to Friday; and

07.00 hours to 13.00 hours Saturday;

and shall not take place on Sundays or Bank or Public Holidays other than as indicated below:-

The site may in addition be open solely for the receipt of waste from household recycling centres and the Wiltshire Council municipal waste collection service between the following hours:-

07.00 hours to 20.00 hours Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Summer Bank Holiday;

13.00 hours to 20.00 hours on Saturdays immediately following, Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday, Summer Bank Holiday and Christmas Day/Boxing Day Holidays; and

13.00 hours to 20.00 hours on the two consecutive Saturdays that immediately follows New Year's Day.

Operations shall not take place on Sundays or on Christmas Day, Boxing Day, or New Year's Day.

Reason: In the interests of local amenity.

- 10) No minerals except sand shall be removed from the site.

Reason: To ensure that the development is carried out in accordance with the approved details.

- 11) No waste other than that defined as inert shall be tipped within the area shaded blue on Drawing No. COM/2500/G/21A dated February 2001 of planning permission N.01.2803 and this area shall be restored in accordance with Condition 20 below.

Reason: To ensure that the development is carried out in accordance with the approved details.

- 12) Topsoil and subsoil and soil making material shall only be stripped when they are in a dry and friable condition and no movement, spreading or levelling of soils shall occur:

(a) During the months October to March (inclusive)

(b) When the full depth of soil to be stripped has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 - 'British Standard Method Test for Soils for Civil Engineering Purposes' or

(c) There are pools of water on the soil surface.

Reason: To prevent damage to soils.

- 13) All topsoil, subsoil and soil making materials shall be stored separately and in separate mounds which shall:

(a) Not exceed 3 metres in height in the case of topsoil, or 5 metres in height in the case of subsoils.

(b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations.

- (c) Not be subsequently moved or added to until required for restoration.
- (d) Have a minimum 3 metre stand-off, undisturbed around each storage mound.
- (e) Comprise topsoils on like texture topsoils and subsoils on like texture subsoils.

Reason: To prevent the loss of soil for restoration and minimise damage to soil structure during storage.

- 14) All undisturbed areas of the site and all topsoil, subsoil and overburden storage mounds shall be kept free of agricultural weeds such as thistle, dock and ragwort. Cutting, grazing and spraying shall be undertaken as necessary to control plant growth and prevent the production of seed and the spread of weeds to adjoining agricultural land.

Reason: To prevent the spread of agricultural weeds.

- 15) Noise levels from operations on the site shall not exceed 55 dB(A) LAeq (1 hour) at any residential or noise sensitive property, the measurement to be taken at not less than 3.5 metres from the façade and at a height of 1.5 metres above ground level except during temporary operations when the limit shall be 70 dB(A) LAeq (1 hour) measured in the same manner.

Reason: To safeguard the amenity of local residents and adjacent properties and land users.

- 16) Steps shall be taken to minimise the generation and emission of noise, dust and fumes from any use or operation authorised or required by this planning permission. Such steps shall include:
- (a) The spraying of water to lay dust on the surface of the site, access and haul roads as appropriate.
 - (b) The spraying of water to lay dust on the surface of stockpiles within the site as appropriate.
 - (c) The proper use of wheel cleaning facilities by vehicles leaving the site.
 - (d) Fitting all plant, machinery and vehicles with effective silencers maintained in accordance with the manufacturers specifications.

Reason: To safeguard the amenity of local residents and adjacent properties and land users.

17. The scheme for controlling scavenging birds, approved pursuant to Condition 14 of planning permission N.01.2803 shall apply for the duration of all operations hereby permitted.

Reason: To prevent increased aviation hazard through potential for birdstrike.

18. Within six months of the date of this permission being implemented, a detailed scheme to accommodate surface water run-off from the restored site shall be submitted to the Mineral Planning Authority for approval. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure the adequate drainage of the site.

19. The site access and hard surfaced areas used by vehicles shall be watered or treated with approved dust laying agent at times as may be necessary to prevent dust nuisance arising from the site.

Reason: To safeguard the amenity of the area and local residents.

20. Within a period not exceeding 12 months of a phase being tipped and sealed to its pre final level, it shall be covered with a layer of subsoil at least 300 mm in depth and topsoil 150 mm in depth.

Reason: To ensure the productive afteruse of the land.

21. Within 12 months of the date of this permission, a landscaping scheme shall be submitted to and approved by the Mineral Planning Authority. The scheme shall include the following:
- (a) The position, species and sizes of all existing trees, shrubs and hedgerows to be retained and the proposal for protection throughout the operations.
 - (b) The position, species, spacing and initial sizes of all new trees, hedges and shrubs.
 - (c) The programme of implementation of the scheme.
 - (d) The arrangements for subsequent maintenance.
 - (e) Any tree or shrub which dies within five years of being planted shall be replaced with new stock to the satisfaction of the Mineral Planning Authority and be maintained for a period of five years.

Reason: To improve the appearance of the site in the interests of visual amenity and to assist in absorbing the site back into the local landscape.

22. On completion of the importation of all landfill material, all machinery, plant, buildings, structures and any other site facility not essential for restoration/aftercare or for continuing landfill gas/leachate monitoring and control shall be removed or demolished and removed from the site. Any hardcore or material likely to interfere with the restoration of the land shall be removed prior to the final seeding and cultivation of the land.

Reason: To ensure the satisfactory restoration of the site.

23. All internal haul roads shall be removed when no longer required or during the course of site restoration, whichever is the sooner.

Reason: To ensure the satisfactory restoration of the site.

24. Prior to the commencement of the development hereby permitted, an aftercare scheme showing the steps to be taken to restore the physical characteristics of the land to a condition suitable for agriculture shall be submitted to and agreed in writing by the Mineral Planning Authority. The submitted scheme shall specify the steps to be taken and the periods during which they are to be taken and related to the restoration of the site in accordance with the conditions of this permission. The steps to be taken shall cover a period of five years from the completion and reinstatement of topsoils over the site.

Reason: In the interests of safeguarding and enhancing the visual amenities of the site.

- 25) Within 6 months of the date of this decision a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for written approval. The content of the LEMP shall include, but not be limited to, the following:
- (a) Description and evaluation of features to be managed.
 - (b) Ecological trends and constraints on site that might influence management.
 - (c) Aims and objectives of management.
 - (d) Appropriate management options for achieving aims and objectives.
 - (e) Prescriptions for management actions.
 - (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward on an annual basis).
 - (g) Details of the persons, body or organisation responsible for implementation of the plan.
 - (h) Ongoing monitoring and remedial measures.
 - (i) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out how contingencies and remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out in accordance with the approved LEMP.

Reason: To ensure appropriate on-going management of the land to ensure fully functioning landscape and biodiversity objectives of the originally approved scheme and in order to protect

and enhance biodiversity and landscape features within the subject site.

In the event that the parties do not agree to complete the S106 agreement within this timeframe to delegate authority to the Head of Development Management to refuse Planning Permission for the following reason:-

- The application proposal fails to provide and secure the proposed and necessary Traffic Management Plan and is therefore contrary to Core Policies 8, 60, 61 and 62 of the Wiltshire Core Strategy and Policies WDC2 and WDC11 of the Waste Development Control Policies DPD.

(B) Application 17/10543/WCM

To grant planning permission, subject to the completion of a Section 106 agreement within six months of the date of the resolution of this Committee to provide a Traffic Management Plan and subject to the following conditions:-

1. Written notification of the date of each of the following operations shall be sent to the Mineral Planning Authority within 7 days of such operations taking place:
 - a) implementation of this planning permission;
 - b) commencement of soil stripping in each phase;
 - c) completion of restoration of each phase; and
 - d) completion of final restoration under this planning permission;

REASON: To enable the Mineral Planning Authority to monitor the operations and compliance with the planning permission.

2. Extraction of minerals shall cease by the 31st December 2018.

REASON: To comply with Schedule 5, Part I (1) (1) of the Town and Country Planning Act 1990 (as amended) and to ensure development is carried out in accordance with submitted application and approved details.

3. The deposition of waste at the site shall cease no later than 31st August 2028. Within 12 months of the completion of landfilling the site shall be restored in accordance with the approved development scheme submitted in application no. N/06/007009 dated 14 March 2006 and scheme approved under Condition 4 of this permission.

REASON: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

4. The development hereby permitted shall be carried out in accordance with the following approved working programme and restoration plans:

- Drawing No. 6774-001C dated February 2011
- Drawing No. 6774-002C dated February 2011
- Drawing No. 6774-003C dated February 2011
- Drawing No. 6774-004 dated February 2011
- Drawing No. 6774-005C dated February 2011
- Drawing No. 6774-006C dated February 2011
- Drawing No. 6774-007C dated February 2011

REASON: For the avoidance of doubt and to ensure development is carried out in accordance with the approved application details.

5. No later than 12 months from the cessation of tipping, all plant and machinery, foundations, hardstandings and access roads no longer required in connection with the workings, restoration or future agricultural use of the site shall be removed from the site.

REASON: In the interests of the visual amenity of the area.

6. All commercial mineral vehicles leaving the Lower Compton site with mineral shall be sheeted. Commercial waste vehicles leaving the Lower Compton site shall be checked to ensure they have been completely emptied of waste.

REASON: For the avoidance of windblown dust and litter.

7. No commercial vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent mud, dust or other detritus being deposited on the highway.

REASON: In the interests of highway safety and to prevent mud being deposited on the highway.

8. Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings, structures or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission.

REASON: There is an important need to secure control over additional plant and machinery to safeguard the adjacent Area of Outstanding Natural Beauty designation.

9. Except in emergencies to maintain safe working (which shall be notified to the Mineral Planning Authority in writing within seven days), no mineral extraction operations, including vehicles entering and leaving the site, shall be carried out at the site except between the hours of:
07.00 hours – 18.00 hours Monday to Friday;
07.00 hours – 13.00 hours Saturday;
No operations shall be carried out at any time on Sunday, Bank and Public Holidays.
Except in emergencies to maintain safe landfill working (which shall be notified to the Waste Planning Authority in writing within seven days) there shall be no tipping of waste or associated activities, including vehicles entering or leaving the site, other than during the following hours:
07.00 hours and 18.00 hours Monday to Friday; and
0.700 hours and 13.00 hours Saturday;
and shall not take place on Sundays or Bank or Public Holidays other than as indicated below:
The site may in addition be open solely for the receipt of waste from household recycling centres and the Wiltshire Council municipal waste collection service between the following hours:
07.00 hours and 18.00 hours Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday, Summer Bank Holiday, and any special bank holidays announced in a particular year by HM Government;
13.00 hours to 18.00 hours on Saturdays immediately following the Christmas Day and Boxing Day holidays; and
13.00 hours and 18.00 hours on two consecutive Saturdays that immediately follow New Year's Day.

REASON: To protect the amenities of local residents.

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers whose noise levels adjust automatically to surrounding noise levels.

REASON: To ensure the minimum disturbance from operations.

11. During the permitted working hours the freefield equivalent continuous noise level (LAeq 1 hour) for the period due to normal mineral extraction and processing and waste importing and processing operations, excluding temporary

operations (see condition below), shall not exceed 55 dB(A) as recorded at any inhabited property.

REASON: To ensure the minimum disturbance from operations and avoidance of nuisance to the local community.

12. During the permitted working hours the freefield equivalent continuous noise level (LAeq 1 hour) for the period due to temporary operations, including topsoil and subsoil stripping, cell construction and capping and other works in connection with landscaping, shall not exceed 70 dB LAeq 1 hour as recorded at any inhabited property. Temporary operations which exceed the normal day-to-day criterion shall be limited to a total of sixteen weeks in any twelve month period.

REASON: To ensure the minimum disturbance from operations and avoidance of nuisance to the local community.

13. The approved Dust Suppression and Minimising Measures scheme prepared by Land and Mineral Management Ltd dated 8 August 2007 shall be implemented in full and shall be complied with at all times.

REASON: To protect the amenities of the locality from the effects of any dust arising from the development.

14. No movement of soil shall be carried out except when the full depth of soil to be stripped or otherwise transported is in a suitably dry condition such that the topsoil can be separated from the subsoil without difficulty. All available topsoil and subsoil must be stripped, handled and stored separately and all stripping, handling, and restoration shall take place under dry conditions to minimise structural damage.

REASON: In the interests of the satisfactory restoration of the site.

15. All topsoil and subsoil stripped prior to mineral extraction shall be stored separately and retained on-site for use in site restoration. No indigenous topsoil or subsoil shall be used for daily cover during operations. No overburden shall be exported from the site until the soil screening bund to the east of the working areas has been completed.

REASON: To ensure that the site is satisfactorily restored.

16. The development hereby permitted shall be implemented in accordance with the approved Landscaping Planting and Management Plan set out in prepared by Peter Swann & Associates dated 8 August 2007 in all respects.

REASON: In the interest of the visual amenity of the local area and to safeguard the adjacent Area of Outstanding Natural Beauty

17. The development hereby permitted shall be implemented in accordance with the approved Aftercare Scheme prepared by Land and Mineral Management Ltd dated 8 August 2007 in all respects.

REASON: To ensure the productive afteruse of the land and to ensure the success of the newly created habitats.

18. The stand-off zone between the boundary of the development and existing hedges and woodland shall be clearly defined by a fence with driven posts and shall be maintained for the life of operations on site. The stand-off distances shall be as follows:

Hedges - 4.0 metres stand-off from the drip line of the hedge to the foot of the bund
Hedges with trees - 5.0 metres stand-off from the drip line of the tree to the foot of the bund

No placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.

REASON: To ensure that the development does not encroach on existing planting causing root damage and to conserve the habitat at the woodland/hedge edge as a feeding/refuge corridor for wildlife.

19. The capped landfill site shall be covered with a minimum 0.8 metres even depth of subsoil and 0.2 metres even depth of topsoil in the correct sequence. The quality of soil shall be appropriate for the site and its proposed restoration. The finished surface shall be left free from rubble and stones

REASON: To ensure that the site is satisfactorily restored.

20. The clearance of woodland and felling of trees shall only take place between the end of August and the beginning of March, or following a search by a qualified person for active birds nest.

REASON: To avoid the nominal bird nesting season.

21. The development hereby permitted shall be implemented in accordance with the approved Surface Water Management Plan prepared by Atkins Ltd dated 13 July 2007 and

additional details provided in the letter from Atkins to Land and Mineral Management Ltd dated 9 November 2007 in all respects.

REASON: To prevent the increased risk of flooding, to prevent pollution of the water environment and to ensure that surface water drainage facility functions for the lifetime of the development.

22. Any chemical, oil or fuel storage on the site shall be sited on an impervious surface with bund walls. The bunded areas shall be capable of containing 110% of the container(s) total volume and shall enclose within their cartilage all fill and draw pipes, vents and gauges. There shall be no drain through the bund floor or walls.

REASON: To minimise the risk of pollution of watercourses.

- 23) Within 6 months of the date of this decision a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for written approval. The content of the LEMP shall include, but not be limited to, the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward on an annual basis).
- (g) Details of the persons, body or organisation responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.
- (i) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out how contingencies and remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out in accordance with the approved LEMP.

Reason: To ensure appropriate on-going management of the land to ensure fully functioning landscape and biodiversity objectives of the originally approved scheme and in order to protect and enhance biodiversity and landscape features within the subject site.

In the event that the parties do not agree to complete the S106 agreement within this timeframe to delegate authority to the Head of Development Management to refuse Planning Permission for the following reason:-

- **The application proposal fails to provide and secure the proposed and necessary Traffic Management Plan and is therefore contrary to Core Policies 8, 60, 61 and 62 of the Wiltshire Core Strategy and Policies WDC2 and WDC11 of the Waste Development Control Policies DPD.**

36 **Date of Next Meeting**

Resolved:

To note that the next scheduled meeting of this Committee was due to be held on Wednesday 18 July 2018, in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

37 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 am - 1.25 pm)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	18 July 2018
Application Number	18/03366/WCM
Site Address	Northacre Resource Recovery Centre, Stephenson Road, Northacre Industrial Estate, Westbury, BA13 4WD
Proposal	Waste Management Facility and Welfare, Office and Workshop Building with ancillary development
Applicant	Hills Waste Solutions Ltd
Town/Parish Council	WESTBURY
Electoral Division	WESTBURY WEST – Cllr Russell Hawker
Grid Ref	385757 151868
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

The application is before the Committee because it involves matters of strategic importance and because the application has generated significant public interest.

Additionally, the Local Division Member has ‘called-in’ the application for the following stated reasons:

Seriously contentious with a lot of objections. Serious transport issues with too many lorry movements on the A350 through Westbury which is already congested and particularly suffers from narrow roads with homes right up to the pavement. Lots of fires keep happening at the existing plant causing toxic fumes to drift over the town and the fire brigade to ask for windows to be closed. Also a clear and long record of fly infestations with the EA taking action to press for better anti-fly action in 2017.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the Development Plan and other material considerations, and to consider the recommendation to grant planning permission subject to conditions.

2. Report Summary

This is a full planning application to construct a Waste Management Facility and welfare, office and workshop building with ancillary development (including staff and HGV parking areas).

The application site lies within the Westbury Civil Parish, with Dilton Marsh CP approximately 300m to the west.

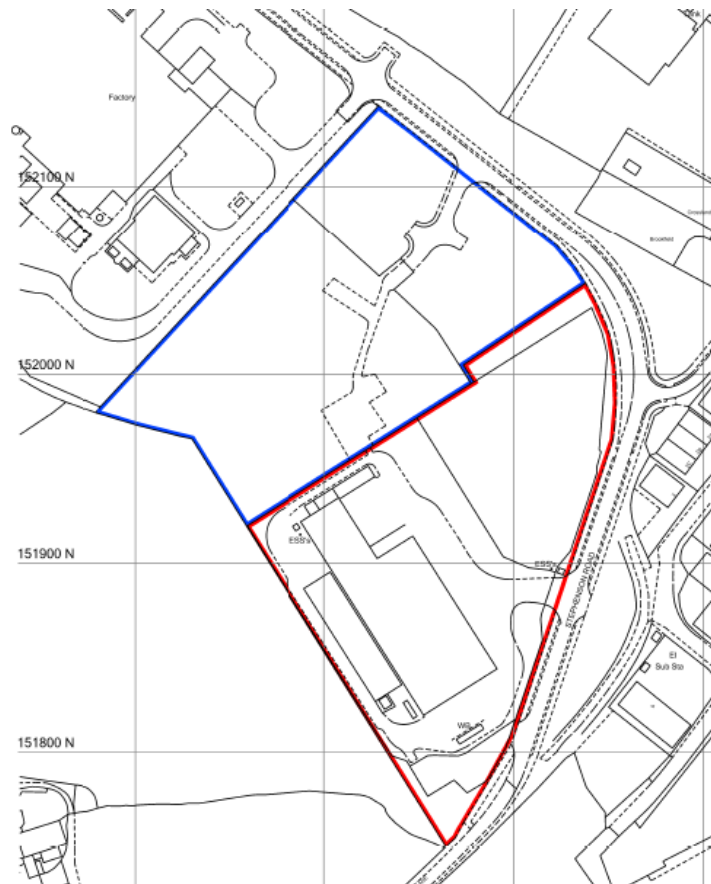
Westbury Town Council objects to the application; Dilton Marsh Parish Council resolved to make no comments; Heywood Parish Council raised no objection subject to traffic levels not exceeding those of earlier approved developments.

The application has generated representations from 106 other interested parties – all are objections.

3. Site Description

The application site is located on the north-west side of Westbury 'Market Town', within the Northacre Industrial Estate (named variously as Northacre Industrial Estate, Northacre Trading Estate, Northacre Industrial Park, etc.) which itself is part of a larger industrial area including the West Wilts Trading Estate (to the north) and the Brook Lane Trading Estate (to the south-east). Beyond the Brook Lane Trading Estate is the mainline railway. For planning purposes these areas are designated as a Principal Employment Area and/or an Employment Allocation, and the Northacre Industrial Estate is also an allocated Strategic Scale Waste Site.

The application site itself forms part of a larger land parcel within the control of the applicant and described as a whole as the 'Northacre Resource Recovery Centre' (RRC). Within this parcel (and within the application site's 'red line'), and to the immediate west of the actual land proposed for development in this planning application, is the mechanical biological treatment (MBT) element of the RRC and associated infrastructure, referred to in more detail later in this report. Also within the land parcel (but outside the red line), and to the immediate north of the land for development, is a further vacant 'plot'; this benefits from planning permission to erect an 'advanced thermal treatment facility' (14/12003/WCM), not commenced; and is the subject of the standalone 'live' planning application for a revised advanced thermal treatment facility (18/03816/WCM). The area of land within the application site proposed for development in this planning application (18/03366/WCM) is presently open/un-developed.

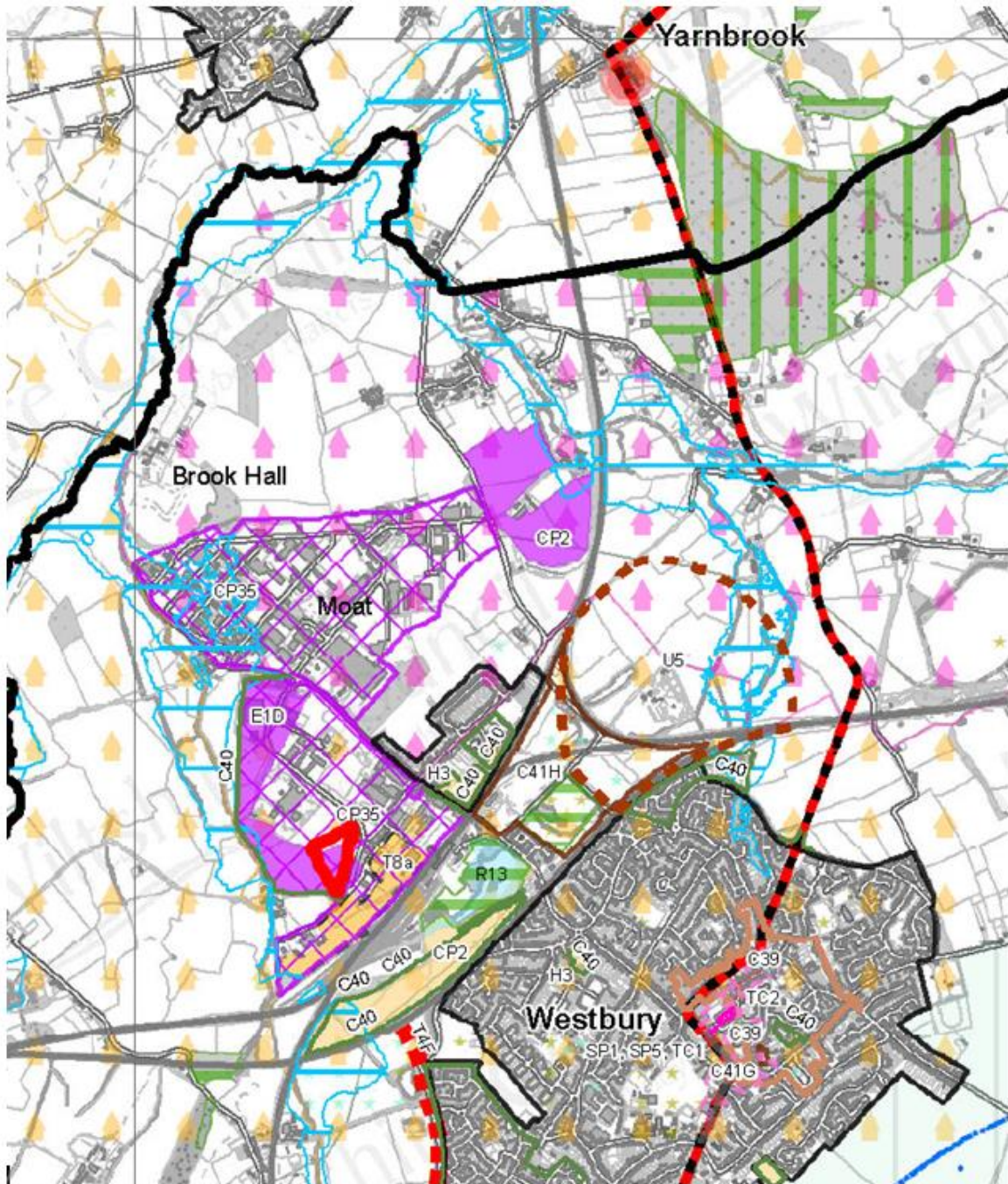


Red and Blued-edged Site Plan

The site has frontages to the west and south-west sides of Stephenson Road which is a principal traffic route within the Northacre Industrial Estate.

To the immediate north of the applicant's holding is a large milk processing factory (Arla Dairies). To the south and east of the wider holding, and on the opposite side of Stephenson Road, are various other industrial/business units and uses and a sewage works, and a few remaining vacant plots awaiting new industrial/business uses, and two residential properties – Brookfield and Crosslands, fronting Brook Lane. To the west (beyond the Resource Recovery Centre) is open land, in part within the defined Principal Employment Area, Employment Allocation and waste site allocation. Beyond this open land, c. 300m from the site, are two further residential properties – Brook Farm and Orchard House.

As set out above, for planning purposes the site and its close surroundings are designated as a Principal Employment Area and/or an Employment Allocation in the Wiltshire Core Strategy 2015. In addition the Northacre Industrial Estate is an allocated Strategic Scale Waste Site in the Wiltshire & Swindon Waste Site Allocations Local Plan 2013. To the west of the site – beyond Brook Farm and Orchard House – is open countryside and a Scheduled Monument (“medieval settlement and associated field systems”).



Extract from Wiltshire Core Strategy Policies Map

[Red line – application site; Purple shading (E1D) – Employment Allocation; Purple diamond hatching (CP35) – Principal Employment Areas; Orange shading (T8a) – Rail Freight Facility; Red/black line – Strategic Lorry Route]]

4. Relevant Planning History

W/07/09004/WCM – Resource recovery facility including mechanical biological treatment, a household recycling centre, vehicle parking and all necessary ancillary development – approved 31/03/09

The mechanical biological treatment (MBT) element of this planning permission - subsequently amended by permission no. W/12/00656/WCM - commenced operation in

2013. An HGV depot forming part of the approved ancillary development is intended to come into use later in 2018 when the collection of recyclable materials from houses in Wiltshire changes from a kerbside separation system to a mixed system in association with the applicant (Hills Waste Solutions) taking on the contract for collection of all household waste and recyclables.

The MBT plant was originally permitted to process 60,000 tonnes pa of Wiltshire's household waste, used to create solid recovered fuel for use in renewable energy plants. In 2016 permission was given to increase the material processed to 90,000 tonnes pa (16/08074/WCM). The household waste is brought directly to the site in refuse collection vehicles, with some material from further afield imported in bulk from a waste transfer station. Presently the solid recovered fuel is exported by road to end users in Germany and Holland; residue is transported to landfill.

A household recycling centre (HRC) in Westbury on this site had been planned by Wiltshire Council, to be run by Hills Waste Solutions and funded by the Council in the manner of all other HRCs. However, for budget reasons the provision has not been possible, and there is now no planned HRC in the town. The land for the approved HRC is now proposed for the waste management facility and ancillary development the subject of the planning application being considered now.

14/12003/WCM – *Advanced thermal treatment facility* – approved 23/09/15

This planning permission - relating to the plot within the applicant's holding to the immediate north of the application site - has not been built out but remains extant. An application for a revised design for the ATT facility is currently being considered (18/03816/WCM).

5. Proposal

The proposal is to construct a 'waste management facility' with related welfare, office and workshop building and ancillary development. The waste management facility is essentially a waste transfer station for receiving, temporarily holding, and then exporting in bulk recyclable household waste, collected mainly from West Wiltshire.

The recyclable materials would include paper, cans, plastics, cardboard, green waste and glass. Approximately 25,000 tonnes of materials would be handled each year. Approximately 80 members of staff would operate from the facility and depot.

The waste management facility would comprise a single industrial-type building measuring 55m by 36m by 10.6m high (max), with additional minor wings to the front and sides for wash down bay, bike storage and an odour control unit. The planning statement accompanying the application sets out how the facility will function as follows:

"The building proposed will receive recyclable materials including paper, cans, plastics, cardboard, green waste and glass. These will be delivered by the vehicles collecting from homes in the west of Wiltshire. The materials will be stored in the building until a sufficient amount has accumulated for a bulk load to be taken for further processing".

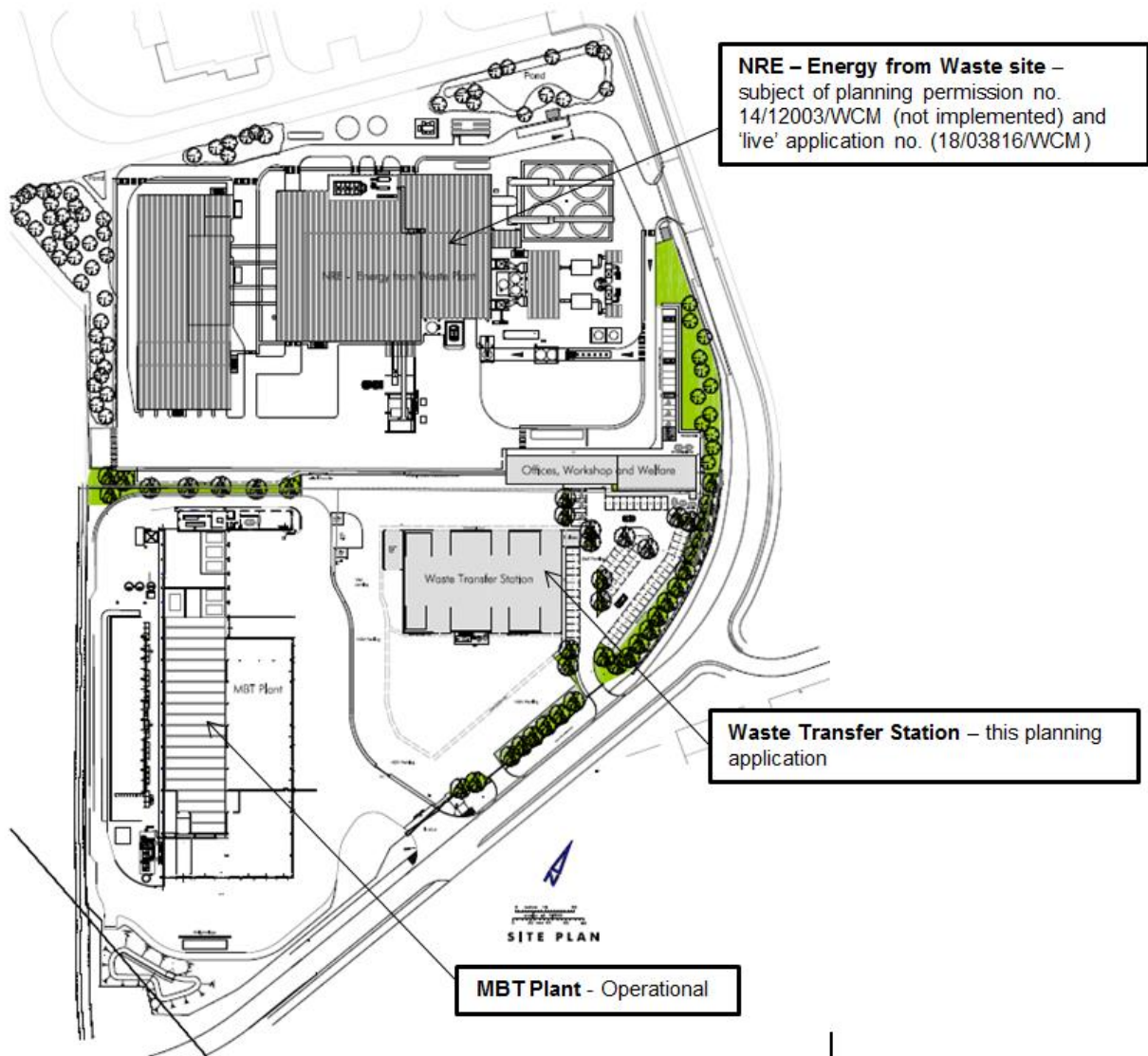
And

"The vehicles delivering recyclables will enter using the current access [from Stephenson Road] and use the existing one-way system around the MBT building. They will access the waste management building via one of three roller shutter doors on the north-west side. They unload into a bay within the building. Primarily the vehicle will be carrying glass,

mixed recyclables or green waste. Some material from the MBT facility, recyclables recovered from the process or residues for landfill may also be stored in the building. Vehicles leave via the doors on the south-east elevation and either exit onto Stephenson Road or park on site. Once the bays contain sufficient material, a wheeled loader will be used to load an articulated or similar scale vehicle for removal from the site”.

The office, welfare and workshop building would measure 65.8m by 12.5m 8.8m high (max). Its purposes are set out in the planning statement as follows:

“The building will serve three purposes; firstly as welfare for the drivers and crews of the waste collection vehicles operating from the site and other staff. This is estimated to be approximately 80 people. The same facilities are provided for the RE [renewable energy] workers. Additionally, office space is provided in the building which will accommodate those working on both the RE and the WTS [waste transfer station] as well as providing facilities for meetings and visitors. The third element is the workshop which will be equipped for repairs to vehicles and can also repair and service other equipment connected with the RE facility, the MBT or the WTS”.



Site Layout Plan

The application also includes the extension of the vehicle depot from a notional 19 HGVs in the approved plans to be used by 24 HGVs, but with capacity for 30 HGVs. A car park for employees will also be provided with its own access from Stephenson Road.

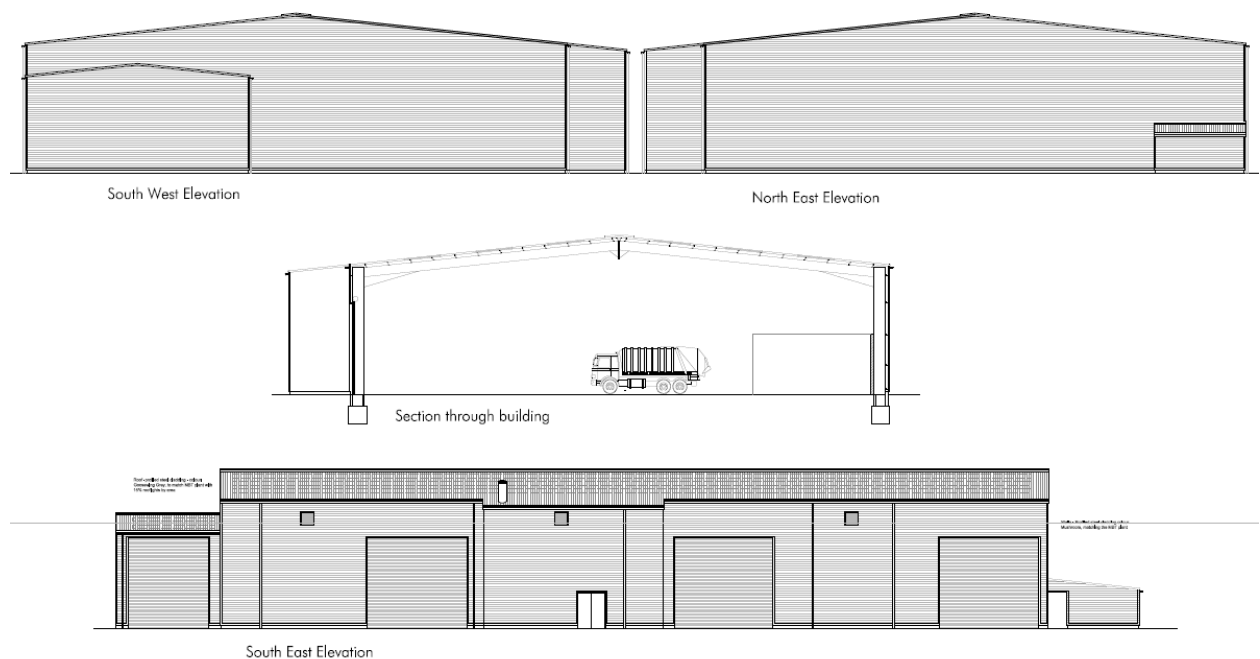
The operational hours for the facility would be in line with other similar facilities in Wiltshire –

- Monday to Friday: 07:00 to 20:00
- Saturday: 07:00 to 13:00 (extending to 20:00 after bank holidays) & 13:00 to 20:00 for receiving waste from HRCs
- Sunday: 07:00 to 18:00 for receiving waste from HRCs
- Bank Holidays: 07:00 to 20:00

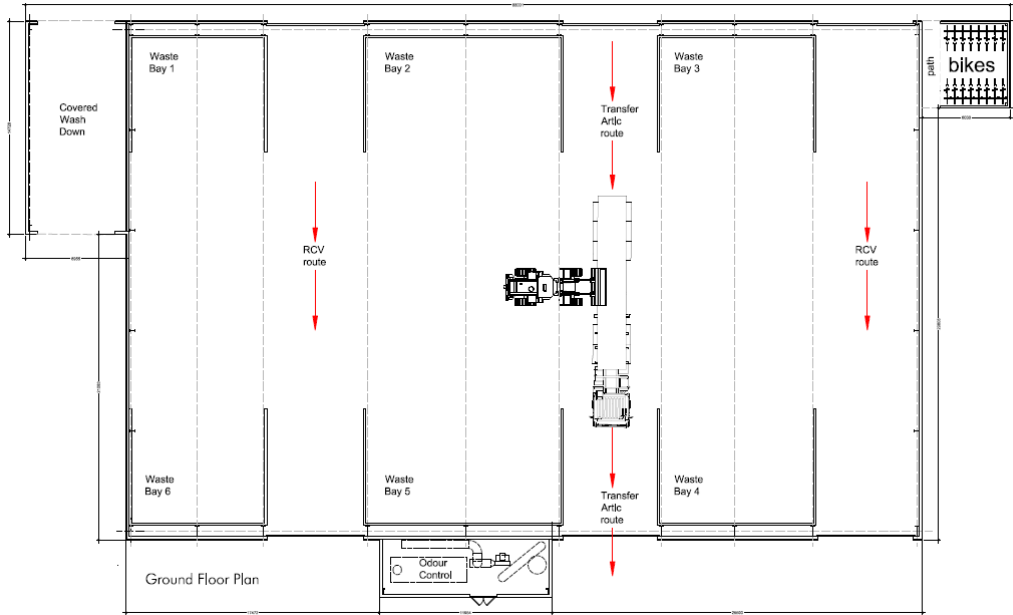
HGVs would begin leaving the depot in the mornings around 06:30. Typically there would not be any operations on Sundays, but the site could receive in the future occasional incoming waste from HRCs. There would be no operations on Christmas Day, Boxing Day or New Year's Day.

The application is accompanied by a Planning Statement, Transport Statement and Noise Assessment.

The proposal is not 'EIA development' under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.



Waste Management Building - elevations



Waste Management Building – floor plan



North West Elevation



South West Elevation

North East Elevation

South East Elevation

North West Elevation

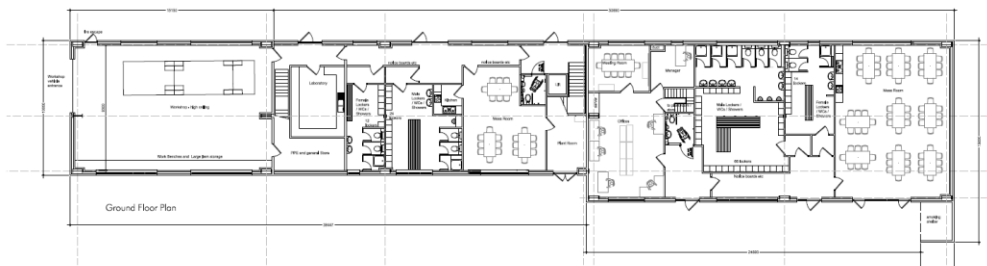
Plan

South West Elevation

Bike Store and Smoking Shelter



First Floor Plan



Ground Floor Plan

Office Building and Workshop – elevations & floor plans

6. Planning Policy and Guidance

Wiltshire & Swindon Waste Core Strategy 2009

- WCS1 – The Need for Additional Waste Management Capacity & Self Sufficiency
- WCS2 – Future Waste Site Locations
- WCS3 – Preferred Locations of Waste Management Facilities by type and the Provision of Flexibility
- WCS4 – Safeguarding Waste Management Sites
- WCS5 – The Wiltshire & Swindon Waste Hierarchy and Sustainable Waste Management

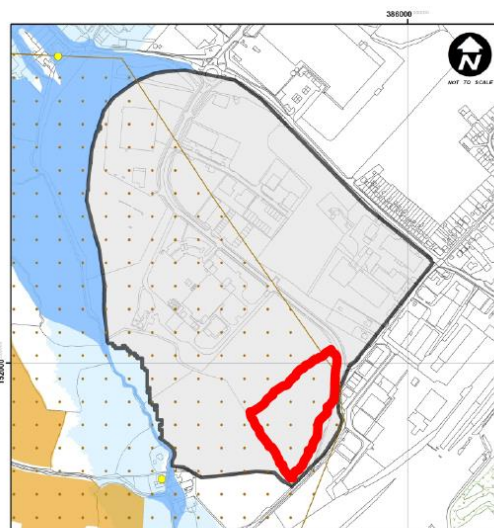
Wiltshire & Swindon Waste Development Control Policies DPD 2009

- WDC1 – Key criteria for ensuring sustainable waste management development
- WDC2 – Managing the impact of waste management
- WDC3 – Water environment
- WDC7 – Conserving landscape character
- WDC8 – Biodiversity and geological interest
- WDC9 – Cultural heritage
- WDC11 – Sustainable transportation of waste

Waste Site Allocations Local Plan 2013

- WSA1 – Presumption in Favour of Sustainable Development
- Inset Map W3 – Northacre Trading Estate, Westbury

“Potential Uses – Materials Recovery Facility/Waste Transfer Station, Local Recycling and Waste Treatment”



Inset map W3

Northacre Trading Estate,
Westbury



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Wiltshire Core Strategy

Core Policy 32 – Spatial Strategy for the Westbury Community Area
Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 55 – Air Quality
Core Policy 57 – Ensuring High Quality Design & Place Shaping
Core Policy 58 – Ensuring the Conservation of the Historic Environment
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 62 – Development Impacts on the Transport Network
Core Policy 65 – Movement of Goods

National Planning Policy

National Planning Policy Framework
National Planning Policy for Waste

7. Consultations

Westbury Town Council: Objection.

- *Volume of traffic – whilst there may be a reduction in traffic across much of Wiltshire, there will still be a significant impact on our town as Westbury does not have appropriate road infrastructure to cope with more vehicle movements - specially large lorries. The location is inappropriate as all vehicles will have to come through some part of our town.*
- *Although it is not clear if the materials will be clean, there have been significant problems with flies in the neighbouring MTB plant. This has been despite assurances that this will not occur so there are concerns that further waste handling would most likely exacerbate the problem and there are concerns this will increase.*
- *Hazard due to fires – there are reported to be 300 fires per annum in the UK resulting from work of a similar nature. We are familiar with the high rates of fires in the neighbouring facility. The issue seems to relate to the wrong types of items being include in the waste stream and near universal problem for all recycling plants. Fumes from any fire involving plastics would be extremely noxious and hazardous to nearby employment sites and residents. Mixed waste plastic recycling should not occur at this location.*
- *Concerns about risk of odour if input materials are dirty.*
- *Air quality is poor along parts of A350 and no doubt traffic in this area will increase.*
- *Risks posed are unacceptable close to residential areas.*

Dilton Marsh Parish Council (nearby parish): Resolved to make no comments.

Heywood Parish Council (nearby parish): Comments.

HPC does not object to this application per se. However the Council requests assurances that this development will not result in any further increase in traffic beyond that forecast in the original planning application(s).

WC Highways: No objection.

In view of the submitted Transport Statement and the existing management of traffic routing, no highway objection to the proposed development.

WC Public Protection: recommends conditions.

The waste management facility would be used for the collection and bulking of recyclable household waste materials including glass, paper and plastics for onward transport. The recyclable materials will be tipped within a purpose built steel frame building which will accommodate 6 waste tipping bays and with 6 large roller shutter doors for access. The working operations of this new facility have the potential to cause a loss of amenity to the surrounding residential properties, in particular the closest properties of Crosslands, Brookfield, Orchard House and Brook Farm. Our main concerns are noise, odour and flies, and how they will be controlled and managed.

A second building is planned which will provide welfare facilities and offices for staff. There is also a proposed workshop which will be able to carry out repairs to both plant and vehicles if required.

Environmental Amenity – noise, odour, flies -

A Planning Statement and Noise Assessment for Planning (A1247 R02) reports have been submitted to which the following comments are made.

The reports suggest the majority of the noise associated with the facility would relate to vehicle movements in and around the site area. Vehicles will use the existing one way system around the MBT building, travel through the proposed waste transfer building and deposit the waste materials in bays.

The proposed operating hours of the facility are:

Monday to Friday – 0700 – 2000

Saturday – 0700 – 1300 (extending to 2000 after bank holidays)

Saturday – 1300 – 2000 (receipt of waste from HRC's)

Sunday – 0700 – 1800 (receipt of waste from HRC's)

Bank Holidays 0700 – 2000

The report states activities within the waste transfer station would be limited to the hours detailed above. Activities would generally be expected to be completed by 1600hrs however during periods of adverse weather or following a bank holiday closure there may be recourse to operate until 2000. It is thought there would not be any operations on Sundays, but the site could receive in the future occasional incoming waste from HRC's. Although it is suggested the activities will generally be completed by 1600, the proposed hours allow the facility to operate for longer on a permanent basis if required. Therefore we recommend that a finish time of 1700 for Saturday, Sunday and Bank Holidays, unless the report can demonstrate and verify that sensitive receptors will not be affected by noise should permission be granted.

Planning statement 4.1 - It is not anticipated that the workshop building will be a source of noise.

Planning statement 4.7 - The application also includes the extension of the vehicle depot and will supersede the approved Household Recycling Centre, the overall number of vehicle movements will reduce substantially. The transport statement concludes that even using the worst case scenarios with the site operating 7 days a week, the change of use from approved HRC would bring about a significant reduction in traffic generated by the site relative to the level previously accepted for the Resource Recovery Centre.

Planning statement 4.9 The report concludes that noise from the waste transfer station would not exceed the existing background sound level at any of the identified receptor locations. Noise condition recommended.

Planning statement 4.13 – Lighting. Any lighting scheme should be designed so as to meet Zone E2/E3 of the Institute of Lighting Engineers Guidance. Condition recommended.

Planning statement 4.17 – Odour/flies – In order to control odour and flies, an odour management plan and pest management plan must be submitted to the LPA. Condition recommended.

Air Quality –

It is noted that an Air Quality Assessment (AQA) has not been submitted with this application. The LPA requires either an AQA or Screening assessment based on the number of vehicle movements that will be associated with this use.

Notwithstanding the findings of an AQA/Screening assessment that may suggest impacts will not be significant, the desired scenario in terms of air quality and development is one that serves to help reduce potential air quality impacts locally. Our overriding concern here in Wiltshire is for the satisfaction of our adopted Core Policies, Air Quality Strategy, Air Quality Action Plan and draft SPD which work towards achieving contributions to the reduction of oxides nitrogen across the county irrespective of the existence of an AQA.

In line with the Wiltshire Air Quality Strategy, Air Quality Action Plan and Core Policy 55 and the government’s objective to end sales of diesel and petrol vehicles, we seek the provision of Ultra Low Energy Vehicle (ULEV) infrastructure.

“Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures” [Land-Use Planning & Development Control: Planning For Air Quality, EPUK & IAQM, 2017]

We would like to see some form of physical mitigation at this development is present upon its completion so that a tangible contribution to the reduction of oxides of nitrogen can be made from the outset and is associated with the new development’s use. This could take the form of public EV charging points using electricity derived from the ATT.

WC Conservation: no objection.

Policy/legislation: From the point of view of the historic environment the main statutory test is the Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Council’s Core Strategy – ‘Core Policy 58: Ensuring the conservation of the historic environment’ requires that designated and non-designated heritage assets and their settings will be conserved.

The NPPF sets out the Government’s high-level policies concerning heritage and sustainable development. The Framework makes it clear that a key dimension of sustainable development is protecting and enhancing the historic environment and that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Issues: The site is not included within a designated conservation area and contains no major standing heritage. Accordingly, one would not expect historic building issues to be a dominant factor in the preparation of proposals for the site. The proposals are not accompanied by any form of heritage assessment.

In considering proposals for an adjacent site there has been need to take into account the setting of the nearby Brook Farm and a number of other heritage assets within the vicinity. However, on this occasion the site lies beyond the existing Mechanical Biological Treatment Facility (MBT) and further into the industrial estate. The character of the site is already that of temporarily vacant industrial land and, enclosed within existing development, it does not make any contribution to the remaining rural character of the agricultural land outside the site. The proposed new buildings are of no greater scale than the existing on the periphery of the site and the net impact on assets outside the site will be neutral.

Conclusion: the proposals will have a neutral impact on land outside the site and the setting of heritage assets including the listed Brook Farm. There will be no harm to assets relating to the built historic environment and the requirements of the NPPF and underlying legislation and policy are therefore considered to be met in this respect.

WC Archaeology: no objection.

Environment Agency: no objection subject to condition and informative.

The proposed activity will need to be granted an Environmental Permit by the Environment Agency. We are required to consider all forms of pollution when issuing an Environmental Permit. If a new Permit is issued or an existing one is varied to incorporate the new activities for this site, it will require the operator to take all appropriate measures to prevent or minimise the emission of offensive odours from the permitted activity. However, this does not mean that there will be no odour from these activities. Similarly the operator would be required to take all appropriate measures to prevent or minimise flies and vermin. The site would also need to consider the appropriate measures it would take to control fires.

Planning also has a role to play in avoidance or minimising amenity issues such as noise, dust, odour, pest control issues, traffic etc.

A permit cannot always prevent, eliminate or eradicate such issues. Some issues need careful management; use of appropriate measures will ensure such issues are minimised if a permit is issued.

With this type of facility we would also expect a fire prevention plan to be part of the Permit application.

The application documents provide no detail on the arrangements for foul and surface water drainage at the site.

Wessex Water: no objection.

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway and the main sewer.

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site.

The applicant has indicated that surface water will be disposed of via soakaway arrangements and wash water discharged to the sewer. The applicant will need to discuss trade effluent arrangements with their retailer and Wessex Water.

Is the surface water strategy acceptable to Wessex Water? -

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

There must be no surface water connections to the foul sewer network.

Natural England: no comments.

8. Representations

The application was publicised by way of newspaper advertisement, site notice and neighbour notification.

The application has received 106 objections, summarised as follows:

- Insufficient need for this facility in Westbury.
- Adverse effect on Wiltshire Council's waste services position in terms of its statutory requirement to strictly apply the waste hierarchy. Alternative proposals needed that will reduce and reuse waste within budgetary constraints.
- Large and dominating building; harmful to visual amenity and landscape.
- Traffic generation harmful to Westbury. Westbury infrastructure inadequate to support this development; no by-pass. Dangerous roads in the locality unsuited to additional HGV traffic. Significant increases in traffic since original planning permissions. Traffic generation from WTS not the same as HRC – should not be compared.
- Vibration from HGV's.
- Insufficient supporting documentation; no Environmental Impact Assessment.
- This application should be determined with 18/03816/WCM, and other WCM applications for sites near Calne; cumulative impacts.
- Noise disturbance from traffic.
- Odours and flies – proven nuisance from existing facility.
- Hours of operation disruptive; there should be no weekend operating of the site / vehicle movements.
- Such developments should be built in rural areas away from settlements / where people live.
- Employment gains would be matched by losses elsewhere in town as a consequence of environmental effects of proposal. Other businesses in surrounding industrial estates will suffer.
- Cumulative impact with other waste facilities in vicinity. Application does not include a total cumulative impact assessment of the existing MBT plant, the proposed Waste Transfer Station, the proposed ATT plant (18/03816/WCM), and all the traffic associated with the site.
- Should not be determined until the Wiltshire Waste Strategy has been brought up to date. Objections and responses by the public are being hampered by uncertainty as to applicability of current policy. Conflict with Waste Hierarchy.
- Westbury in west corner of Wiltshire, so not suited to receive waste from rest of Wiltshire;
- Reduction in air quality; no overriding evidence to the contrary. Wiltshire Council will not be able to fully consider the application in terms of the Carbon Management Plan (2017) and Waste Development Control Policy. Hills Waste Solutions, as a

contracted service, have failed to provide data on carbon emissions. Precautionary principle should be applied were existing and proposed impacts on air quality are not known. No consideration of health of Westbury residents.

- Effects of surface water run-off contaminated by waste being stored on site and of the potential for pollution in the adjacent nitrate vulnerable surface water zone and of Biss Brook from the washing of vehicles and spillage of diesel unknown.
- More than 700 houses within 750m of site. Too close to residential areas.
- Environmental Permit at existing facility has been breached (fires, odours, emissions). Applicant's competence questionable.
- Failure to provide sufficient detail on feedstock and measures required to both store, sort and transfer the waste safely.
- Insufficient information on – purpose/operation of facility, quantities of waste, source of waste, vehicle numbers, etc..
- There have been fires at the adjacent MBT plant; the proposal will add to this risk. Not appropriate to put three vulnerable/unstable uses so close together – EfW, MBT & WTS.
- There are no indications or detail in the plans on measures to store and deal with waste if the suite of planning applications related to Porte Way, Calne and Lower Compton are refused.
- Insufficient consultations.
- Taxation of plastic producers a better solution to continuing plastic production and recycling.
- Property values will drop.
- [A number of representations also refer to the separate proposal for the revised advanced thermal treatment facility (18/03816/WCM) - harmful to amenity, air quality, public health, landscape, etc.; cumulative impacts].

9. Planning Issues

The main issues to be considered in this case are firstly the principle of the proposal; and then, assuming the principle is accepted, the impact of the specific scheme on detailed matters, including traffic/highway safety, landscape, heritage assets, and residential amenity (including the effects of noise, odours, flies).

Principle

Policy WCS1 ('The Need for Additional Waste Management Capacity & Self Sufficiency') of the Wiltshire & Swindon Waste Core Strategy 2009 states that over the plan period to 2026, Wiltshire and Swindon will address the issue of delivering sufficient sites to meet the needs of the municipal waste management strategies and sub-regional apportionments by providing and safeguarding a network of Site Allocations, this to manage the forecast increase in waste associated with the planned growth in the Strategically Significant Cities and Towns (SSCTs) of Swindon, Chippenham, Trowbridge and Salisbury. It further states that the need will be met locally whilst balancing the importation and exportation of waste within the principles of sustainable development and in accordance with the principles of sustainable transport.

Policy WCS2 ('Future Waste Site Locations') addresses, at a strategic level, how and where the need for the additional waste management capacity identified by Policy WCS1 will be met. The policy's explanatory notes set out two levels, or tiers, of waste management facilities – that is, those that are of a 'strategic' scale and those that are of a 'local' scale.

Strategic waste management facilities are defined as large and/or more specialist facilities that operate in a wider strategic manner by virtue of spatial scale, high tonnage of waste managed, specialist nature of the waste managed and/or a wider catchment area served. They are generally considered to include:

- Strategic materials recovery facilities (MRFs)
- Strategic composting facilities
- Energy from waste facilities (EfW)
- Mechanical biological treatment facilities (MBT)
- Landfill

The explanatory notes with the policy state that “*It will be expected that strategic facilities would serve either large areas within, or the entire Plan area. Additionally, they may also serve areas of Wiltshire and Swindon and surrounding local authorities in a more sub-regional context. Such sites will have characteristics that will prevent them from being accommodated on small and/or sensitive sites and locations*”. The policy states that strategic waste site allocations will be located as close as practicable (“... within 16 km ...”) to the SSCTs of Swindon, Chippenham, Trowbridge and Salisbury.

Local waste management facilities are defined as those expected to handle waste sourced from a limited geographical catchment, such as the equivalent of a former District area, parts of a former District or a local urban area. They are generally considered to include:

- Local recycling facilities, e.g. businesses collecting, storing, sorting and bulking particular waste materials prior to their transfer to waste processing companies;
- Local scale materials recovery facilities collecting, storing, sorting and bulking a wide range of waste materials prior to transfer;
- **Waste transfer stations where waste is deposited, stored and then transferred in larger loads to a waste recovery or disposal facility;**
- Scrap yards and inert waste and aggregates recycling facilities serving the needs of a particular area of a district;
- Local scale composting e.g. on farms or small waste management sites receiving inputs from limited sources, e.g. one or two HRCs in that area, or local building and business contracts; and
- Household Recycling Centres.

In accordance with Policies WCS1 and WCS2 the Waste Site Allocations Local Plan 2013 allocates land/sites for waste uses. The Northacre Industrial Estate, which lies approximately 6.5 km to the south of Trowbridge, is defined in the Allocations Local Plan as an area suitable for strategic scale “*materials recovery facility/waste transfer station, local recycling and waste treatment*” type uses. In line with this, the estate already supports the MBT plant, and there is the further extant planning permission for an EfW plant, both of which are strategic scale waste treatment facilities.

In terms of Policy WCS2, the proposal in this application – which is for a waste transfer station – is a local waste management facility intended to primarily serve the former West Wiltshire District. On the basis that strategic scale waste management facilities are acceptable as a matter of principle in this industrial estate allocated as suitable for such facilities, it follows that local scale facilities of lesser impact must also be acceptable in principle, particularly if complimentary to other established waste facilities. Accordingly, and as a matter of principle, the proposal complies with these requirements of the Waste Core Strategy and the Waste Site Allocations Local Plan.

The above is effectively confirmed by Policy WCS3 (‘Preferred Locations of Waste Management Facilities by Type and the Provision of Flexibility’) which, in setting out

preferred locations for the different waste facility types, states that waste transfer stations should preferably be located on 'industrial land / employment allocations' and 'site allocations and current waste management facilities'.

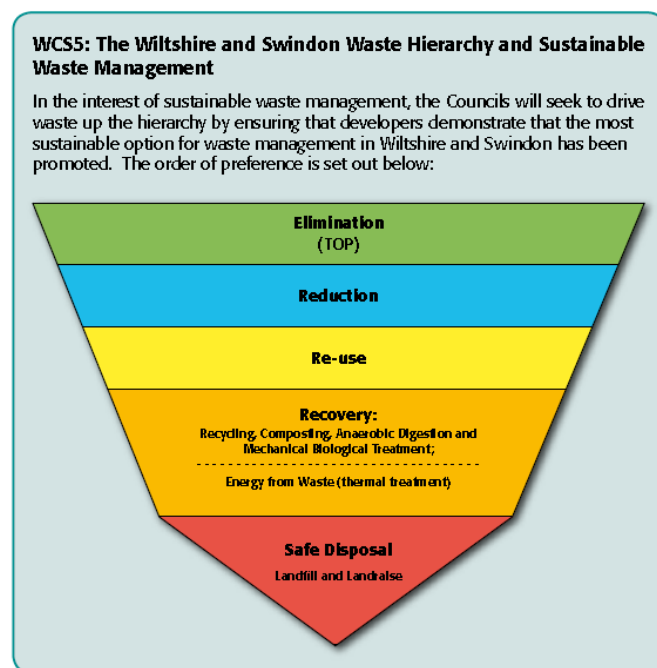
National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. The proposals is considered to be compliant with the development plan, so it is not necessary to demonstrate a planning need for it.

The proposed waste management building would form part of the network of facilities to deal with municipal waste in Wiltshire and Swindon, thus diverting waste from landfill and onto alternative waste treatment solutions. The proposal is therefore considered to be acceptable in principle, as compliant with the provisions of the Waste Core Strategy and Waste Site Allocations Local Plan.

Policy WCS4 ('Safeguarding Waste Management Sites') seeks to safeguard sites where planning permission has been granted for waste management facilities. In this case the application site already has planning permission to be used as a household recycling centre (HRC) as part of a wider Resource Recovery Centre. However, as Wiltshire Council no longer intends to pursue an HRC here, and because the proposal is for use of the site for waste management purposes, the proposals do not conflict with this policy.

The Wiltshire and Swindon Waste Hierarchy –

Policy WCS5 ('The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management') of the Wiltshire & Swindon Waste Core Strategy provides an order of preference, or hierarchy, for waste disposal in the interests of sustainability. The purpose of the hierarchy is to bring to the fore the preference for 'elimination' over other forms of waste management; the hierarchy is not intended to bar all other forms of waste management. Presently recycling remains a relevant form of waste management which, in the hierarchy, is preferable to landfill and land-raise.



Traffic & Highway Safety

Policy WCS2 ('Future Waste Site Locations') of the Wiltshire & Swindon Waste Core Strategy 2009 states that in the interests of achieving the objectives of sustainable development, priority will be given to proposals for new waste management development that demonstrate a commitment to utilising the most appropriate haulage routes within and around the Plan area and implement sustainable modes and methods for transporting waste materials.

Policy WDC1 ('Key criteria for ensuring sustainable waste management development') of the Wiltshire & Swindon Waste Development Control Policies DPD 2009 sets out key criteria for assessing planning applications for waste development, this including the need for the impact of transporting waste to and from sites to be minimised. Policy WDC2 ('Managing the impact of waste management') has a similar requirement. More specifically Policy WDC11 states the following:

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*
- *Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway network.*

The Wiltshire Core Strategy contains similar general transport policies.

The planning application is accompanied by a Transport Statement. This begins with an assessment of 'baseline conditions' for the permitted Resource Recovery Centre (RRC) comprising the mechanical biological treatment facility (handling 90,000 tonnes pa of waste material), a household recycling centre and a depot. Predictions set out in Transport Statements which accompanied the earlier planning applications for the various elements of the RRC, and which were accepted in the final grants of planning permission, have been used in the baseline assessment. The results of the baseline assessment are that on weekdays the permitted RRC, if fully built out as approved, would have attracted 520 daily vehicle movements, 96 of which would have been HGVs. At weekends the RRC was expected to attract some 1,220 daily trips (notably in view of the household recycling centre element), including 96 HGVs.

The current application proposes to change the nature of the uses on the site by replacing the permitted household recycling centre with the Waste Management Facility, and by enlarging the HGV depot. The MBT will continue to operate as already approved. Factoring these changes into the assessment the Transport Statement predicts that on weekdays there would be an additional 24 HGV movements over the day compared with the baseline scenario¹, but a net decrease in overall traffic of some 222 daily movements (primarily in

¹ The collection vehicles are assumed to complete an average of 1.5 rounds per day, which means 24 HGVS based at the depot will carry out 36 rounds, generating 72 HGV movements per day. However the baseline position (depot element already consented) is 50 daily HGV movements, therefore the proposed change to the depot in the current application generates 22 (72-50) additional HGV movements. The WTS removal of material is attributed 8 HGV movements per day, which generates the total 30 additional HGV movements referenced in Table 10 (right hand column 2nd row).

view of the removal of the household recycling centre element). At weekends there would be a predicted net decrease of 922 movements a day compared with the baseline scenario (this assuming refuse collection vehicles would operate at the same rates as on weekdays, which is unlikely).

Tables taken from the Transport Statement which set out the 'baseline' and now 'proposed' scenarios are reproduced below (weekday followed by weekend) –

Scenario	Arrive		Depart		Total	
	Car/LV	HGV	Car/LV	HGV	Car/LV	HGV
Baseline (RRC + Expanded MBT)	212	48	212	48	424	96
WTS + Vehicle Depot	+30	+15	+30	+15	+60	+30
HRC (Not Built)	-153	-3	-153	-3	-306	-6
Total (by Type)	89	60	89	60	178	120
Total (All Veh's)	149		149		298	
Change (All Veh's)	-111		-111		-222	

Table 10: Change in Weekday Daily Trips from WTC + Expanded Vehicle Depot - HRC

Vehicle Type	Arrive		Depart		Total	
	Car/LV	HGV	Car/LV	HGV	Car/LV	HGV
Baseline (RRC + Expanded MBT)	562	48	562	48	1124	96
WTS + Vehicle Depot	+30	+15	+30	+15	+60	+30
HRC (Not Built)	-503	-3	-503	-3	-1006	-6
Total (by Type)	89	60	89	60	178	120
Total (All Veh's)	149		149		298	
Change (All Veh's)	-461		-461		-922	

Table 11: Change in Weekend Daily Trips from WTC + Expanded Vehicle Depot - HRC

[Where 'RRC + Expanded MBT' is the permitted development (including household recycling centre and depot); 'WTS + Vehicle Depot' is the current proposal (the proposed Waste Management Facility (Waste Transfer Station) and enlarged HGV depot); and 'HRC (not built)' is the household recycling centre].

To conclude on this, the proposed development is predicted to bring about a significant reduction in traffic in general on the local highway network relative to the level of traffic previously accepted in connection with the combined mechanical biological treatment facility, the household recycling centre and the smaller vehicle depot. Although HGV movements would increase in the new proposal, this increase is considered to be slight (amounting to on average c. 1.8 additional HGV movements per hour in each week-day) and would be 'read' in the context of an industrial estate with access from a Strategic Lorry Route (A350); and this increase is in any event insignificant when compared with the overall reduction in the previously permitted, and so accepted, total vehicle movements. It follows that a general objection to the proposal based on additional traffic generation would be very difficult to sustain in these circumstances.

Traffic routing –

The planning permission for the RRC (W/07/09004/WCM) is subject to a planning condition requiring a Transport Plan to be provided and implemented, this defining the routing of HGVs to and from the site and related monitoring arrangements. The approved Plan requires HGVs removing the products from the MBT facility (and the wastes and recyclables

which would have been collected at the HRC) to access the site from the north (A350) using the Link Road through the West Wiltshire Trading Estate and Stephenson Road and then the Northacre Industrial Estate; this is also the return route. Specifically Hawkridge Road, The Ham, Brook Lane and Storridge Road are excluded from use by related HGVs. RCVs and 'Kerbsiders' are only able to use these roads when operating in the roads and/or when travelling to collection routes to the east. The approved Plan is attached as annex 1 to this report.

So, on traffic routing this approved Transport Plan places HGVs on the most suitable routes – notably the A350 which is a Strategic Lorry Route. More generally, annual HGV mileages would reduce through providing this facility close to the waste catchment area it serves. Both the Transport Plan and this locational consideration achieve the requirements of Policy WDC1. A condition, requiring an updated Transport Plan along the lines of the approved Plan is recommended.

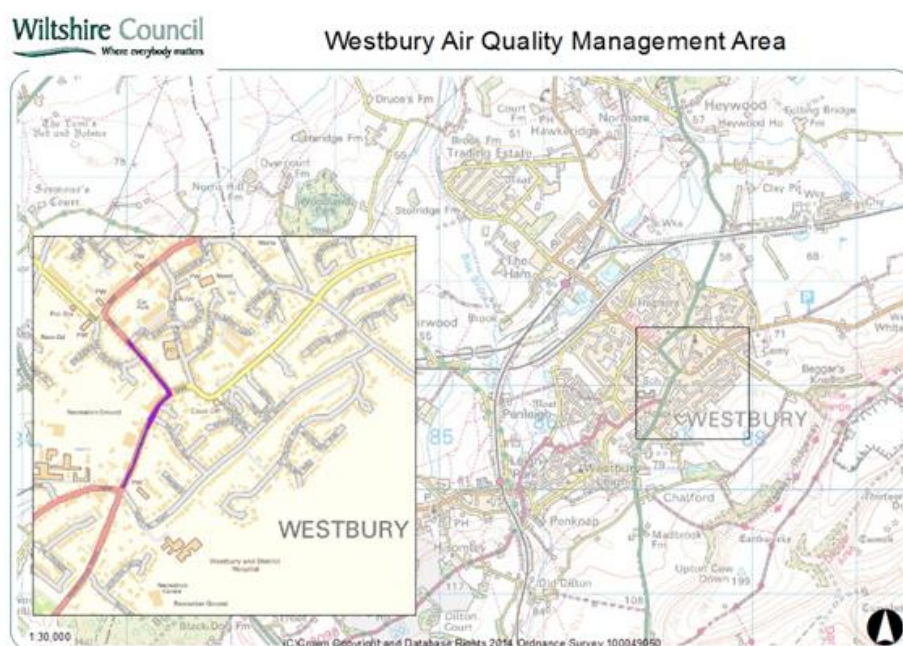
Westbury Air Quality Management Area –

Core Policy 55 relating to air quality requires development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures may include possible traffic management or highway improvements, abatement technology, traffic routing and site management, and where appropriate contributions.

The Air Quality Strategy for Wiltshire 2011-2015 states the following:

Air quality in Wiltshire is predominantly good with the majority of the County having clean unpolluted air. There are however a small number of locations where the combination of traffic, road layout and geography has resulted in exceedences of the annual average for nitrogen dioxide (NO2) and fine particulates (PM10).

These locations include parts of the A350 where it passes through Westbury, as indicated on the following plan:



Notwithstanding the conclusions already set out relating to predicted reductions in overall traffic compared with the development already permitted at the site, the proposal would generate traffic, including additional HGV traffic, and inevitably some of this traffic would pass through the Westbury AQMA.

In response to this situation the Planning Statement accompanying the application makes the following comments:

“It is recognised that traffic levels in Westbury are a sensitive local issue. The proposed building operating alongside the permitted vehicle depot will not increase related vehicles in the Westbury AQMA. As an example, a collection vehicle currently leaves Lower Compton near Calne early in the morning, passes through the Westbury AQMA, collects from households in and around Warminster before taking its full load of recyclables back to Lower Compton, passing through the AQMA in Westbury.

When the Northacre vehicle depot is operational and the waste management building is open, the same vehicle will leave Northacre, pass through the Westbury AQMA, collect from households in and around Warminster before taking its full load of recyclables back to Northacre, passing through the AQMA in Westbury. There is no change to the number of vehicles passing through Westbury associated with household waste collection as a result of this proposal.

As a second example, a vehicle collecting green waste leaves Lower Compton currently, goes to Trowbridge and collects from households there and when it is full it travels back to Lower Compton. When the Northacre vehicle depot is operational and waste management building available, the same vehicle will leave Northacre, travel to Trowbridge north on the A350, collect from households in and around Trowbridge before taking its full load of green waste back to Northacre, without encroaching on the Westbury AQMA.

Materials removed from the site will travel north on the A350, the majority either to the green waste composting operation or to the Materials Recycling Facility. The use of the consented vehicle depot, along with the proposed waste facility this application seeks consent for, will significantly reduce the miles the collection vehicles travel by providing a local bulking point for the household recyclable materials. Evidence of this mileage saving has been arrived at during the planning process for the new round designs in the west of the County, which showed a reduction of 3 HGVs from the original outline planning, which assumed all garden waste and recycle being transported to Lower Compton on the collection vehicles”.

Having regard to this – specifically, how the collection vehicles are proposed to operate – and the proposed Transport Plan to manage HGV routing, it is concluded that there would be a no worse than neutral impact on the Westbury AQMA and that the proposal is acceptable in general in highway terms.

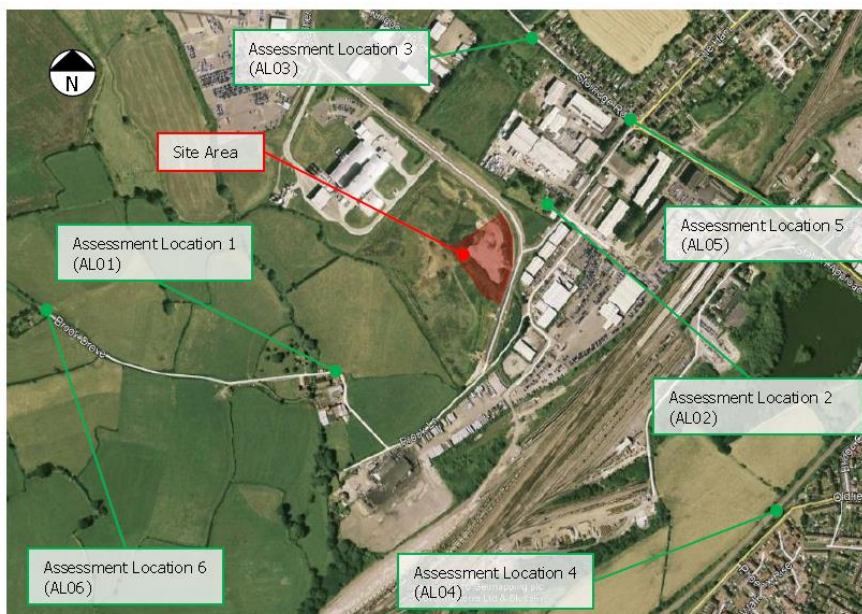
Residential Amenity (including the effects of noise, odours, flies, etc.)

Policy WDC2 ('Managing the Impact of Waste Management') of the Wiltshire & Swindon Waste Development Control Policies DPD states that proposals for waste management development in Wiltshire and Swindon will be permitted where it can be demonstrated that the proposal avoids, adequately mitigates against, or compensates for significant adverse impacts relating to, notably here, amenity and noise emissions. Core Policy 57 of the Wiltshire Core Strategy sets out similar criteria to safeguard residential amenity.

Noise –

The application is accompanied by a ‘Noise Assessment for Planning’ which considers the potential noise impact of the proposed development on the nearest noise-sensitive locations.

A noise survey was carried out between 21 February and 7 March 2018 to quantify the existing baseline noise climate, this including both short term, attended and longer term, unattended monitoring. The monitoring locations are indicated on the following aerial photograph provided as part of the noise assessment:



Noise Assessment Locations

The outcome of the baseline survey is that the noise climate of the area is governed by road traffic noise and industrial activities in the surrounding industrial estate, including HGV movements (with occurrences of accelerating and braking). Low level plant noise is audible from various commercial/industrial premises including the dairy facility, the existing MBT facility and other units in the Brook Lane / Stephenson Road area. Train noise is also apparent, but not dominant. A general uplift in the background sound level begins around 07:00 with more plant noise becoming audible. Each noise monitoring location generated its own particular local sounds.

For the proposed development the Noise Assessment provides predictions of expected noise levels based on the intended manner of operation of the site and established noise data for the vehicles and activities taking place. Noise sources are indicated to be on-site vehicle movements, internal recycling activities and the odour control plant. For each of these the Noise Assessment sets out the modus operandi as follows

“..... the facility would accommodate 24 HGVs, though would include provision for up to 30 HGV parking spaces. The refuse collection vehicles would leave the site around 06:30 in the morning to begin collections from around west Wiltshire. Depending on the route, these vehicles would be expected to return to the WTS facility around mid-morning then leave on another waste collection run, returning to the site between 14:00 and 16:00hrs. The vehicles would then be parked up for the day. From 16:00hrs activities are generally related to bulking up and housekeeping within the WTS building.”

Given the variation in waste collection routes, it is unlikely that all collection vehicles would return to the site at the same time. It is considered more likely that vehicles would return sporadically throughout the operational hours. To that end, it is assumed that approximately 1/3rd of the vehicles would return to the facility during a typical assessment hour i.e. eight vehicles in one hour.

The bulked-up waste would be exported from site by means of bulk haulage vehicles. This would require up to four HGVs per day. The facility would not receive all four bulk HGVs in any one hour therefore a typical assessment would include one bulk HGV in an assessment hour. While the waste is being loaded in to the bulk haulage HGV, no other waste collection vehicles would be operating in the WTS hall.

In addition to the above, a shovel loader would be active within the WTS building, bulking up materials and loading up bulk haulage HGVs. The shovel loader would be active at various times throughout the operational hours. In reality the shovel loader is unlikely to be active for a full hour and is more likely to operate for short periods, totalling approximately 15minutes in the hour, which is equivalent to an on-time of 25%.

Once the vehicles have progressed through the site, to the WTS building, the waste materials are tipped from the vehicles into the appropriate bay before the vehicles move off, exiting the building via the roller shutter doors in the southern façade.

The loudest activity within the WTS building is likely to be the tipping of glass waste on to the floor of the glass bay. This activity is a short duration, high noise level event, typically lasting between 20 and 90 seconds depending on the volume of glass being tipped. At various points throughout the day the glass would be bulked up within the glass bay by the shovel loader as a means of increasing the volume of glass stored in the bays. This activity is effectively house-keeping within the WTS to keep the glass from spilling out of the designated bays. The glass would eventually be transferred to the bulk haulage vehicle for onward transport. Both the bulking up and loading of the bulk hauler generate similar noise levels to the glass tipping events

The main WTS building is to be a steel frame construction with an external cladding. It is recommended that the cladding be an internally lined profiled steel product that provide a minimum of 38dB Rw sound insulation.

The roof would be constructed of a similar single skin cladding product though would include approximately 15% roof lights, which are assumed to be constructed of polycarbonate.

The access doors on the south eastern façade are understood to be standard roller shutter doors which would afford 18dB Rw. On the north western façade, it is recommended that the roller shutter doors be upgraded to provide 30dB Rw. As far as possible the doors would remain closed to minimise the egress of odour and noise.

Activities within the Waste Transfer station would be limited to the hours detailed
above. Activities would generally be expected to be completed by 16:00hrs however during periods of adverse weather or following a bank holiday closure (Christmas day, boxing day and New Year's Day) there may be recourse to operate until 20:00. Activities within the building would not commence before 07:00hrs.

The odour control plant is to be located in a specific plantroom located on the south eastern façade of the WTS building. The building is assumed to be a similar steel frame construction with an external cladding.”

Applying the noise data to these operations, and comparing the outcomes with the baseline survey information, the Noise Assessment concludes that noise from the proposed waste transfer station would not exceed the existing daytime background sound level at any of the identified receptor locations. This is indicative of the proposal's new 'sound source' having a low noise impact. In view of there being no night-time operation (other than the odour control plant, which would be contained in a purpose-built plantroom anyway), the sound source would, again, have a low noise impact during the night.

In terms of the potential cumulative impact with other operations at the Northacre Resource Recovery Centre, the MBT is already operational and so is accounted for in the background survey data. An ATT has already been approved, and applying its predicted noise generation to the data, the Noise Assessment concludes that, broadly speaking (see next paragraph), the cumulative noise generated by all of the operational facilities would fall below the existing background sound level.

The one exception to this would be at the closest receptor location (identified as AL02 – Brookfield and Crosslands) where the cumulative noise level would be +4dB above the existing background level. The Noise Assessment deems this to be acceptable in any event, this in view of an ATT facility already having consent and so changing the future daytime background noise climate, and because the cumulative noise level in absolute terms is not overly high anyway. These assumptions are agreed, particularly as Brookfield and Crosslands are situated within the designated industrial area already and so are affected by HGV movements, etc.. More particularly, the noise level would fall below the level at which the World Health Organisation indicates 'moderate annoyance, would occur in outdoor living spaces'.

Odours and flies –

A number of representations have referred to the potential for stored waste materials to smell and/or attract flies. In response to this the applicant's agent has provided the following comments:

"The proposal doesn't involve residual household waste, the recyclable materials have a lower potential to generate odours and flies than the waste streams at the MBT. The simplest control measure for potential amenity issues of flies and odour is keeping the residency time in the building as short as possible and general good housekeeping; however the intention is also to use an odour control system in the building which will be similar to that installed at the Amesbury MRF / WTS which does accept the full range of wastes including residual household waste. The ATS Jetflo system in Amesbury uses conditioned air directed around the building and a carbon filtration system for "cleaning" the air. Amesbury is located with a number of close neighbours including a Tesco superstore and as far as I am aware is not generating any substantive complaints about amenity issues.

The operation will be covered by an Environmental Permit. Additionally the EA will require an Environmental Management Plan to be in place which would include the measures to be taken in the event that an issue did arise, such as removal of any particularly odorous material or something generating unusual levels of flies was put in the recyclables collected from householders".

Control of odours and flies is principally a matter for good site management, and it cannot be assumed that there would not be good management in this case. But in any event this site is not intended to routinely handle the usual types of waste which might normally be expected to generate these problems, and odour control equipment would be provided anyway. National Planning Policy states that 'When determining waste planning applications,

waste planning authorities should: ...concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced'. The Environment Agency has advised that when issuing an Environmental Permit for this site it will require the operator to take all appropriate measures to prevent or minimise the emission of offensive odours, flies and vermin. It follows that concerns in relation to potential odours and flies would not amount to a sustainable reason for refusing planning permission. For similar reasons the risks of fires at the site cannot amount to a planning reason for refusal. Noise levels from operation of the odour control equipment can be a matter for conditions.

Landscape / Visual Impact

In view of the site's location within an established industrial estate where other bigger factory-type buildings already exist, and in view of the planned margins between the proposed buildings and the edges of the site to accommodate landscaping, it is not considered that there would be any adverse impacts on visual amenity or the more distant natural landscape. Within their context the proposed buildings are not disproportionately large (the maximum height of the Waste Transfer Station building – the largest building - would be 10.6m) which is significantly lower than the MBT and the nearby dairy factory.

Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon local planning authorities in determining applications for development affecting listed buildings to have special regard to the desirability of preserving the special interest and setting of the listed building.

Core Policy 58 (ensuring the conservation of the historic environment) of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance the historic environment.

Paragraph 132 of the NPPF states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and the more important the asset, the greater the weight should be. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that, in particular, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 135 continues that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgment made.

To the west of the site is Brook Farm where Brook Farm House is a grade II listed building. In view of the separation between Brook Farm House and the site, the lack of inter-visibility with the site (not least in view of the intervening MBT), and the intimate setting of the farm house in any event, it is considered that the impact of the proposed development on this asset would be neutral.

Beyond Brook Farm is a sizeable Scheduled Monument titled “Medieval settlement and associated field systems west of Brook Farm”. As with Brook Farm, the separation and lack of visibility from the application site ensure a neutral impact only. Other important heritage assets further afield, such as the Westbury White Horse and the Westbury Conservation Area, would not be affected by the proposal.

Drainage

The application site lies within Flood Zone 1 and so has a low probability (less than 1 in 1,000 annual probability) of river [or sea] flooding.

The Northacre Industrial Estate was designed with a surface water drainage system to cope with all developments within it, and the proposal would connect to this. The operations on the site would have their own contained drainage as well, and would conform to standard requirements in terms of interceptors and flow discharge rates. It follows that there are no surface water drainage issues arising.

Foul water would discharge to mains, and there is no objection to this from Wessex Water. This is subject to no surface water connections to the foul system.

Conclusion

In view of the application site lying within an industrial estate which is designated as a Strategic Scale Waste Site in the Wiltshire & Swindon Waste Site Allocations Local Plan, there can be no objection to the principle of a ‘local’ waste transfer station here. Indeed, it is logical to contain such a facility on a site adjacent to another now established waste processing facility – namely the Mechanical Biological Treatment operation. Wiltshire Council’s wider strategic decision to not provide a Household Recycling Centre on the site does not amount to a reason for refusing planning permission.

In terms of the detail, it has been demonstrated through this application that there would be no adverse impacts on matters of acknowledged importance – notably, the capacity of the highway network, the amenities of neighbours and the wider Westbury community, the wider landscape, heritage assets and drainage.

The recommendation is to, therefore, grant planning permission subject to conditions.

RECOMMENDATION

To grant planning permission subject to the following conditions -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 18616-500-02 (red edged site plan) dated 03/2018
 - site-extent_1734-planning.dwg dated 20/04/2018
 - site-planning_1734-planning.dwg dated 08/04/2018
 - WMB_1734-planning.dwg dated 09/04/2018
 - OWB_1734-planning.dwg dated 09/04/2018

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent

to the local planning authority within 7 days of such commencement.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 The Waste Management Building element of the development hereby approved shall be used for the unloading, storage and re-loading of recyclable waste materials (mainly paper, cans, plastics, cardboard, green waste and glass) and for the storage of material from the MBT facility only, and it shall not be used for the unloading, storage and re-loading of any other form of waste.

Un-loading, storage and re-loading of the above permitted waste shall take place inside the Waste Management Building only, and shall not take place at, on or over any other parts of the application site.

REASON: To comply with the terms of the planning application and its justification, and to ensure the amenities of the wider environment are safeguarded.

- 4 The total tonnage of waste material imported to the Waste Management Building shall not exceed 25,000 tonnes in any twelve month period.

REASON: To ensure that the development substantially accords with the terms of the Transport Statement and Noise Assessment which accompany the planning application, and there conclusions that this scale of operation would not cause harm to highway safety and/or amenity.

- 5 A record of the quantity (in tonnes) of waste materials delivered to the Waste Management Building and all the waste and waste-derived products despatched from the site shall be maintained by the operator of the site and made available to the local planning authority upon request. All records shall be kept for at least 36 months.

REASON: In order that the local planning authority can monitor the approved development.

- 6 The operational hours of the Waste Management Building shall be limited to the following:

Monday to Friday: 07:00 to 20:00

Saturday: 07:00 to 13:00 (extending to 20:00 after bank holidays)

Saturdays (waste from HRCs only): 13:00 to 20:00

Sundays (waste from HRCs only): 07:00 to 18:00

Bank Holidays: 07:00 to 20:00

The shall be no operation of the Waste Management Building on Christmas Day, Boxing Day or New Years Day.

REASON: To safeguard the amenities of the wider area.

- 7 Prior to first operation of the Waste Management Building a Transport Plan for the routing of HGVs to and from the site (broadly in line with the 'Existing Travel Plan' at Appendix 2 to the Transport Statement accompanying the planning application) shall be submitted to the submitted to the local planning authority for approval in writing. The Transport Plan shall include details of implementation and monitoring and shall be implemented in accordance with the approval thereafter. The results of the implementation and monitoring shall be made available to the local planning authority on request, together with any changes to the Plan arising from these results.

REASON: To manage the routing of HGV traffic in the interests of protecting the amenities of the wider area.

- 8 The Waste Management Building shall not first operate until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting
- sizes and planting densities; finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before the development becomes operational in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 9 All soft and hard landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following approval of the landscaping scheme; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 10 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces serving that part have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 12 There shall be no surface water discharge connection to the foul water network.

REASON: To safeguard the integrity of the foul water network and prevent flooding.

13 No development hereby approved shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Construction deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routes.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

14 No part of the development shall be brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

The Travel Plan shall include provision for car sharing and for ultra low energy vehicle infrastructure (electric vehicle charging points).

REASON: In the interests of air quality and reducing vehicular traffic to the development.

15 Within 3 months of the waste management building hereby approved becoming first operational (including operation of the odour control plant) a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set out in the 'Noise Assessment for Planning' by iON Acoustics Ltd dated 09/04/2018. The outcomes of the noise assessment shall be provided in writing to the local planning authority for agreement in writing no later than 1 month after the initial 3 month period. In the event that the noise assessment finds that the noise predictions have been exceeded then details of additional mitigation measures shall be provided as part of the noise assessment together with a timeframe for installation. The additional mitigation shall then be installed in accordance with the agreed noise assessment and retained and maintained thereafter.

REASON: To protect local amenity from the adverse effects of noise.

- 16 Prior to the waste management building hereby approved becoming first operational an odour management plan (for the management of odours, should they arise) and a pest management plan (for the management of flies, vermin, etc., should they arise) shall be submitted to the local planning authority for approval in writing. Thereafter, the approved plans shall be implemented as approved, if/as necessary.

REASON: To safeguard amenity.

- 17 INFORMATIVE: This activity will require a Permit under the Environmental Permitting Regulations 2010 (as amended) to operate. Should the applicant wish to apply for a permit they are advised to visit our website at <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit> to help decide what sort of permit is required. Any successfully determined environmental permit application will not consider the following, which are all considered as part of the planning permission –

- Alternative locations and sizes for this proposed facility
- Operational hours
- The transport of waste to and from the site or vehicles
- Traffic, access and road safety issues
- Visual impacts
- Construction materials used in building



The Transport Assessment which formed part of the Environmental Statement of the planning application for the Northacre MBT and HRC included reference to a Transport Plan being put in place which would address HGV routing when the site was operational. This has been carried through into condition 12 of the planning permission which says :

No operations shall commence on site until the applicant has submitted to the Waste Planning Authority and received written approval of a Transport Plan for the routeing of HGV's to and from the site. The plan shall provide for a sign to be erected and thereafter maintained at the site exit advising drivers of vehicle routes agreed with the Waste Planning Authority and identify the arrangements for:

*monitoring of the approved arrangements;
 ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements; and
 the disciplinary steps that will be exercised in the event of default.*

The approved plan shall be implemented throughout the life of the site.

The purpose of this Transport Plan is therefore to show the HGV routing that will be adopted and promoted for all traffic associated with the MBT and HRC as well as provide the monitoring arrangements for ensuring that the routing is being adopted by drivers using the site, having first been fully advised them of the routing arrangements.

The Transport Assessment (TA) identified all traffic which will be associated with the combined operations of the HRC and the MBT. This Transport Plan is concerned only with the HGV element of the proposals.

The planning application included provision for parking of Refuse Collection Vehicles (RCVs) which are used to collect black bag waste from households and Kerbsiders which collect recyclable materials from households. Although the initial development of the site will not include overnight parking of these vehicles, the Transport Plan covers routing and monitoring for them.



Westbury has been the centre of protracted discussions regarding a by-pass of the A350 for the town centre. The impact of the by-pass when constructed hasn't been included in this Transport Plan. It can be updated at that time if necessary.

A further consideration of the implementation of a transport plan, as noted in the planning condition, is that it is not possible for the operators of the MBT and HRC to control all HGV's associated with the facilities. At present waste collection in the west of Wiltshire is carried out by a third party, contracted to the Council. Hills will naturally seek the co-operation of the waste collection contract holder in routing of vehicles and provide a copy of this transport plan to the contract manager at Wiltshire Council for them to be able to play a role in enforcing it.

Vehicles which will fall within Transport Plan

Function	Estimated number of vehicles	Estimated number of daily trips	Under direct operator control
RCVs	12	20	No
Kerbsiders	5	5	Yes
Removal of SRF	2	6	Variable
Removal of Metals	1	1	No
Removal of inert waste/undersized organic material	3	3	Yes
Removal of materials from HRC	2	3	Yes



The construction period for the MBT and HRC is considered to be relatively short, however vehicles associated with this will be directed to avoid The Ham and Storridge Road area and to utilise the A350, Link Road, Westbury Trading Estate, Stephenson Road approach to the site. This will be implemented and monitored through the main contractor for the build.

Identification of the HGV Routing

HGVs removing the products of the MBT facility and the wastes and recyclables collected at the HRC will access the site from the north (A350) using the Link Road through West Wiltshire Trading Estate and Stephenson Road through the Northacre Industrial Estate. This is the most direct route considering their point of origin and will also be the return route that is used for the same reason.

The routes used by RCVs and Kerbsiders are considerably more complex as the areas which they cover will include all houses in and around Westbury as well as those across West Wiltshire. Consideration of the routes used is given in the TA. It has been assumed under current collection practices that on Mondays to Wednesdays, RCVs and Kerbsiders will travel north via the West Wiltshire Trading Estate. On Thursdays and Fridays all vehicles will travel east via Storridge Road/Station Road and Westbury.

The RCVs and Kerbsiders working in the local area will on occasion use The Ham and Storridge Road but this is necessary for them to efficiently carry out their role in household waste collection and is the current situation although the vehicles now have to travel to Calne in North Wiltshire each time they are full, before they can continue their local rounds.

Advising on HGV routing

Access from Hawkeridge Road onto the Link Road through the West Wiltshire Trading Estate is an established HGV route, with extensive signing off the A350 directing traffic towards Westbury's Industrial Estates. Signing on the approach to the Northacre site is considered of most significance, as once



drivers have arrived along the correct routing, they are most likely to return using the same route. Northacre is signed through the West Wilts Trading Estate.

Two principle methods will be used to advise all HGV drivers, not just those in Hills direct control, of the roads which should be used for both access and exit route.

On first contact with the site, either as an employee or through an external contractor, eg the company who remove metals for recycling, the routing arrangements will be provided in the form of a map (see below) and advised that this is a requirement of using the site, for the purpose of avoiding HGV traffic on routes which are otherwise largely residential. Provision of this information can be achieved at all levels of contact, from completion of new contracts, to the information being available at the weighbridge to be handed to drivers who may otherwise not have been aware.

The second information point for drivers will be the use of a sign on the exit of the MBT facility advising that a routing arrangement is in place and must be adhered to by HGVs unless their collection round dictates otherwise. Drivers will be advised to ask if they are unsure of the route to follow.

Monitoring of the effectiveness of the HGV Routing

Weighbridge personnel will enquire from vehicle drivers on a as to the roads they have used to access the site. If it appears that more than an incidental number of HGVs have deviated from the agreed routing, then the companies drivers and the contacts within external companies using the site will be re issued with the routing information along with a warning that it must be adhered to. The frequency of monitoring will initially be set at quarterly, but will be reduced to bi-annually after eighteen months, when all drivers are fully conversant with the routes.

Monitoring by Hills staff involve asking each HGV on a specific day what route they had taken and recording those associated with the MBT or HRC not



using appropriate routes. These can be reported to the Transport Manager who will take responsibility for identifying any individuals which need to be spoken to. Records of the monitoring outcomes will be retained at head office for three years.

A further form of monitoring may be exercised by the residents of The Ham and Storridge Road who can report vehicle registrations direct to the MBT facility staff. It is feasible that many of the vehicles they report are on the local roads as they are picking up refuse or recycling, but Hills will record and investigate any vehicle registrations received. Where requested they can also advise the local resident who reported the vehicle, the outcome of their investigation. The contact which has been made through the existing residents group of this area will be used to inform residents of the Ham and Storridge Roads of this Transport Plan prior to the facility being opened.

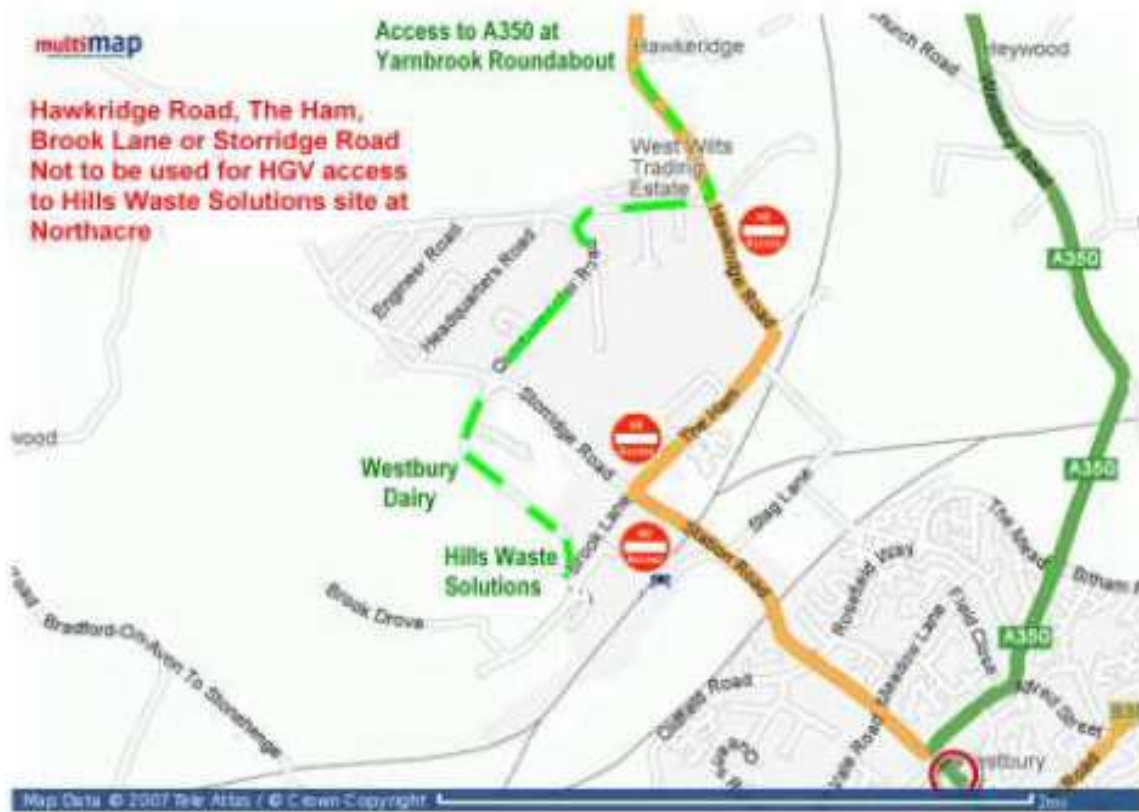
Action in the event of routing not being used.

Any driver employed directly by Hills who is identified as not having used the correct routing for the journey they were undertaking will be given in the first instance a verbal warning by the Transport Manager and a record will be made. Any subsequent identified breach within a twelve month period will be followed by a written warning and any breaches thereafter will be dealt with by the level of disciplinary action sanctioned by the Company HR procedures.

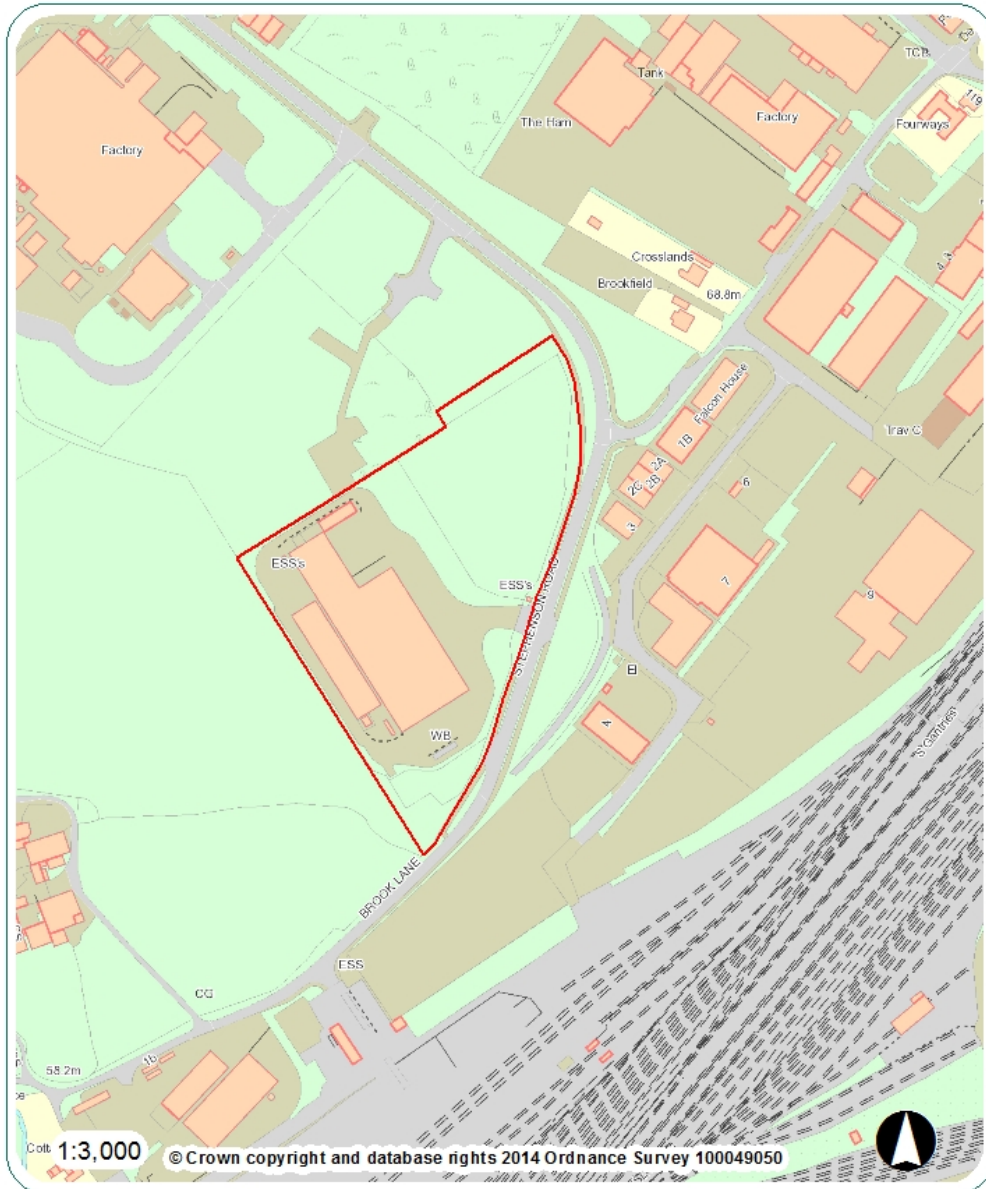
HGVs which are driven by those who are not employees of Hills will be informally reminded of correct routings and requesting that they use them. A further identified breach within 12 months will be given a written reminder of the routings and advised that further action will be taken should the issue arise again. If a third breach is detected, the Transport Manger will make formal complaint to the driver's employer and request notification of the disciplinary action taken.







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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	18 July 2018
Application Number	18/03816/WCM
Site Address	Northacre Renewable Energy, Stephenson Road, Northacre Industrial Estate, Westbury, Wiltshire, BA13 4WD
Proposal	Revision of the layout and design of Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM
Applicant	Northacre Renewable Energy Ltd
Town/Parish Council	WESTBURY
Electoral Division	WESTBURY WEST – Cllr Russell Hawker
Grid Ref	385757 151868
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

The application is before the Committee because it involves matters of strategic importance and because the application has generated significant public interest.

Additionally, the Local Division Member has ‘called-in’ the application for the following stated reasons:

Very seriously contentious with large numbers of objectors. This needs to go to committee whether the recommendation is for approval or refusal. I am objecting.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the Development Plan and other material considerations, and to consider the recommendation to grant planning permission subject to conditions.

2. Report Summary

This is a full planning application to construct an Advanced Thermal Treatment Facility (ATT) – to generate electricity and heat from 41,500 tonnes of solid recovered fuel (SRF) and 118,500 tonnes of mixed commercial and industrial waste.

The application is effectively a revision to planning permission 14/12003/WCM, which was also for an ATT Facility. That permission was granted on 23 September 2015. It has not been implemented, but remains extant. The primary changes in the current application are:

- Increased height of buildings incorporating more efficient boiler system and to achieve safe access around the boiler;
- Increased stack heights to comply with emerging Environment Agency guidance on Best Available Technique;
- Enclosure of the thermal plant to assist in year round operations and maintenance;
- Separation of the waste reception building and the thermal plant to comply with revised standards for fire control;
- Reduction in the number of turbines and the bank of air cooled condensers due to improved efficiencies in the process.

The proposal is 'EIA development' and so the application is accompanied by an Environmental Statement. All necessary information has been provided in the Environmental Statement which has allowed environmental effects to be fully and properly assessed. The 'Non-Technical Summary of the Environmental Statement' (April 2018) is attached at Annex 1 to this report.

The application site lies within the Westbury Civil Parish, with Dilton Marsh CP approximately 300m to the west.

Westbury Town Council objects to the application; Adjoining Dilton Marsh Parish Council objects to the application. Nearby local councils, Bratton PC and Frome TC, object; Heywood PC raises no objection.

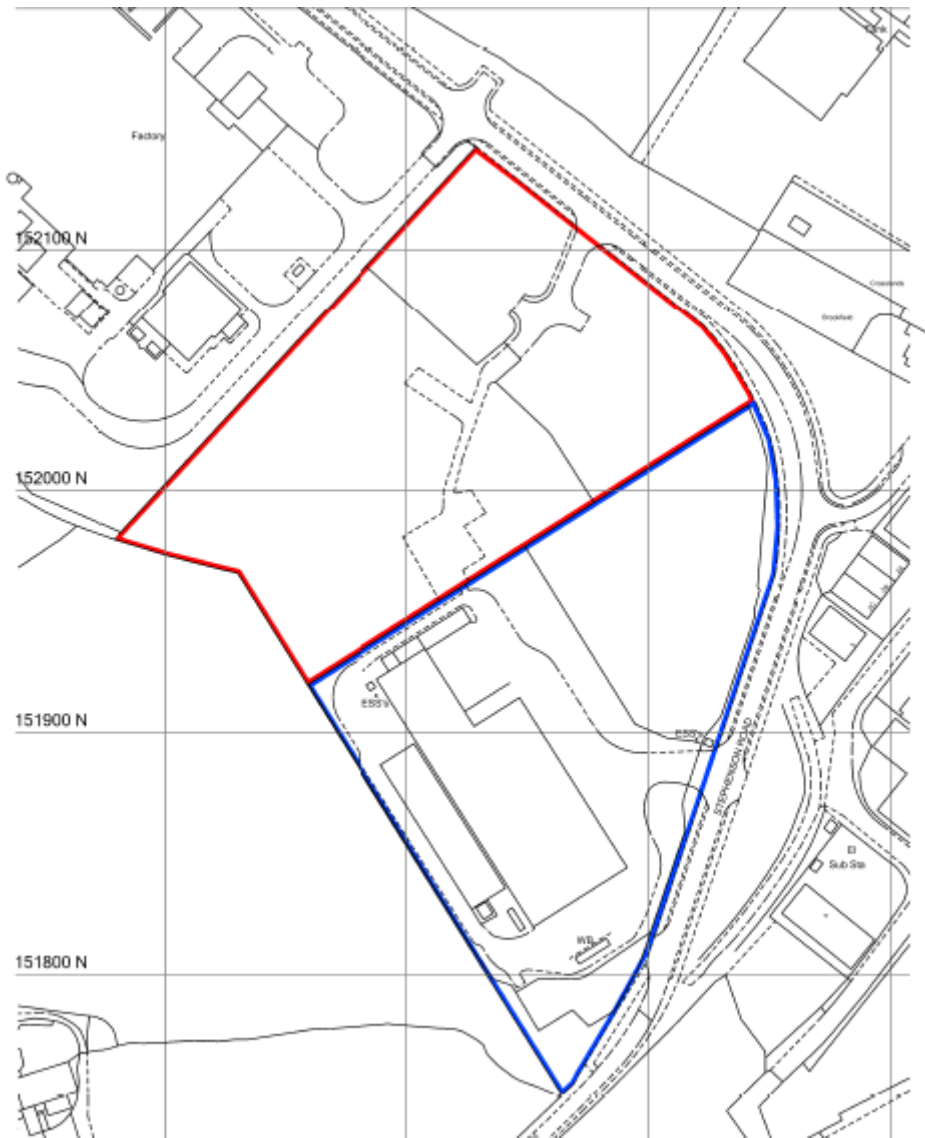
The application has generated representations from 361 interested parties. Of these 358 are objections and 2 are supports (with 1 comments only).

The application is recommended for approval.

3. Site Description

The application site is located on the north-west side of Westbury 'Market Town', within the Northacre Industrial Estate (named variously as Northacre Industrial Estate, Northacre Trading Estate, Northacre Industrial Park, etc.) which itself is part of a larger industrial area including the West Wilts Trading Estate (to the north) and the Brook Lane Trading Estate (to the south-east). Beyond the Brook Lane Trading Estate is the mainline railway. For planning purposes these areas are designated as a Principal Employment Area and/or an Employment Allocation, and the Northacre Industrial Estate is also an allocated Strategic Scale Waste Site.

The application site itself forms part of a larger land parcel within the control of the applicant. Within this parcel, and to the immediate south of the application site, is the Northacre Resource Recovery Centre (RRC), currently supporting a 'mechanical biological treatment' (MBT) facility and an un-developed 'plot'. The un-developed plot has planning permission for a vehicle depot and household recycling centre (HRC) as part of the RRC; the HRC is no longer required, and instead a 'waste transfer station' (WTS), enlarged depot and Welfare, Office and Workshop building is proposed (standalone application no. 18/03366/WCM). The land proposed for development in this planning application (18/03816/WCM) is presently open/un-developed.



Red-edged Site Plan

The site has frontage to the south-west side of Stephenson Road which is a principal traffic route within the Northacre Industrial Estate.

To the immediate north of the application site is a large milk processing factory (Arla Dairies). To the south and east of the site and the applicant's wider holding, and on the opposite side of Stephenson Road, are various other industrial/business units and uses and a sewage works, and a few remaining vacant plots awaiting new industrial/business uses, and two residential properties – Brookfield and Crosslands, fronting Brook Lane. To the west is open land, in part within the defined Principal Employment Area, Employment Allocation and waste site allocation. Beyond this open land, c. 300m from the site, are two further residential properties – Brook Farm and Orchard House.

As set out above, for planning purposes the site and its close surroundings are designated as a Principal Employment Area and/or an Employment Allocation in the Wiltshire Core Strategy 2015. In addition the Northacre Industrial Estate is an allocated Strategic Scale Waste Site in the Wiltshire & Swindon Waste Site Allocations Local Plan 2013. To the west of the site – beyond Brook Farm and Orchard House – is open countryside and a Scheduled Monument (“medieval settlement and associated field systems”).

4. Relevant Planning History

14/12003/WCM – *Advanced thermal treatment facility* – approved 23/09/15

This planning permission has not been built out but remains extant.



14/12003/WCM – Approved General Layout Plan for ATT Facility

W/07/09004/WCM – *Resource recovery facility including mechanical biological treatment, a household recycling centre, vehicle parking and all necessary ancillary development* – approved 31/03/09

This permission relates to the land within the applicant's holding to the south of the application site.

The mechanical biological treatment (MBT) element of the planning permission - subsequently amended by permission no. W/12/00656/WCM - commenced operation in 2013. An HGV depot forming part of the approved ancillary development is intended to come into use later in 2018 when the collection of recyclable materials from houses in Wiltshire changes from a kerbside separation system to a mixed system in association with the applicant (Hills Waste Solutions) taking on the contract for collection of all household waste and recyclables.

The MBT plant was originally permitted to process 60,000 tonnes pa of Wiltshire's household waste, used to create solid recovered fuel for use in renewable energy plants. In 2016 permission was given to increase the material processed to 90,000 tonnes pa (16/08074/WCM). The household waste is brought directly to the plant in refuse collection vehicles, with some material from further afield imported in bulk from a waste transfer

station. Presently the solid recovered fuel is exported by road to end users in Germany and Holland; residue is transported to landfill. The planning application now being considered (18/03816/WCM) would use the solid recovered fuel in the advanced thermal treatment (ATT) process instead.

5. Proposal

The proposal is to construct an 'advanced thermal treatment' (ATT) facility – this an alternative design to the ATT previously approved under planning permission no. 14/12003/WCM.

The reason for an alternative design is explained in the Planning Statement accompanying the application as follows:

“... Since planning permission was granted Northacre Renewable Energy have been working with providers of the ATT technology as well as investors, partners, engineering procurement and construction contractors and working to obtain a government subsidy for renewable energy 'Contract for Difference' which was awarded in September 2017.

The work that had been done with the engineering and procurement contractor looks in detail at construction aspects of project in the scale of the Northacre facility. This is an important pre-development step for any sizeable construction proposal that frequently results in changes and amendments being needed to the build design. The Northacre ATT facility will also be regulated by the Environment Agency before it is operational and the requirements the EA impose have been kept under review as the regulators view on what is Best Available Technique (BAT) can evolve in the period between planning and operations commencing.”

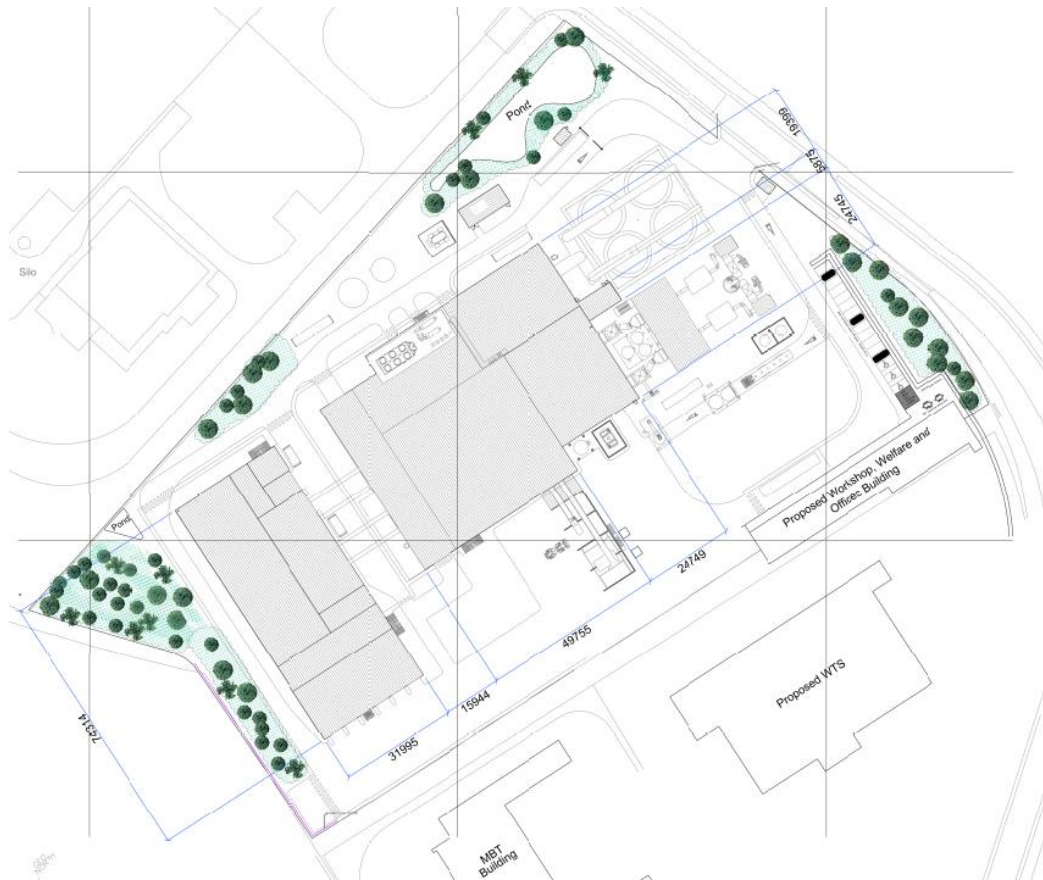
The primary changes in the revised design are summarised as follows:

- Increased height of buildings incorporating more efficient boiler system and to achieve safe access around the boiler;
- Increased stack heights to comply with emerging Environment Agency guidance on Best Available Technique;
- Enclosure of the thermal plant to assist in year round operations and maintenance;
- Separation of the waste reception building and the thermal plant to comply with revised standards for fire control;
- Reduction in the number of turbines and the bank of air cooled condensers due to improved efficiencies in the process.

Two main buildings are proposed – a waste reception/feedstock preparation building and the ATT facility building; in addition there are other smaller buildings containing plant and free-standing plant (including odour treatment plant/stack, air cooled condensers, electricity sub-station, weighbridge & office, air pollution control equipment (flue gas treatment), fire protection equipment).

The waste reception/feedstock preparation building would measure approximately 32m by 74m by 30m high (max). The ATT facility building would have maximum dimensions of approximately 75m by 50m by 38m high (max); a stack on this building would be 40m high. Other plant buildings and plant structures would be smaller than the two main buildings, this with the exception of a main stack measuring 75m in height. The buildings/plant would be typically industrial in appearance, clad in grey or blue steel sheeting, similar to that used on

the existing MBT building. The ATT facility building previously approved under reference 14/12003/WCM has maximum height of 22m, and a main stack of 60m.



Proposed General Layout Plan

In addition to the buildings and plant, the proposal includes internal roads, hard-standings for manoeuvring vehicles and a car park for 13 vehicles. There would be direct connectivity with the workshop, welfare and offices building proposed as part of separate planning application no. 18/03366/WCM. Some landscaping is proposed at the edges of the site, incorporating balancing ponds for drainage, and a 2.5m high weldmesh fence would be erected around the site's perimeter (and a c. 3.5m high acoustic fence/barrier adjacent to Stephenson Road).

Access to the site from Stephenson Road would be in the position of the existing access. Stephenson Road links via the B3097 to the A350, which is a strategic lorry route.

Operation

The Environmental Statement accompanying the application sets out a brief summary of how the ATT will operate, as follows:

“The proposed development uses advanced thermal treatment technology (gasification) to generate electricity and heat from 41,500 tonnes of solid recovered fuel (SRF) and 118,500 tonnes of mixed commercial and industrial waste that would otherwise be exported to mainland Europe as SRF or landfilled in Wiltshire respectively. Some 25.5 MW electricity / year will be generated, of which approximately 4 MW will be used on the site itself and 2

MW used by the adjacent Northacre RRC, with the remaining 19.5 MW exported to local users via private wire connection or to the national grid.

Gasification is the thermal decomposition of material in an atmosphere, which does not contain enough oxygen to allow full combustion. It is a well-established process dating from the early 1800s, when it was first used to produce town gas from coal. The process results in the production of a combustible gas, 'syngas', which typically contains a mix of predominantly carbon monoxide, hydrogen, and some methane.

The basic stages of the technology are as follows:

- Gasification of the feedstock (waste) to produce syngas
- Combustion of the syngas
- Utilisation of the heat generated through a waste heat boiler in order to generate steam
- Use of this steam in a steam turbine to generate electricity
- Control of emissions.

The development of Northacre Renewable Energy will:

- Be part of a local circular economy, turning waste into a fuel to generate renewable energy
- Generate local energy to power local businesses
- Deal with local waste, primarily from Wiltshire
- Create local employment
- Promote a sustainable Wiltshire and Wiltshire's aspiration for a green economy".

Material for processing at the ATT facility would be brought on to the site by HGVs from various locations in the Wiltshire area as well as by conveyor from the Northacre RRC. HGVs would unload within the waste reception/feedstock preparation building, only when the roller shutter doors are closed. HGVs removing recovered materials would operate in a similar way. Other HGVs delivering materials for use in the processing (e.g. chemicals and fuel) would un-load in the relevant areas of the site.

The facilities would operate 24 hours/day, seven days/week. HGV deliveries would take place between the hours of 07:00 – 22:00 Monday to Friday and 07:00 – 17:00 Saturdays over the equivalent of 304 days/year (six days/week including Bank Holidays). Electricity would be produced all of the time.

Environmental Permitting

The proposal requires an Environmental Permit (EP), issued by the Environment Agency, before it can operate. The EP regime seeks to ensure that regulated facilities do not cause harm to the environment or human health; it is the Environment Agency's responsibility to ensure this. On EP the Environmental Statement says the following:

"The syngas produced will be combusted and the exhaust gases held at a temperature of >850oC for >2 seconds in accordance with the requirements of the Industrial Emissions Directive. Exhaust gases are drawn through an Air Pollution Control (APC) system aided by an induced draft fan and are then discharged to atmosphere via a stack. The APC system includes a number of different types of treatment systems, which are designed according to the characteristics of the waste feedstock.

Operators have to manage and operate activities in accordance with a written environmental management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.

The Agency requires that all applications for Environmental Permits for new installations regulated under the Environmental Permitting (England and Wales) Regulations 2016 demonstrate the use of Best Available Techniques (BAT) for a number of criteria, including emissions and energy efficiency; one of the principal ways that energy efficiency can be improved is through the use of combined heat and power (CHP).

Environmental Permits have a series of conditions attached addressing specific outcomes e.g. emissions and monitoring requirements, maintenance of records, requirements for staff competence etc., which must be complied with. The Agency conducts regular inspection visits to ensure that facilities are operating in accordance with the permit conditions”.

Relationship of proposal to Northacre Resource Recovery Centre

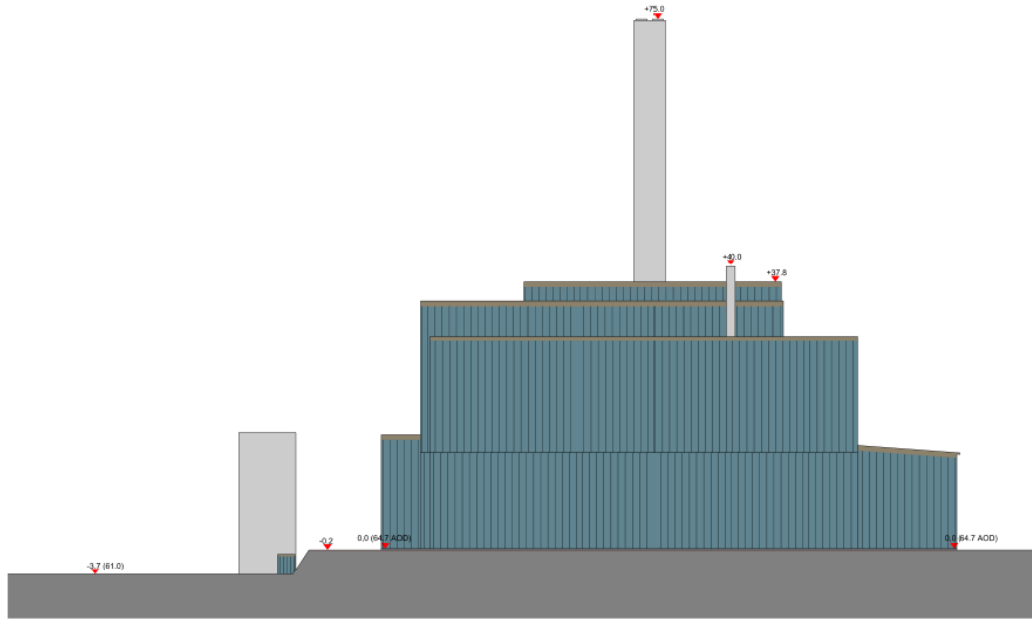
The proximity of the site to the existing Mechanical Biological Treatment (MBT) facility on the adjacent land is no coincidence, and is a material consideration in the determination of this planning application. The background to the MBT and the relevance of it to the current application is explained in the Environmental Statement in the following terms:

“Hills Waste Solutions Ltd operates a mechanical biological treatment (MBT) plant in Westbury at its Northacre Recycling and Recovery Centre (‘Northacre RRC’) adjacent to the proposed development. The plant is founded on a 25-year contract with Wiltshire Council to manage and treat a minimum of 60,000 tonnes of municipal waste per annum. Northacre RRC converts the waste into an SRF product that was originally destined for a local cement production facility operated by Lafarge. The closure of Lafarge’s facility in 2008 led to a lengthy delay in signing the contract with Wiltshire Council whilst an alternate route for the SRF was found.

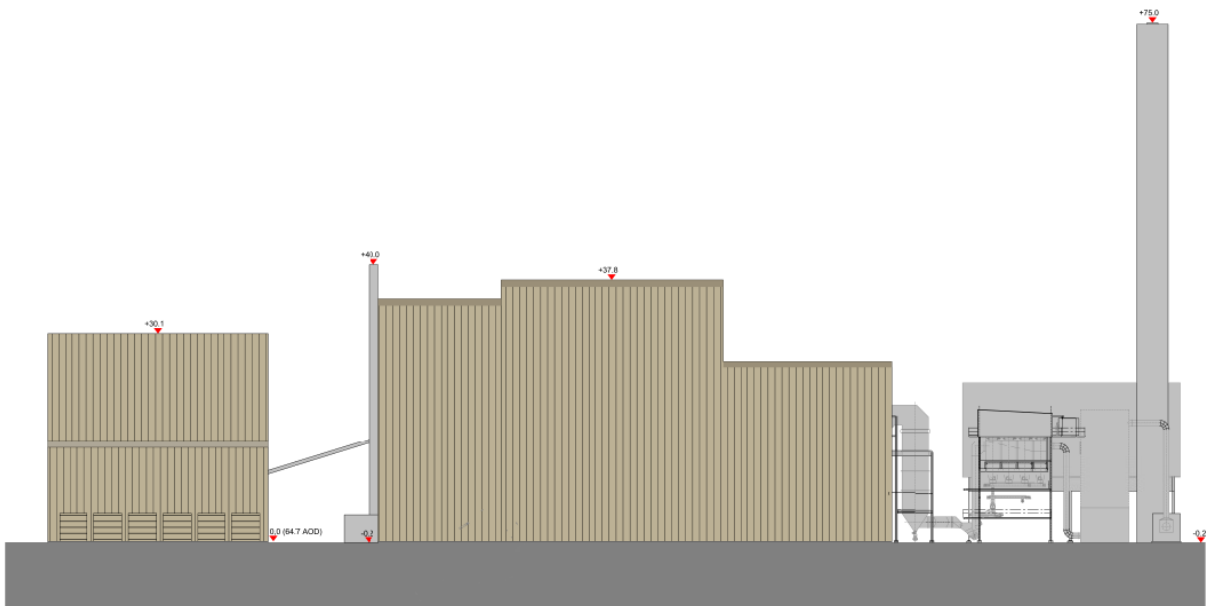
Towards the end of 2010, Hills negotiated a deal to export the fuel to Europe for the first five years of Northacre RRC’s operation / output. This deal, in turn, enabled Hills to complete signing of the long-term contract with Wiltshire Council in April 2011. As part of the agreement with the Council, Hills is further required to put in place a UK end user for the SRF fuel prior to the end of the export contract.

Rather than relying on third parties to use the SRF from 2018 onwards, Hills purchased the land between Northacre RRC and Arla Foods Westbury Dairies with the intention of developing and operating its own energy recovery facility in order to fulfil the regional need. The site had a number of advantages, paramount of which was its proximity to Northacre RRC, meaning that vehicle movements associated with transport of the SRF would be eliminated”.

The application/ES are accompanied by a Planning Statement, Air Quality Assessment, Noise Assessment, Transport Assessment, Ecological Appraisal, Landscape & Visual Impact Assessment, Heritage Assessment and Accident Risk Assessment.



Elevation Drawing



Elevation Drawing

6. Planning Policy and Guidance

Wiltshire & Swindon Waste Core Strategy 2009

- WCS1 – The Need for Additional Waste Management Capacity & Self Sufficiency
- WCS2 – Future Waste Site Locations
- WCS3 – Preferred Locations of Waste Management Facilities by type and the Provision of Flexibility
- WCS4 – Safeguarding Waste Management Sites

- WCS5 – The Wiltshire & Swindon Waste Hierarchy and Sustainable Waste Management

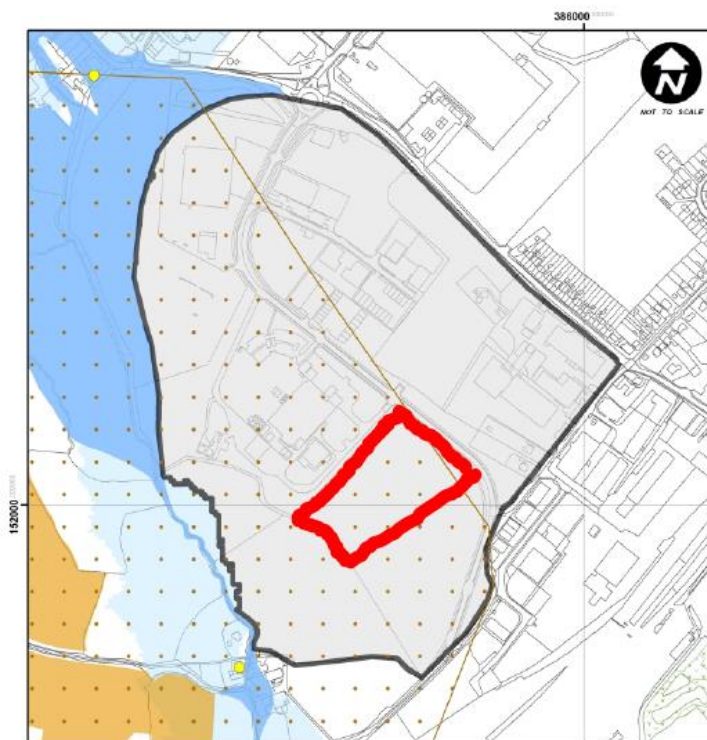
Wiltshire & Swindon Waste Development Control Policies DPD 2009

- WDC1 – Key criteria for ensuring sustainable waste management development
- WDC2 – Managing the impact of waste management
- WDC3 – Water environment
- WDC7 – Conserving landscape character
- WDC8 – Biodiversity and geological interest
- WDC9 – Cultural heritage
- WDC11 – Sustainable transportation of waste

Waste Site Allocations Local Plan 2013

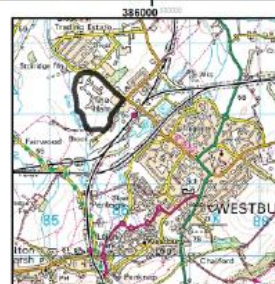
- WSA1 – Presumption in Favour of Sustainable Development
- Inset Map W3 – Northacre Trading Estate, Westbury

“Potential Uses – Materials Recovery Facility/Waste Transfer Station, Local Recycling and Waste Treatment”



Inset map W3

Northacre Trading Estate,
Westbury



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Wiltshire Core Strategy

Core Policy 32 – Spatial Strategy for the Westbury Community Area
Core Policy 50 – Biodiversity and Geodiversity
Core Policy 51 – Landscape
Core Policy 55 – Air Quality
Core Policy 57 – Ensuring High Quality Design & Place Shaping
Core Policy 58 – Ensuring the Conservation of the Historic Environment
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 62 – Development Impacts on the Transport Network
Core Policy 65 – Movement of Goods

National Planning Policy/Guidance

National Planning Policy Framework
National Planning Policy for Waste

7. Consultations

Westbury Town Council: Objection.

- *The height of the Chimney is obtrusive.*
- *These plans contradict the Government's Environmental aims [e.g. Air quality plan for nitrogen dioxide (NO₂) in UK (2017) which increased traffic will make the air quality worse in an area already suffering from poor air quality: and the 25 year environment plan (DEFRA Feb 2018) which sets out to eliminate all avoidable plastic waste by 2042 - using it for fuel works against this aim]*
- *Public health risk – there has been no public health assessment undertaken and Wiltshire Council should consider local residents when considering this application.*
- *Emissions from the site – not all particulates will be collected during the process. We are concerned about the proximity to residential areas and our town. Emissions may conform to current standards but standards regularly change to be more restrictive e.g. there are none for particles PM 1 which will not be filtered. The principle of precaution applies to a site which is close to town centre and whose emissions will regularly cover parts of local residential areas.*
- *There has been no production of a plume grounding diagram, which we were promised and have still not received.*
- *Concerns regarding the practicality versus the reality of the production process from the input streams - testing and modelling is based on proper operation. Evidence suggests (e.g. fires caused by extraneous waste) that recycling processes when carried out outside of "laboratory" conditions results in significant amounts of inappropriate material appearing.*
- *Contrast to Core Policy 55 'Air Quality – where development proposals by virtue of nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity'.*

Dilton Marsh Parish Council (nearby parish): Objection.

The case for public health has not been proven and, until the case has been proven, permission should not be granted.

Heywood Parish Council (nearby parish): No objection.

Bratton Parish Council (nearby parish): Objection.

- *Highway safety - Members noted that the treatment facility would generate significant amounts of traffic movements from outside Wiltshire (a net increase of 50,000 tonnes per day) and the resulting increase in lorry movements would present a health and safety risk on already over busy roads in the Westbury area. Furthermore, the significant increase in traffic would further affect the already poor quality of air in the area.*
- *Public Health - The air quality and public health effects arising from the emissions from the development are not clear, especially where the proposed development is sited close to existing and planned residential areas. The precautionary principle should apply where there is such a doubt about short of long term health consequences. Members noted that the parish of Bratton would be affected by the prevailing winds from Westbury.*

Frome Town Council: Objection.

- *Most of the waste the plant is projected to deal with at full capacity would have to travel long distances and will mean a great deal more heavy traffic through the middle of Westbury and the surrounding areas including Frome.*
- *The gasification plant will create pollution: large quantities of CO2 will be generated; as well as particulates, noxious gasses, dioxins and heavy metal vapours all which cause serious health problems.*
- *Emissions from the stack are a huge concern as, even though the chimney will be at height, wind conditions and other weather patterns can influence where the plume emissions go. Not only are we concerned about the residents of Westbury but for Frome and the surrounding areas.*

WC Highways: No objection.

WC Public Protection: Recommends conditions.

It is noted that planning permission for this activity has previously been granted under planning reference 14/12003/WCM and this application relates to revisions to layout and design, specifically:

- *Increase height of buildings to incorporate more efficient boiler system and to facilitate*
- *safe access around the boiler plant.*
- *Increase in stack heights to comply with emerging EA guidance on Best Available Techniques.*
- *Enclosing the thermal plant to assist in year-round operations and maintenance.*
- *Separating the waste reception building and the thermal plant to comply with revised standards for fire control*
- *Reducing the number of turbines and the bank of Air Cooled Condensers due to improved efficiencies in the process.*

It is further noted that the application relates to a process that will require an Environment Agency (EA) Permit to operate, under the provisions of the Environmental Permitting Regulations 2016, which embraces the EU Waste Incineration Directive (WID) and Industrial

Emissions Directive (IED). We are conscious that if a planning permission were to be granted environmental emissions and impacts from the gasification process and those from the ancillary waste handling activities will be governed by the conditions stipulated in that permit with regard to emissions to air, soil and water. These regulations require the operator to use the 'best available technology' to ensure that impacts from the site are minimised and are compliant with UK and EU air quality and emissions standards. This would form the principle environmental regulatory control over the site and its operations.

Wiltshire Council will be consulted on the permit application in due course and make any relevant observations. More detailed elements of submissions relating to EA technical requirements are for the EA to comment on, as such Public Health & Public Protection Services provides a view on what has been submitted.

Air Quality/Odour – We have assessed this application in context of the Local Air Quality Management (LAQM) framework and are of the view that the Air Quality Management Area (AQMA) in Westbury would not need to be reviewed in light of this application and consider action would not be required in the context of potential breaches of the Air Quality Regulations under the terms of LAQM framework. However we would comment that;

- Any increase in nitrogen dioxide or PM10 as a result of HGVs or the process is undesirable as Wiltshire Council encourages development to adopt measures to reduce these emissions. We would recommend mitigation or offsetting measures which the applicant can put forward as part of this project e.g. on site and off site EV infrastructure using site derived electricity.*
- The conservative assumption that all PM10 is PM2.5 is welcomed, as is adherence to a PM2.5 environmental standard. This should be formalised within Environmental Permit for the site.*
- In relation to odours from the site we are concerned that these have been forecast as being moderately offensive¹ as we would have considered these odours would be more 'landfill' like in character (ref. Table 2.2 of AQA); It is recommended that the applicant puts forward a scheme of mitigation for controlling odours and monitoring their offensiveness to prevent any impact on amenity. This should also be linked to a 24hr telephone help line that the community can access to report such odours to the operator so that they can be rapidly investigated and mitigated. The capacity for the fitment of additional abatement to the waste air stream stack in respect of any future odour problems needs to be confirmed.*

Additional information required –

- Bio aerosols are covered in the Air Quality Assessment (AQA) and we are aware these will be dealt with subsequently in the EA Permit. Wiltshire Council seeks confirmation as to how this emission from the site will be controlled, monitored or prevented.*
- Deposition rates have been predicted. Wiltshire Council seeks confirmation as to how these will be monitored over time.*
- The chapter on mitigation is insufficient in view of the comments above and these issues need to be addressed.*

¹ The ES states that odours have been characterised (i.e. should they be smelt close up) as moderately offensive, but the 'forecast', or assessment, of them in fact concludes that predicted odour impacts are significantly below the level that would give rise to annoyance of 3.0 OUE m-3 and therefore can be screened out as having an impact of 'negligible significance' – see 'Odour' section of this report.

- *Details of any different emission characteristics during start up periods and whilst the stack reaches operating conditions are required so that the LPA can be reassured of this aspect.*

Noise – A noise report : Acoustics Report A1247 R01B 6th April 2018 has been submitted with the application and the following observations are made:

The report identifies that the type, number and arrangement of the internal noise sources is not known at the time of reporting therefore this remains to be formalised as part of the Environmental Permitting process that will take place independently of this application. The pending permit application with the Environment Agency should cover these.

In the absence of finalised internal noise sources, building element performance data is provided with potential for upgrading where required.

The BS4142:2014 assessment suggests impact significance of this assessment would be considered between Negligible / Neutral to Minor.

The cumulative noise assessment associated with the Northacre Waste Transfer Station Application (ref. 18/03366/WCM) looks at the combined potential impacts of both the WTS & ATT.

Notwithstanding the above, a noise condition is recommended and may subsequently be replicated by Environmental Permitting requirements.

Public Health Comments are also included below:

Public Health – We have liaised with Public Health England (PHE) regarding the application and would echo their response and that of Public Protection that the advanced thermal treatment plant will be subject to a permit issued by the Environment Agency which will govern emissions and impacts from the gasification process and ancillary waste handling activities. We are satisfied along with PHE that the applicant has demonstrated that the proposed development can be carried out without any significant impact on health, subject to compliance with UK air quality and emission standards.

Public Health England - We have consulted Public Health England and their response is attached [at Annex 2 to this report].

WC Conservation: No objection.

Policy/legislation: From the point of view of the historic environment the main statutory test is the Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Council's Core Strategy – 'Core Policy 58: Ensuring the conservation of the historic environment' requires that designated heritage assets and their settings will be conserved. It is also required that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner.

The NPPF sets out the Government's high-level policies concerning heritage and sustainable development. The Framework makes it clear that a key dimension of sustainable development is protecting and enhancing the historic environment and that in order to

achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Section 12 'Conserving and enhancing the historic environment' is particularly relevant. Paragraph 128 requires applicants to describe the significance of any heritage assets affected including any contribution made by their setting. Paragraph 134 requires a balanced approach to decision making with any harm which would be caused to designated assets being weighed against the potential public benefits which might be achieved.

The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and Historic England provides more detailed advice with regard to development within the setting of designated heritage assets as does the Historic England Good Practice in Planning Advice Note 3: The Setting of Heritage Assets (updated 2017).

Issues: The site is not included within a designated conservation area and contains no major standing heritage. Accordingly, one would not expect historic building issues to be a dominant factor in the preparation of proposals for the site. However, it is a requirement of the NPPF (para 128) that applications should be accompanied by a heritage assessment which identifies the heritage assets within the area and assesses any impact upon those assets and their settings. In this case it is acknowledged that there is no direct impact upon any heritage asset and the issues will therefore largely relate to consideration of the 'setting' of assets in the vicinity.

In recent years there has been a greater emphasis on needing to understand the concept of setting. The Historic Environment Planning Practice Guide defines setting as "The surroundings in which a heritage asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not." The Guide goes on to say that while it is largely a visual term, setting, and the way in which it is experienced, can also be affected by noise, dust, vibration, by spatial relationships, and by our understanding of the historic relationship between places. It is also noted that "When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change."

The revised proposals are supported by the Heritage Assessment which was submitted at the Council's request part way through the processing of the previous application. This has been updated to take account of the changes to the scheme via the addition of a Supplementary Cultural Heritage Impact Assessment. Both documents feed into an update of the Environmental Statement.

Regrettably, despite considerable discussion with the Council during the previous submission, the heritage assessments remain flawed with problems with the original information perpetuated within the current submissions.

The scope of the studies remains poorly defined and the choice of assets for study rather odd. It is accepted that over longer distances visibility is a relevant issue and that areas of study are thus often initially set using ZTV (zones of theoretical visibility) qualified by a level of professional judgment. The choice of assets in this case however, based upon the ZTV data, seems to follow no logic. Why for example does Park Court at Upton Scudamore, a small manor house sited in a relatively enclosed site within a village and without any indication of a wider designed setting, merit consideration but not Heywood House, which is closer, situated on rising ground and with a designed setting which is clear on mapping, incorporating long views of the borrowed landscape, be omitted? It also remains the case that there is no consideration at all of non-designated assets although para 128 refers to 'heritage assets' in the broadest sense and these should be included.

Having made the selection, the consideration given to the impact on the assets is also flawed. Having noted in the Environmental Statement that intervisibility is not the only consideration, the studies, including the latest updates, go on to consider the impact of the development almost exclusively in visual terms. The 'significance' of the assets is equated with their value in purely quantitative terms, expressed as a reflection of their designation grade. Little attempt has been made to understand the significance of the assets in the sense currently accepted as being required in conservation assessment (i.e. definition of the nature of the special interest of the building) or to assess the contribution that their setting makes to that significance and the impact that the development will have on this. As a result, whilst I do not necessarily disagree with the final conclusions reached, the reasoning behind them is flawed.

As with the previous application therefore, I do not consider that the document demonstrates the comprehensive understanding and assessment of heritage impact envisaged by current policy and guidance. However, the NPPF also requires the Council to make its own assessment of impact and the previous heritage recommendations were based on such internal assessment. To summarise this assessment on behalf of the Council:

The impact on the settings of the listed Storridge Farmhouse and the highly graded Brook Hall complex will be neutral overall, largely as a result of existing intervening modern industrial development which has already changed and redefined their settings via the presence of urban development.....immediate setting in the case of Storridge Farmhouse and slightly wider for Brook Hall. The changed design is unlikely to have any significantly greater impact.

Heritage assets which are further removed from the site which could be considered as having a relationship with the surrounding landscape which renders them particularly sensitive to development within their settings, whether as a result of fortuitous accident or design - such as churches with spires or country houses with designed settings, are also capable of being negatively impacted by proposed development. In this case, Heywood House is identified as the only likely sensitive receptor. This grade II listed building is a mid C19th country house located within its own parkland, which makes a positive contribution to its significance as a designed setting to the house. The house has wide views over the park and lake to the south, towards the northern escarpment of Salisbury Plain and the Westbury White Horse and a clear design intention of 'borrowing' these views to contribute to the setting of the house can be detected. However, there are no similar designed views to the west and intervening development and geography which will screen the proposed development mean that there is unlikely to be any significant impact on the wider setting of the house on this occasion.*

There are a number of buildings within the vicinity which have the potential to be considered as non-designated heritage assets, by virtue of their age etc. These include, Brook Cottage (formerly Butler's Cottage) to the north west of Brook Farm and Brook Cottages at the former Brook Mill Farm, the Railway Inn and adjacent former brewery on Storridge Road and Westbury Station. None have been assessed in detail to consider whether they retain sufficient character/integrity to be considered as heritage assets as, in the latter cases, geography and intervening development dictate that the impact on their settings will be largely neutral. Any modest visual impact in the case of Brook Cottage will be limited due to the cottage character of the building which dictates that its immediate garden is likely to constitute its primary focus and setting, with the wider landscape making a lesser contribution. Its wider setting will, in any case, remain primarily rural in feel, albeit that the industrial estate impinges to the north.

However, I do consider that a degree of harm will result to the setting of Brook Farm, including the principle listed farmhouse and its remaining curtilage listed historic

outbuildings. A fundamental element in the understanding of the historic character of a farmstead lies with its relationship with the surrounding countryside. The cumulative impact of the new development alongside existing, will contribute to the erosion of the link between the farm and its agricultural hinterland, and the continuation of the process of urbanisation of the rural scene and reduction in tranquillity which may result from noise, vibration and lighting spill from the site. That said, to the east and south of the farmstead the rural landscape remains largely unchanged and the farmstead can still be understood within its agricultural setting. Taking into account the vernacular character of the farmhouse (indicating the house has not been built with a deliberate intention of taking advantage of any particular vistas or views), its orientation and main outlook and the screening impact of the modern farmyard and a modern house to the north and east, as well as the lie of the land which limits the visual impact and provides some mitigation from noise, this harm should be taken to be at the lower end of 'less than substantial harm'.

The original report concluded that there would be "no substantial harm" to any designated asset but acknowledged a "minor negative harm" to both Brook Farm and the adjacent scheduled monument which was taken to suggest agreement in respect of a 'less than substantial harm' which should be tested against paragraph 134 of the NPPF. The updated report which seeks to assess additional impacts of the amended scheme concludes that the revised design will not result in any change in the settings of heritage assets and consequently that there will be no additional harm. In my opinion the revised design, which results in a greater mass of development and increased tendency for an overbearing development, will impinge to a slightly greater extent on the setting of Brook Farm in terms of increasing the process of urbanisation of the rural scene. However, other impacts such as those associated with the reduction in tranquillity which may result from noise, vibration and lighting spill from the site will remain much the same. Overall, the impact on the special interest of the building will be largely unchanged from the previous assessment.

Conclusion: the proposals will result in a degree of harm to the setting of the listed Brook Farm, which should be considered as "less than substantial".

It has been made clear in a number of recent cases that it should not be taken to follow that if the harm to heritage assets is found to be less than substantial the subsequent balancing exercise undertaken by the decision taker should ignore the overarching statutory duty imposed by section 66(1). On the contrary, considerable weight should be given to the desirability of preserving the setting of all listed buildings. In addition, the NPPF requires a balanced approach (paragraph 134), with any 'harm' which would be caused to the significance of heritage assets being weighed against the public benefits which may be brought forward by the implementation of the development.

The final planning balance falls to be assessed by the Case Officer, however as previously, it is assumed that the proposed development will be considered to have the potential to bring forward substantial public benefits in terms of the contribution to Wiltshire's recycling strategy. On this basis, I consider it likely that the modest and "less than substantial" harm caused to the setting of the listed building will be outweighed. I therefore have no objection to a positive recommendation for the proposed application on the basis of the built historic environment.

WC Archaeology: No objection.

Environment Agency: No objection.

Environmental Permitting - the proposed development includes the incineration of non-hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 3 tonnes per hour.

This activity will require a bespoke installation environmental permit issued by the Environment Agency (EA). As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this by consulting partner organisations, such as Natural England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). Emissions limits and techniques used to protect the environment and human health are set by the EU Industrial Emissions Directive (IED). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT). The EA cannot set environmental permit conditions that go beyond what is specified by the IED and BAT.

Natural England: No comments.

Historic England: No objection.

We note that the Landscape and Visual Impact Assessment (LVIA) and the Heritage Impact Assessment (HIA) were undertaken with reference to the revised design, and took into account the increased main building and chimney height.

We also note the conclusions reached in the HIA regarding the Scheduled Monument recorded as 'Medieval settlement and associated field systems west of Brook Farm' (National Heritage List for England ref. 1019386). In our view, the proposals will result in an adverse impact to this designated asset via a change in setting. We assess the degree of the adverse impact to be much less than the 'substantial harm' referred to in paragraphs 132 to 134 of the National Planning Policy Framework (NPPF). It is for the Council to consider the application in the light of paragraph 134 of the NPPF and to weigh the public benefits of the proposal against the harm.

8. Representations

The planning application has been publicised by local advertisement, site notice and letters to neighbours. This has generated 361 representations. Of these 358 are objections, including from Dr Andrew Murrison MP and Molly Scott Cato MEP, and 2 are supports. Clare Moody MEP has provided comments.

The objections are summarised as follows:

- Principle – this is an 'incinerator' and not a 'recovery facility'. EA 'R1' status required for recovery. No information provided as to technology provider; so unclear if Best Available Technology is to be used. Such developments better located close to major roads (e.g. M4). Contrary to sustainable principles of the NPPF. Contrary to Wiltshire Waste Core Strategies and Wiltshire Core Strategy. No business case for the facility; no demonstrated local need – waste material would be imported from other counties. 'Due diligence' studies are required by WC to determine acceptance or otherwise of regional nature of proposal, impact of PMs (particulate matter) on health, effects of plume grounding on Westbury & implications for Westbury AQMA. Changed circumstances since 2015 permission – additional homes in Westbury, need for incinerators in UK met, changed knowledge about health impacts.
- Traffic generation – Increase in traffic in general in Westbury – this will add to the congestion problems; increase in heavy vehicles in The Ham. Pollution from traffic.

- Health concerns – pollution from process would contaminate ground and air. Insufficient demonstration that there would not be harm; impacts not really understood; regulation always behind science. Should not be sited in an urban area; prevailing wind direction from west would push plume over town. Site next door to food factory – potential for contamination. Site close to schools and houses. Westbury becoming ‘dumping ground’ for such developments. Similar proposals rejected elsewhere. No Health Impact Assessment with application. NOx is extremely harmful to health; quantities cannot be averaged out over time. Effects of other chemicals to be burnt with residues discharged as a plume are unknown. Plume grounding can occur anywhere, with effects unknown. Effects of fine particles (<2.5PM) not known and/or damaging to health – they cannot be removed by filters. Benefits of removing cement works (and its visible pollution) would be lost. Topography of area not conducive to plume dispersal. Modelling based on data collected miles from site; modelling vague.
- Westbury AQMA – already too much pollution, hence the AQMA. Proposal would add to this contrary to its purpose. WC not fulfilled legal duty to address issues relating to AQMA.
- Landscape / visual impact – large buildings & tall stacks harmful to views. Only just got rid of cement works chimney; eyesore. Harmful to setting of White Horse. Arla Dairy building already a ‘blot’; a further blot should not be added. Over-bearing.
- Ecology – close to lakes and open land which are havens for wildlife. Badger sett on site. Liquid run-off harmful to watercourses.
- Design – poor; over-development; stack intrusive at 75m.
- Economic impacts – would put off new business’ from coming to Westbury. Harmful to existing businesses, particularly those involved in tourism.
- Sustainability – incinerating waste would discourage re-cycling, composting, re-use, etc.. Not conducive to saving the planet. Alternative approaches to waste recovery should be considered first.
- Odours – process would generate smells.
- Noise – disturbance to nearby residents.
- Regional development – the facility would process waste from beyond Wiltshire.
- Safety – applicant has poor record in terms of fires, flies, odours. Potential explosion risk.
- No information relating to connection to grid – where? How?.

The objection from Dr Andrew Murrison MP states the following:

I have undertaken a literature review of published material and will be tabling written parliamentary questions to further clarify the health effects of emissions and the government's attitude to them. However, I believe that the precautionary principle should apply where there is any doubt about short or long term health consequences of undertakings such as this. The proposed site is very close to my constituents' homes and I fully support their objection to having their neighbourhood used to dispose of rubbish from across the south west.

Most of the waste the plant is projected to deal with at full capacity would have to travel long distances. The offset achieved by no longer transporting locally generated Municipal Residual Solid Waste to the continent would be minimal. Given that Westbury has no bypass, the proposals will mean a great deal more heavy traffic through the middle of town. There are places along the A350 as it passes through Westbury where the air quality is already poor. It is unfair and unreasonable to expect residents along the A350 to shoulder the burden of further nuisance and potentially ill health through the imposition of yet more very heavy traffic.

The objections from Molly Scott Cato MEP are as follows:

Independent reports have for several years now identified an overcapacity of waste treatment by 2021 in the UK as ever more plants are planned and built (Residual Waste Infrastructure Review Issue 12, Eunomia), and we are also heading towards overcapacity across Northern European countries from 2030 onwards too.

The UK is still working towards a 50% recycling target for household waste by 2020 as part of the Waste Framework Directive, and the growing non-recycling treatment capacity for that waste will threaten the UK's ability to meet recycling targets as plants require feedstocks.

While the reduction in waste going to landfill is welcomed, swapping landfill for other treatment options, such as Advanced Thermal Treatment is not tackling the root cause of the waste problem which is an over production of products that quickly become waste rather than being part of a circular economy. The existence of plants such as the proposed ATTF in Westbury removes pressure to transform our thinking about manufacturing and using materials so that we do not produce waste. With the growing public awareness of plastic pollution and rising distaste for single use plastics, the approval of yet another ATTF looks spectacularly outdated and unambitious.

On a recent visit within the constituency I was shown a new product that is made from plastic waste that cannot be recycled. Rather than being landfilled or undergoing thermal treatment, it is used to form another product that serves a useful purpose and displaces some particularly unsustainable and environmentally unsound products. Achieving a circular economy is close, we need to support the transition to it, not provide distractions from it.

The growing concern with air quality and the third High Court judgement against the Government's weak plans to tackle air pollution across the country makes the construction of yet another treatment plant that will contribute to poor air quality look naïve and irresponsible. Despite the reassurances that can easily be given as to correct operation and subsequently low emission levels, the reality is that errors do happen, and one breach can have catastrophic consequences for those with already poor lung function.

In addition to the particulates and dioxins, albeit at low levels, released in the treatment process itself, the plant would create many additional HGV journeys into the town to bring feedstocks to the plant. In a town that already has an Air Quality Management Area which experiences occasional breaches of legal levels it is utterly irresponsible to increase traffic levels further. Not only will air quality be diminished as a consequence of the additional traffic, but so will quality of life for residents along the route due to noise, the potential for greater congestion and general safety levels.

The claim by ATTF that it provides a 'renewable' source of energy cannot be taken seriously. If ambitious recycling targets were part of a truly circular economy, there would be very little feedstock available to power these plants demonstrating they are not truly renewable. Even if, in our current economy, large amounts of waste are produced this is by no means a clean low carbon renewable source of energy in comparison with solar radiation or wind power for instance. Greenwashing of this sort does no-one any favours and delays our progress towards a truly low carbon renewable economy with air quality that is suitable for all citizens.

The council needs to make the bold decision of turning this application down and signal the need to move to a circular economy that produces far less waste that needs this kind of treatment. The argument that it will produce jobs neglects the fact that in a circular

economy where waste is regarded as a resource and properly sorted, reused, recovered and recycled, jobs are created to carry out these 'waste' processing functions.

The plans for this Advanced Thermal Treatment Facility demonstrate an outdated view of tackling waste that will not move us to the circular economy or clean air that citizens deserve now and in the future.

The comments from Clare Moody MEP are as follows:

I seek reassurance that before approving this application, the Council seeks independent reports in order to demonstrate due diligence has been followed on your environment safeguarding responsibilities.

I think that it is important that an independent report examines:

- *The meteorological data that would predict any plume grounding events*
- *The predicted exposure of Westbury residents to micro dust particles in particular those below PM2.5 and*
- *The current compliance with UK/EU Air Quality Regulations in Westbury and whether the projected waste emissions to air from the ATT plant's chimney and the vehicles associated with the operation of the ATT plant will act to maintain or worsen the current air quality standards in the AQMA and adjacent areas.*

The support is summarised as follows:

- Un-caveated support.
- Health – no issues for the community.

9. Planning Issues

The main issues to be considered in this case are firstly the principle of the proposal; and then, assuming the principle is accepted, the impact of the specific scheme on detailed matters, including traffic/highway safety, landscape/visual amenity, heritage assets, and residential amenity (including the effects of noise, odours, flies, emissions, etc.).

The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant permission for the proposed development.

Principle

Policy WCS1 ('The Need for Additional Waste Management Capacity & Self Sufficiency') of the Wiltshire & Swindon Waste Core Strategy 2009 states that over the plan period to 2026, Wiltshire and Swindon will address the issue of delivering sufficient sites to meet the needs of the municipal waste management strategies and sub-regional apportionments by providing and safeguarding a network of Site Allocations, this to manage the forecast increase in waste associated with the planned growth in the Strategically Significant Cities and Towns (SSCTs) of Swindon, Chippenham, Trowbridge and Salisbury. It further states that the need will be met locally whilst balancing the importation and exportation of waste within the principles of sustainable development and in accordance with the principles of sustainable transport.

Policy WCS2 ('Future Waste Site Locations') addresses, at a strategic level, how and where the need for the additional waste management capacity identified by Policy WCS1 will be met. The policy's explanatory notes set out two levels, or tiers, of waste management facilities – that is, those that are of a 'strategic' scale and those that are of a 'local' scale.

Strategic waste management facilities are defined as large and/or more specialist facilities that operate in a wider strategic manner by virtue of spatial scale, high tonnage of waste managed, specialist nature of the waste managed and/or a wider catchment area served. They are generally considered to include:

- Strategic materials recovery facilities (MRFs)
- Strategic composting facilities
- **Energy from waste facilities (EfW)**
- Mechanical biological treatment facilities (MBT)
- Landfill

The explanatory notes with the policy state that "*It will be expected that strategic facilities would serve either large areas within, or the entire Plan area. Additionally, they may also serve areas of Wiltshire and Swindon and surrounding local authorities in a more sub-regional context. Such sites will have characteristics that will prevent them from being accommodated on small and/or sensitive sites and locations*". The policy states that strategic waste site allocations will be located as close as practicable ("... within 16 km ...") to the SSCTs of Swindon, Chippenham, Trowbridge and Salisbury.

In accordance with Policies WCS1 and WCS2 the Waste Site Allocations Local Plan 2013 allocates land/sites for waste uses. The Northacre Industrial Estate, which lies approximately 6.5 km to the south of Trowbridge, is defined in the Allocations Local Plan as an area suitable for strategic scale "*materials recovery facility/waste transfer station, local recycling and waste treatment*" type uses. In line with this, the estate already supports the MBT plant, and there is the further extant planning permission for an energy from waste (EfW) plant on this application site, both of which are / would be strategic scale waste treatment facilities.

In terms of Policy WCS2, the proposal in this application – which is for a revised EfW facility – is/remains a strategic waste management facility. On the basis that strategic scale waste management facilities are acceptable in this industrial estate allocated as suitable for such facilities, the proposal complies with the requirements of these aspects of the Waste Core Strategy and the Waste Site Allocations Local Plan as a matter of principle. Additionally, as Policy WCS2 allows strategic facilities to serve 'large areas' (that is, areas within the Plan area or the entire Plan area *and* within surrounding local authorities "... in a more sub-regional context", the operation of the AAT's in this way, if ever intended, would not conflict with the policy.

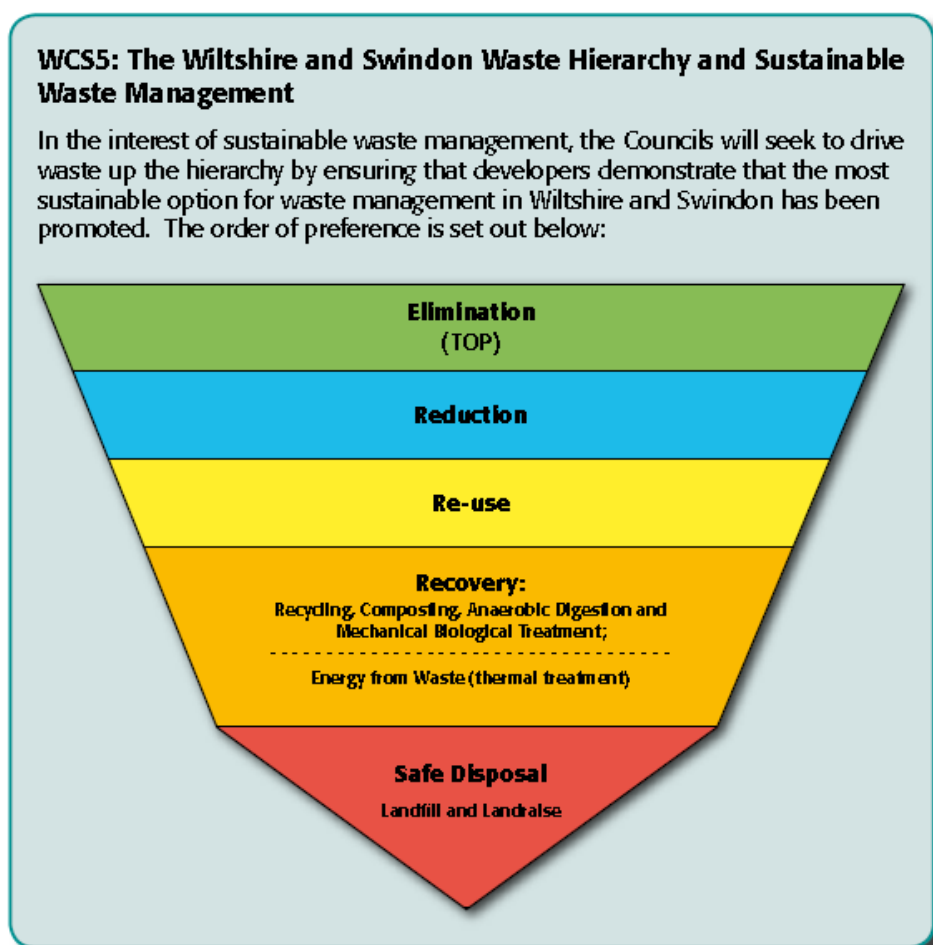
Finally on principle, it is particularly material here that planning permission has already been given for an AAT facility on the application site. The proposal is to effectively 'just' revise the approved scheme as a consequence of advances in technology and changes to regulations. As the previous planning permission remains extant, and as there have been no material and/or relevant changes to planning policy since the planning permission, significant weight must be given to it as a material consideration.

All of the above conclusions in respect of the principle are effectively confirmed by Policy WCS3 ('Preferred Locations of Waste Management Facilities by Type and the Provision of Flexibility') which, in setting out preferred locations for the different waste facility types, states that energy from waste facilities should preferably be located on 'industrial land / employment allocations' and 'site allocations and current waste management facilities'.

The Wiltshire and Swindon Waste Hierarchy –

Policy WCS5 ('The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management') of the Wiltshire & Swindon Waste Core Strategy provides an order of preference, or hierarchy, for waste disposal in the interests of sustainability. The purpose of the hierarchy is to bring to the fore the preference for 'elimination' over other forms of waste management; the hierarchy is not intended to bar all other forms of waste management. Presently energy from waste remains a relevant 'recovery' form of waste management which, in the hierarchy, is preferable to landfill and land-raise ('disposal').

Some representations received contend that the proposal is for an 'incinerator' and not a 'recovery facility', and that Environment Agency 'R1' status is required for recovery. However, the R1 formula is only relevant to municipal waste incinerators wishing to qualify as a recovery operation, and operators of UK plants do not have to obtain R1 status; it is voluntary. The proposed development uses Advanced Thermal Treatment technology (gasification) which is designed to recover energy from the waste processed either in the form of fuel production (liquid or gas) or combusting the syngas to generate electricity and/or heat for use on site and export off site. This technology is different to incineration. ATT technologies contribute towards recovery targets on the tonnage of materials entering the thermal treatment process as all processes are designed to recover energy.



Traffic & Highway Safety

Policy WCS2 ('Future Waste Site Locations') of the Wiltshire & Swindon Waste Core Strategy 2009 states that in the interests of achieving the objectives of sustainable development, priority will be given to proposals for new waste management development that demonstrate a commitment to utilising the most appropriate haulage routes within and around the Plan area and implement sustainable modes and methods for transporting waste materials.

Policy WDC1 ('Key criteria for ensuring sustainable waste management development') of the Wiltshire & Swindon Waste Development Control Policies DPD 2009 sets out key criteria for assessing planning applications for waste development, this including the need for the impact of transporting waste to and from sites to be minimised. Policy WDC2 ('Managing the impact of waste management') has a similar requirement. More specifically Policy WDC11 states the following:

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*
- *Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway network.*

The Wiltshire Core Strategy contains similar general transport policies.

A Transport Assessment (TA) to assess the likely impact of the proposed development on the local highway network has been provided. This is, in essence, the TA prepared in 2014 for the original ATT application. The reason for relying on the earlier TA is in view of the impacts of the current proposal on the wider highway network (in terms of the quantities of material to be imported and exported from the site) remaining broadly unchanged from those predicted for the original application. A covering note accompanying the TA confirms this in the following terms:

"The proposed internal modifications to the scheme will not alter the predicted traffic attractions, which remain at just 4 HGV movements and 7 staff commuting movements in the weekday peak hours, with 131 HGVs predicted over an 85 hour working week (07:00 – 22:00 Monday to Friday and 07:00 – 17:00 Saturday).

There would be no change in the Predicted Traffic Distribution which set out additional HGV movements at +41.5 per day, routed to the Yarnbrook roundabout via the West Wilts Trading Estate and B3097. From Yarnbrook, 31 additional HGV movements per day would use the A350 to the north and an additional 10.5 per day would pass through Westbury on the A350 to the south".

It is of note that presently 41,500 tonnes of SRF exported from Northacre RRC (to Europe) would be diverted to the proposed ATT, so removing this from the road network. It is also of note that use of the site for general employment uses (as is effectively allowed by the employment land allocation in the Wiltshire Core Strategy) would potentially generate significantly higher levels of traffic – c.77-87 vehicle movements in an hour in general employment use (c.800 vehicle movements/day), (based on standardised TRICS data).

In terms of the actual impact of these additional HGV movements on the wider network the TA note concludes the following:

“With regard to the Yarnbrook Roundabout, ... the development was [therefore] expected to add just 10 vehicle movements over an hour to the weekday peaks, which when considered against the 2019 baseline flows² amounted to changes of just 0.35% which would be imperceptible.

.... only occasional, non-operational deliveries (office/cleaning supplies) would be routed via the A36.

The additional traffic on the A350 which amounted to just 4 peak hour HGV movements, 3 heading north and one south through Westbury, would have no impact”.

Regarding HGV construction traffic, this is predicted to be up to 20 per day during the earthworks/foundations stage, reducing to 2-5 per day at other times. These levels are considered to be low impact in this context.

These conclusions are agreed by WC Highways. It is relevant that the proposal would generate the same / comparable levels of traffic to that considered acceptable when the original ATT application was considered and approved. It is also relevant that use of the site for other employment uses, as the Core Strategy ‘employment’ designation allows, could give rise to significantly higher HGV and car movements than those predicted for the ATT use now.

The Environmental Statement relies on the TA outcomes, and so draws the same conclusions with regard to environmental impacts associated with traffic.

Notwithstanding these conclusions on the limited impact of traffic, the TA proposes ‘mitigation’ in any event, this to “... complement the sustainable nature of the development”. The mitigation comprises a Travel Plan – to reduce the number of car borne trips (by staff in particular). A standard condition requiring a Travel Plan is recommended accordingly.

In addition a condition requiring a Construction Environmental Management Plan (CEMP) for the period of construction is also recommended.

Westbury Air Quality Management Area -

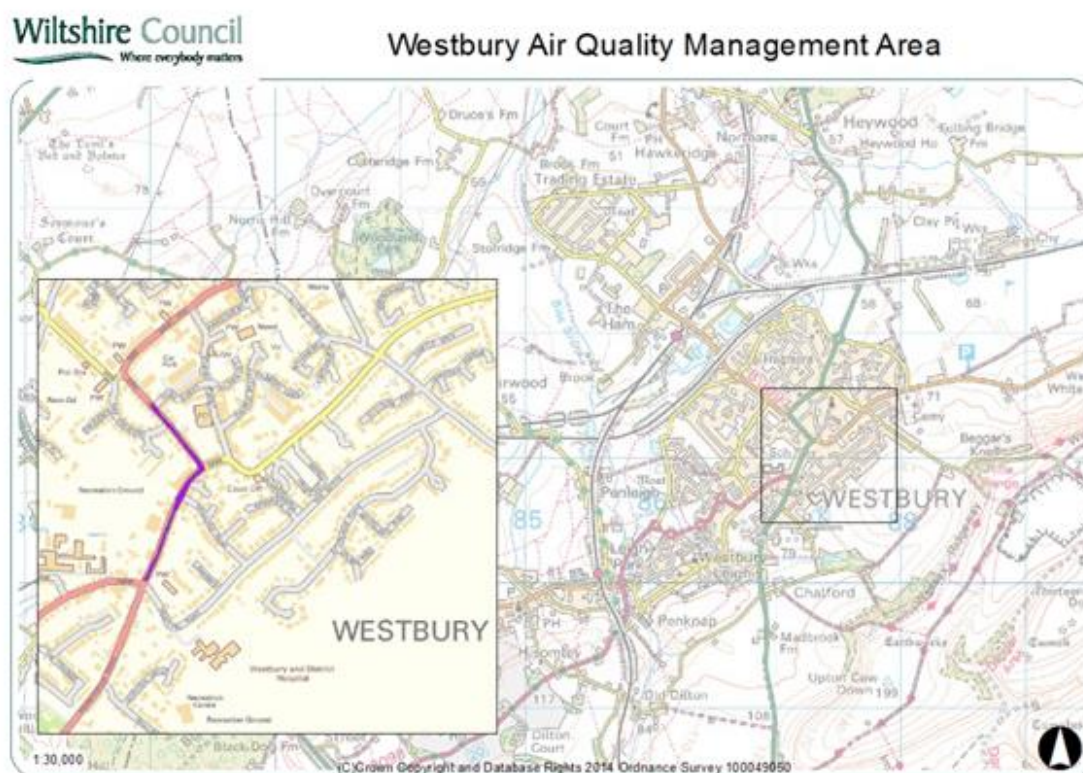
Core Policy 55 relating to air quality requires development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures may include possible traffic management or highway improvements, abatement technology, traffic routing and site management, and where appropriate contributions.

The Air Quality Strategy for Wiltshire 2011-2015 states the following:

² The 2019 baseline traffic flows at the Yarnbrook roundabout were assessed to be 2,769 PCUs (passenger car units, where 1 HGV = 2 PCUs) in the AM peak hour, and 2,898 in the PM peak. The peak hour increases in traffic would therefore amount to about 0.35% in either peak hour, which would be imperceptible relative to day to day variations in traffic flows. It is also relevant to this that the Yarnbrook roundabout / A350 hereabouts will be the subject of improvements as a consequence of the planned Ashton Park development which will change their operation.

Air quality in Wiltshire is predominantly good with the majority of the County having clean unpolluted air. There are however a small number of locations where the combination of traffic, road layout and geography has resulted in exceedences of the annual average for nitrogen dioxide (NO₂) and fine particulates (PM₁₀).

These locations include parts of the A350 where it passes through Westbury, as indicated on the following plan:



An Air Quality Action Plan for Wiltshire is awaiting DEFRA approval, and a specific Westbury Action Plan is in preparation. An Air Quality SPD is also in preparation. The draft version of the SPD states the following:

Where developments take place in an AQMA [Air Quality Management Area], mitigation measures must be considered as standard practice, particularly in cases where the development is new and does not replace an existing use. This is especially important where the development has provision for a large number of parking spaces, significantly increasing the number of trips, and/or heating plant. In some cases it may be necessary to recommend refusal where a development is so contrary to the objectives of the Air Quality Action Plan and Strategy.

The SPD states that mitigation may take the form of appropriate construction, appropriate design, travel plans, use of clean/alternatively fuelled vehicles, and low emission schemes and strategies.

Notwithstanding the conclusions already set out relating to predicted reductions in overall traffic compared with the development already permitted at the site, the proposal would

generate traffic, including additional HGV traffic, and inevitably some of this traffic would pass through the Westbury AQMA. On the quantity the TA states the following:

“The Air Quality Management Area in Westbury would experience a traffic increase averaging 10.5 HGVs per day, or just one additional HGV movement every 1.4 hours. There would be no perceptible impact on the AQMA”.

The conclusion that the development is unlikely to result in a significant impact on current air quality is accepted. However, in the context of LAQM and EPUK guidance – which states that *“Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures”* – and in the light of Core Policy 55 which requires effective mitigation in order to protect “public health, environmental quality and amenity”, it is considered that mitigation will be required in any event. The TA offers the Travel Plan as referred to previously. In addition, WC Public Protection in seeking to reduce emissions in the interests of good design and good practice, recommends the provision of some Ultra Low Energy Vehicle (ULEV) infrastructure in the development; a further condition is recommended accordingly.

Residential Amenity (including the effects of noise, air quality, odours, flies, etc.)

Policy WDC2 (‘Managing the Impact of Waste Management’) of the Wiltshire & Swindon Waste Development Control Policies DPD states that proposals for waste management development in Wiltshire and Swindon will be permitted where it can be demonstrated that the proposal avoids, adequately mitigates against, or compensates for significant adverse impacts relating to, notably here, amenity and noise emissions. Core Policy 57 of the Wiltshire Core Strategy sets out similar criteria to safeguard residential amenity.

Noise and vibration –

The application is accompanied by a ‘Noise Assessment for a Planning Application’. This compares the potential noise impact of the proposed revised facility (using noise data and/or noise assumptions for the planned buildings and plant) with background noise levels *and* with the noise impacts predicted, and accepted, in the Assessment Report accompanying the original ATT planning application.

The background noise survey data is that recorded following surveys carried out across the area in October 2014 in connection with the original planning application. Similar assessment locations are then used to model the impacts of the revised proposal. The locations for the modelling are indicated on the following aerial photograph taken from the assessment (where ‘Assessment Location 2 (AL02)’ is the nearest residential property):



Noise Modelling Locations

A number of planned noise mitigation measures have also been assumed within the modelling process, summarised in the assessment as follows:

- “The layout of the site has been arranged so as to make use of the screening influence of buildings and structures to limit the propagation of noise toward receptor locations;
- Where possible, noise generating plant has been installed within buildings or suitable enclosures to reduce noise emissions to the environment;
- Additional screening has been provided by means of a specific acoustic barrier in the south eastern corner of the site. The barrier would be 3.5m as a minimum and be located in a similar location to that permitted as part of the original planning consent;
- The cladding for the Boiler House, Gasifier and Turbine Hall are to afford Rw 40dB as a minimum;
- The access door to the Boiler House is required to achieve 27 dB Rw;
- The stack is assumed to include a silencer which will, as a minimum, will reduce the overall sound power level of the stack to 83dB LWA at the point of emission;
- The Flue Gas Treatment process is to be suitably addressed to reduce noise emissions to 79dB LWA;
- The ID fans would be attenuated to achieve a sound power level of 77dB LWA;
- A speed limit for vehicles within the site area would be 16kph and would be adhered to by all vehicles (delivery vehicles and visitor cars)”.

Based on the above circumstances and modelling, the Noise Assessment concludes that the noise impact during the operational phase would be “negligible / neutral to minor” during both daytime and overnight periods, and so would not result in any significant noise effects or a change from the earlier consented scenario. The assessment confirms this in the following terms:

“The assessment presented Indicates that noise from the ATT facility would not exceed the existing daytime background sound level at any of the identified receptor locations.

Indeed, the predicted rating is, generally, markedly below the prevailing background sound level at the majority of the assessment locations. The exception to this is location AL02 where the rating level achieves parity with the background level. This would be indicative of the sound source having a low noise impact

The assessment presented again indicates that the predicted rating level generated by the ATT facility would generally not exceed the typical [existing night-time] background sound level at the relevant receptor locations. The exception is again, assessment location AL02, where the noise level exceeds the background level by 1dB. This is below the level which BS4142:2014 would consider to be an adverse impact and is closer to the level of a 'low impact'.

These impacts would be considered to fall between Negligible / Neutral to Minor in accordance with the criteria defined in the original impact assessment report. Again, the impact is rated the same as the consented facility".

Noise from traffic is also considered to have a negligible / neutral impact.

These conclusions are agreed by WC Public Protection. However, a condition is recommended to ensure that the development is completed in accordance with the noise levels and mitigation measures set out in the Noise Assessment for a Planning Application, and subsequently tested.

Construction noise would be controlled via the CEMP, which is also a matter for conditions.

When operational the proposed development by reason of its manner of operates should not give rise to vibration. Vibration during construction (from, for example, piling) would be managed via the CEMP.

The Environmental Statement relies on the Noise Assessment's outcomes, and so draws the same conclusions with regard to environmental impacts associated with noise and vibration.

Air quality: emissions –

The principal types of emissions to air that may result from operation of the proposed development are:

Emissions associated with vehicle movements.
Process emissions vented through the proposed facility's stacks.

Emissions from vehicle movements have been addressed in the Traffic and Highway Safety section of this report. In view of the relatively limited number of additional movements in the locality (and through the AQMA) generated by the proposal the effect of emissions to atmosphere from vehicles is considered to be negligible.

Process emissions – during operation, emissions to atmosphere will occur from the following sources:

- Twin flue 75 m high stack
- 40 m high ventilation stack

The Environmental Statement contains a chapter which covers air quality. On process emissions, the chapter states that in order to quantify the potential impact of emissions from the process, and to determine the optimum stack height for dispersion (which is proposed to

be 75m for the main stack and 40m for the ventilation stack), detailed atmospheric dispersion modelling has been undertaken.

The ES states that the principal pollutants that would be released to atmosphere from the development are -

- Oxides of nitrogen (NO_x)
- Fine particulate matter (PM₁₀ and PM_{2.5})
- Sulphur dioxide (SO₂)
- Carbon monoxide (CO)
- Hydrogen chloride (HCl)
- Hydrogen fluoride (HF)
- Ammonia (NH₃)
- Benzene (C₆H₆)
- Dioxins and furans
- Twelve metals
- Polychlorinated biphenyls (PCBs)
- Polycyclic aromatic hydrocarbons (PAHs)

The relevant full chapter from the ES which explains the assessment methodology is included at annex 3 to this report. The critical table from this chapter ('Table 13') - which sets out the maximum predicted incremental concentrations due to emissions to atmosphere - is also set out below, followed by the ES's related conclusions:

Pollutant	Averaging period	Predicted concentration ($\mu\text{g m}^{-3}$)	Assessment criteria ($\mu\text{g m}^{-3}$)	Percentage of assessment criteria (%)
Nitrogen dioxide (NO ₂)	1 hour	8.0	200	4.0%
	Annual	1.03	40	2.6%
Particulate matter (PM ₁₀)	24 hour	0.25	50	0.5%
	Annual	0.07	40	0.2%
(PM _{2.5})	Annual	0.07	20	0.4%
Sulphur dioxide (SO ₂)	15 minutes	6.5	266	2.4%
	1 hour	5.5	350	1.6%
	24 hour	2.7	125	2.2%
Carbon monoxide	8 Hour	5.3	10,000	0.1%
Hydrogen chloride	1 Hour	3.0	750	0.4%
Hydrogen fluoride (HF)	Annual	0.007	16	0.0%
	1 Hour	0.30	160	0.2%
Benzene (C ₆ H ₆)	Annual	0.007	5.0	0.1%
	1 Hour	0.30	195	0.2%
Ammonia (NH ₃)	Annual	0.073	180	0.0%
	1 Hour	2.95	2,500	0.1%
Antimony (Sb) ^(a)	Annual	0.0004	5	0.0%
	1 Hour	0.017	150	0.0%
Arsenic (As)	Annual	0.000005	0.003	0.2%
Cadmium (Cd)	Annual	0.00018	0.005	3.7%
Chromium (Cr) ^(b)	Annual	0.0004	5	0.0%
	1 Hour	0.017	150	0.0%
Chromium (Cr,	Annual	0.0000003	0.0002	0.1%
Cobalt (Co)	Annual	0.0004	0.2	0.2%
Copper (Cu)	Annual	0.0004	10	0.0%
	1 Hour	0.017	200	0.0%
Lead (Pb)	Annual	0.0004	0.25	0.2%
Manganese (Mn)	Annual	0.0004	150	0.0%
	1 Hour	0.017	1,500	0.0%
Mercury (Hg)	Annual	0.0004	0.25	0.1%
	1 Hour	0.015	7.5	0.2%
Nickel (Ni)	Annual	0.0004	0.02	2.1%
Vanadium (Vn)	Annual	0.0004	5	0.0%
	1 Hour	0.017	1	1.7%
Dioxins	Annual	0.73 (a)	-	-
PAHs	Annual	0.73 (a)	0.00025	0.0%
PCB	Annual	0.02 (a)	0.2	0.0%
	1 Hour	0.77 (a)	6	0.0%

(a) – units are fg m^{-3} ($\times 10^{-15}$)

ES 'Table 13' - Maximum predicted incremental concentrations due to emissions to atmosphere from the proposed facility³

³ Table 13 explanation: The concentration of, for example, NO₂ is measured in micrograms in each cubic metre of air ($\mu\text{g m}^{-3}$). A microgram (μg) is one millionth of a gram. A concentration of $1 \mu\text{g m}^{-3}$ means that one cubic metre of air contains one microgram of pollutant. To protect health, the UK Government sets two air quality objectives for NO₂ in their Air Quality Strategy:

- The hourly objective, which is the concentration of NO₂ in the air, averaged over a period of one hour. This is designed to make sure that we are not exposed to high concentrations of NO₂ for short periods of time. High concentrations can arise in episodes, which are usually associated with particular weather conditions.
- The annual objective, which is the concentration of NO₂ in the air, averaged over a period of a year. This aims to protect us from being exposed to NO₂ over a long time. The European Union (EU) has also developed legislation to limit our exposure to air pollutants, through what are known as limit values. The limit values for each pollutant are set out in the 'Assessment Criteria' column of Table 13.

The ES conclusions state the following:

“Table 13 shows that, as a percentage of the short term assessment criteria, it is the 99.8th percentile of hourly average concentration of nitrogen dioxide (NO₂) which is 4.0% of the assessment criteria that has the largest impact. When combined with the background concentration, the PEC (Predicted Environmental Concentration) of 27.8 µg m⁻³ is 13.9% of the assessment criteria and not considered to be of concern to human health.

For annual average impacts the increment to annual average concentration of cadmium (Cd) is predicted to give rise to the largest percentage of the assessment criteria of 3.7%. It should be noted that the assessment criteria of 0.005 µg m⁻³ is from the World Health Organisation Air Quality guidelines (2000) which state that the guideline is set to 'prevent any further increase of cadmium in agricultural soils'. Given that the maximum predicted concentration is substantially less than the assessment criteria and that the location of maximum impact is predominantly urban, it is considered that there is no concern to human health.

Dioxins and furans are a group of organic compounds that are formed as a result of incomplete combustion in the presence of chlorine. Sources include vehicles, domestic and industrial coal burning, power generation and incinerators. There are no regulatory air quality standards set for dioxins and furans; this group of substances, however, are important in terms of risk to human health and the effects of dioxins are assessed through a human health risk assessment (HRA). The maximum predicted ground level concentration of dioxin of 0.73 fg I-TEQ m⁻³ is small compared with the prevailing dioxin concentration and not of concern to human health as demonstrated by the health risk assessment that has been undertaken for the proposed development

The results of the atmospheric dispersion modelling and assessment demonstrate that the maximum predicted concentrations of all substances comply with relevant air quality objectives. The ES concludes that dispersion provided by a 75m main stack and 40m ventilation stack is sufficient to render the emissions harmless at ground level to both human health and ecological receptors. Further assessment of these matters would be undertaken as part of the separate Environmental Permitting process in any event. In view of this, public concern over impacts on health should not be considered a reason to delay determination of the planning application and/or to refuse permission.

Plume visibility, plume grounding, operational odours, bio-aerosols –

The ES also assesses these matters. On plume visibility the ES states the following:

“Once released to atmosphere, emissions will dilute, cool, and depending on the prevailing ambient temperature and relative humidity, may condense to form a visible vapour plume. The frequency and extent of any visible plume depends on the ambient temperature and relative humidity and the rate of plume dilution.

..... for the year that gives rise to the highest frequency occurrence of visible vapour plumes (2013) the predicted occurrence is 6.3% of the time. It should be noted that these percentages are for all hours including night time hours where a higher frequency will occur due to lower ambient temperatures”.

On plume grounding the ES states the following:

“Plume grounding is usually the description given when a plume can be observed to impact on the ground or elevated terrain. Plumes are usually only visible if they contain smoke,

which is not the case here, or if water vapour in the plume has condensed to form a visible vapour plume.

Whether visible or not, all plumes will ground; the dispersion model used for this assessment calculates the frequency and intensity of plume grounding events to predict the resulting ground level concentrations.

The assessment of the frequency of visibility vapour plumes shows that visible vapour plumes longer than 100m will only occur for 0.5% of the year and therefore the frequency of visible plume grounding events will be significantly less than 0.5% for locations more than 100m from the proposed facility. It should be noted that for the majority of the time when a plume is visible (e.g. 0.5% for plumes more than 100m) the visible part of the plume will not be coming to ground and therefore there will not be a visible plume grounding event”.

On operational odours the ES states the following:

“..... the predicted odour impacts are significantly below the level that would give rise to annoyance of 3.0 O_{Ue} m⁻³ and therefore can be screened out as having an impact of negligible significance.

There are four locations where the IAQM magnitude of change descriptor is slight. The IAQM guidance on odours states: Where the overall effect is greater than 'slight adverse', the effect is likely to be considered significant. This is a binary judgement: either it is 'significant' or 'not significant'. Therefore, in this case, the overall impact is 'not significant'.

Predictions of odour impact have also been made at the location of the air intake to the dairy because of the potential for odour to taint dairy products. The maximum predicted 98th percentile odour concentration at the dairy air intake is 0.10 O_{Ue} m⁻³. Even though this is only 3% of the threshold for annoyance there is still the possibility of detectable odours from time to time, but not at an intensity or duration likely to cause annoyance.

Widely accepted odour thresholds are as follows:

- 1 O_{Ue} m⁻³ - point of detection in a laboratory
- 3 O_{Ue} m⁻³ - recognition threshold
- 5 O_{Ue} m⁻³ - a faint odour
- 10 O_{Ue} m⁻³ - a distinct odour

For 2013 meteorological data, which is the year of maximum impact at the location of the dairy, the maximum one hour average odour concentrations at the location of the dairy air intake is 2.3 O_{Ue} m⁻³ which is less than the recognition odour threshold and so odours at the location of the air intake will be undetectable over an averaging period of one hour. It should also be noted that the prevailing background odour is likely to be in the range of 5 to 40 O_{Ue} m⁻³ i.e. considerably higher than the incremental increase predicted to occur due to emissions from the proposed facility”.

On bio-aerosols following assessment the ES concludes that the maximum predicted annual average concentration of bio-aerosols at the location of the dairy air intake is negligible.

The overall effect on air quality of emissions to atmosphere is concluded in the Environmental Statement to be of minor significance. Construction ‘emissions’ can be controlled via a CEMP. Process emissions are principally a matter for Environmental Permitting; however, the ES in any event sets out the results of assessments which demonstrate acceptable impacts to address public concern.

National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should: *...consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.*

With regard to 'g. air emissions, including dust', Appendix B advises that considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

The submitted ES sets out the results of the dispersion modelling and assessment which demonstrate that, with a stack height of 75 m, the maximum predicted concentrations of all substances emitted comply with relevant air quality objectives at nearby sensitive locations, including residential areas and nature conservation sites, and the air intake of the adjacent Westbury Dairies.

As noted by the Council's Public Protection team, the application relates to a process that will require an Environment Agency Permit to operate, under the provisions of the Environmental Permitting Regulations 2016, which embraces the EU Waste Incineration Directive (WID) and Industrial Emissions Directive (IED). These regulations require the operator to use the 'best available technology' to ensure that impacts from the site are minimised and are compliant with UK and EU air quality and emissions standards.

The Council's Public Health team has liaised with Public Health England (PHE) regarding the application and echoes its response and that of Public Protection that the advanced thermal treatment plant will be subject to a permit issued by the Environment Agency which will govern emissions and impacts from the gasification process and ancillary waste handling activities. They are satisfied along with PHE that the applicant has demonstrated that the proposed development can be carried out without any significant impact on health, subject to compliance with UK air quality and emission standards.

PHE is satisfied that the applicant has approached the environmental impact assessment in a manner consistent with the UK requirements. They have utilised a satisfactory approach and methodology to predict the likely emissions, distribution of a range of key pollutants and the impact on the local environment and receptors. PHE will further consider the emissions and appropriate control measures when we are consulted as part of the Environmental Permitting process and will make additional comments at that time.

National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should: *...concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.*

This activity will require a bespoke installation environmental permit issued by the Environment Agency (EA). As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this by consulting partner organisations, such as Natural England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). Emissions limits and

techniques used to protect the environment and human health are set by the EU Industrial Emissions Directive (IED). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT).

Environmental permits contain conditions to protect the environment and human health. Energy from waste permits can set controls on a range of factors including:

- Waste inputs – type, quantities, annual throughput
- Process controls – how activities on-site will be managed
- Emissions limits – air, land and water
- Performance monitoring – ongoing measurement of activity

The Environment Agency has not identified any major concerns about issuing a permit for this development. The Agency does not object to the development because it believes that it is unlikely that the risks to people and the environment can be satisfactorily mitigated in this location nor does it advise additional information is required to know if the proposed development can meet its requirements to prevent, minimise and/or control pollution.

Refuse odours and flies –

A number of representations have referred to the potential for stored waste materials to smell and/or attract flies. Control of odours and flies is principally a matter for good site management, and it cannot be assumed that there would not be good management in this case. It follows that concerns in relation to potential odours and flies would not amount to a sustainable reason for refusing planning permission. National Planning Policy states that 'When determining waste planning applications, waste planning authorities should: ...concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced'. The Environment Agency has advised that when issuing an Environmental Permit for this site it will require the operator to take all appropriate measures to prevent or minimise the emission of offensive odours, flies and vermin. It follows that concerns in relation to potential odours and flies would not amount to a sustainable reason for refusing planning permission. For similar reasons the risks of fires at the site cannot amount to a planning reason for refusal. Noise levels from operation of the odour control equipment can be a matter for conditions.

Other residential amenity considerations –

The application site lies within an industrial setting where there are other large 'factory' buildings. Within this context, and in view of the significant separation from the nearest residential properties, it is not considered that the proposed buildings and stacks in themselves would have a harmful impact in terms of overlooking, overshadowing and/or being overbearing.

Landscape / Visual Impact

Core Policy 51 of the WCS relating to 'landscape' states that new development should protect, conserve and where possible enhance landscape character, with any negative impacts mitigated as far as possible through sensitive design. Proposals should be informed by and be sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. Proposals will need to demonstrate that the following matters in particular have been taken into account and landscape conserved and enhanced as appropriate:

- The separate identity of settlements and the transition between man-made and natural landscapes;
- Visually sensitive skylines, soils, geological and topographical features;
- Landscape features of cultural, historic and heritage value;
- Important views and visual amenity;
- Tranquillity and the need to protect against intrusion from light pollution, noise and motion; and
- Landscape functions including places to live, work, relax and recreate.

Core Policy 57 provides more general development control standards, requiring new development to, in particular, respond positively to existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building lines, etc., to effectively integrate development into its setting. It also requires the retention and enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

The application site is not within or covered by any statutory or non-statutory landscape designation. The impact of the development on the landscape must be considered with due regard to the site's allocation for development in the Wiltshire Core Strategy and the extant planning permission for an ATT facility, albeit lower than what is now proposed.

The ES accompanying the planning application includes a 'Landscape and Visual' chapter and an associated Landscape and Visual Impact Assessment which together consider the impacts of the proposed development on the character of the landscape and on visual amenity in general at key receptors, or viewpoints.

The ES classifies the sensitivity of the landscape and visual receptors in the following agreed terms:

"The landscape character of the Northacre Trading Estate can be classified as being of Low Landscape Sensitivity, [and] the proposed development will be entirely compatible with surrounding land uses.

The open countryside to the west of the site, through which a public footpath passes in a north-west / south-east direction, can be considered to be of Medium Landscape Sensitivity.

The threshold in terms of significance of impact on the landscape setting of the open countryside would be considered to be exceeded if the development site had buildings and structures, which were significantly higher than those on the adjacent Arla Foods Westbury Dairies site.

Users of the Northacre and adjacent Trading Estates are considered to be of Low Visual Sensitivity.

Users of footpaths in the open countryside adjoining the site are classed as Medium Visual Sensitivity.

Users of right of way further away from the site, located on higher ground, and visitors to the Westbury White Horse / Bratton Iron Age Fort can be considered to be of High Visual Sensitivity.

Visitors to the town centre are considered to be of Low to Medium Visual Sensitivity.

Occupiers of residential properties situated on higher ground to the south and west of the development site are deemed to be of High Visual Sensitivity”.

Landscape character -

As a result of the heavily developed and disturbed nature of much of the area immediately surrounding the site the ES concludes that this is an ‘ordinary landscape’ of medium sensitivity. Medium landscapes are defined as -

‘Areas that exhibit positive character but which may have evidence of past alteration to/degradation/erosion of elements or features resulting in areas of more mixed character. Potentially sensitive to change in general; again change may be detrimental if inappropriate but it may require special or particular attention to detail.”.

The ES’s assessment of the overall sensitivity of the landscape is agreed. Specifically, it is agreed that this is not a ‘high’ qualifying landscape, and so it is not essential for it to be conserved for its own sake; and nor is it a landscape that is necessarily or particularly sensitive to change in general, although this subject to appropriate design and detailing of planned change.

The immediate area around the application site is characterised by a variety of utilitarian (mainly metal clad) ‘factory’ buildings, some of considerable size, notably the Arla dairy products complex and the existing Northacre RCC. These now help to define the character of the landscape hereabouts, and in this context the proposed ATT facility would not appear out of place, including its relatively tall stacks. The countryside to the west of the Northacre Industrial Estate has been less affected by change, although it is still influenced by the developments that have taken place in the adjacent industrial estates.

With the above in mind the ES concludes that the significance of the landscape effects for Stephenson Road (that is, within the industrial estate) is categorised as ‘slight adverse’. The significance for the open countryside to the south-west and west of the site is considered to be ‘moderate adverse’ due to, in particular, the height and scale of the proposed structures. However, this impact is acceptable in view of the landscape having already been compromised by the dairy building and other lesser buildings on the industrial estate, and the inevitable future growth of the estate in a westerly direction in accordance with the Core Strategy’s employment allocations.

Visual impact –

In terms of visual impact, the ES identifies a number of sites from where the site can be readily viewed. The ES notes that the site is particularly visible from viewpoints on higher ground to the west and south (including footpaths, roads and residential properties). However, it concludes that, in the main, the significance of the effects on these views are only ‘slight adverse’ to ‘moderate adverse’ having regard to the mass of existing buildings in these views (such as the dairy), and the distance and/or fragmented nature of the views. The one exception is the view from the public footpath running north-west of Brook Farm where the effect, due to proximity, would be ‘substantial – moderate adverse’ but, again, read in the context of the other buildings. This effect in isolation is not considered sufficient to sustain an objection to the proposal’s overall moderate impact, particularly in view of the allocation of more employment land hereabouts.

The distant view from the east – from the popular ‘beauty spot’ by the Westbury White Horse – is concluded to be ‘slight adverse – negligible’. The ES states, “The processing hall and stack, albeit to a lesser extent, will be clearly visible from the top of the scarp slope adjacent

to the Westbury White Horse although they are an extremely small component of the view and will be less conspicuous in some weather conditions. There is considered to be a very slight deterioration in the quality of that part of the view that looks towards Westbury”.

These conclusions on the significance of impacts on views are agreed. The landscape in this area (and related views) has been, and will continue to be, influenced by the industrial operations at the industrial estates, and the proposal would not significantly add to or change this. Although parts of the development would be sizeable (notably the main building and stacks), these would be seen in the context of other existing substantial buildings and the wider urban form of Westbury, and the stacks in isolation are relatively slender structures within the wider views. With the use of appropriate materials for the buildings and additional landscaping, an acceptable situation would be achieved; likewise, the use of modern lighting techniques would lessen the impacts of the intended 24 hour operation. Overall, it is accepted that the effects on landscape and visual amenity would be acceptable.

Overall, it is considered that as a consequence of the application site being allocated employment land *and* lying within a landscape of medium sensitivity characterised by elements of built industrial form, and in view of at least some localised screening provided by woodland belts and hedgerows giving fragmented views from the west, that the proposed development can be accommodated without significant landscape or visual harm. In a number of views (notably from higher ground, including the escarpment to the east) the site is visible, but as these views are panoramic and, in some cases, at a distance, and as the industrialised form of the site is now part of the landscape in any event, it is not considered that detriment would be caused to the landscape and the views as a consequence of what is proposed. The greater impact on views from the close-by by footpath would not in isolation amount to a sustainable reason for refusing planning permission.

Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon local planning authorities in determining applications for development affecting listed buildings to have special regard to the desirability of preserving the special interest and setting of the listed building.

Core Policy 58 (ensuring the conservation of the historic environment) of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance the historic environment.

Paragraph 132 of the NPPF states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation; and the more important the asset, the greater the weight should be. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that, in particular, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 135 continues that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgment made.

Historic England defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting”. Setting is defined in the NPPF as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

The ES includes a chapter relating to heritage. It identifies no heritage assets on the application site, which is agreed. Further afield there are various assets, although most – such as listed buildings within Westbury town centre – are sufficiently distanced from the site and/or have such intimate settings so as to be not affected by the proposal.

The impact on five ‘within 2km’ assets have been assessed – Brook Farmhouse (Grade II listed building), Storrige Farmhouse (Grade II), Brook Hall (Early Wing (Grade I), the Hall (Grade II) and the Barn (Grade II)), the ‘Medieval Settlement and associated field systems of Brook Farm’ (Scheduled Monument), and ‘the Moated Site 400m east of Penleigh House (Scheduled Monument). Beyond 2km other sites with inter-visibility have also been assessed – ‘Bratton Camp Iron Age hillfort, the Westbury White Horse, barrows and trackways on Bratton Down’ (Scheduled Monument), ‘The Devil’s Bed and Bolster long barrow’ (Scheduled Monument), Park Court in Upton Scudamore (Grade II* listed building), and ‘Bowl Barrow north of White Horse Farm’ (Scheduled Monument).

In relation to the listed buildings the ES states that there would be inter-visibility with some, but the separations and/or the context (where there are already other industrial buildings within views) means that the settings would not be detrimentally affected. The ES concludes ‘no harm’ to ‘minor adverse’ effects only.

In relation to the Scheduled Monuments, similar conclusions are drawn – either there is no inter-visibility or the wider settings are already influenced by established industrial development, railway lines or the urban form of Westbury as a whole. The White Horse monument is approximately 5km from the site, and at this distance, and in the context of the town, it is not considered that harm would be caused to its setting. The ES concludes as follows:

“The only aspects of the settings of nearby heritage assets, which contribute to their significance and are liable to be affected by the development are landscape-orientated and essentially visual. It is considered that these components of their setting have already been comprehensively compromised by modern industrial development and therefore do not contribute positively to the assets’ significance, so that a relatively minor addition, which does not encroach closer than existing buildings, and does not affect landscape elements, cannot diminish further this aspect of their setting”.

For similar reasons there would be no harmful impacts on non-designated heritage assets.

The WC Conservation Officer has assessed heritage assets independently, this in view of her reservations over the adequacy of some aspects of the ES assessment. The outcome is the same – that is, the impact on assets is neutral or, in one or two cases (notably Brook Farm), the harm is less than substantial. Where the harm is less than substantial the public benefits arising from providing the ATT facility tip the balance in favour of the proposal in any event.

To conclude, it follows that there are no grounds for refusing planning permission for heritage reasons.

Biodiversity

The Environmental Statement includes a chapter on biodiversity. It is informed by recent surveys carried out at the site.

In view of the circumstances of the site – essentially open land within an industrial estate – the ES reasonably concludes that the site contains ‘common habitat’ of non-high conservation status; no positive signs of any wildlife were recorded during the surveys.

A one-hole outlier badger sett was observed. As it would not be possible to protect this in situ, the proposed mitigation strategy is to exclude badgers and close the sett under Natural England licence. This is an acceptable approach, and accordingly a condition is recommended for this, together with other mitigation set out in the ES to be carried out.

Drainage

The application site lies within Flood Zone 1 and so has a low probability (less than 1 in 1,000 annual probability) of river [or sea] flooding.

The Northacre Industrial Estate was designed with a surface water drainage system to cope with all developments within it, and the proposal would connect to this. The operations on the site would have their own contained drainage as well, and would conform to standard requirements in terms of interceptors and flow charge rates. It follows that there are no surface water drainage issues arising.

Foul water would discharge to mains, and there is no objection to this from Wessex Water. This is subject to no surface water connections to the foul system.

Conclusion

In view of the application site lying within an industrial estate which is designated as a Strategic Scale Waste Site in the Wiltshire & Swindon Waste Site Allocations Local Plan, there can be no objection to the principle of a ‘strategic’ waste recovery (energy from waste) facility here. Indeed, it is logical to contain such a facility on a site adjacent to another now established waste processing facility which is producing a fuel component for the proposed waste recovery facility – namely the Mechanical Biological Treatment operation.

It is relevant that the application site already benefits from planning permission for an ATT (energy from waste) facility granted in 2015. This is an important material consideration which must be given considerable weight. The current proposal ‘just’ seeks to amend the design – by enlargement of the buildings and stacks – to accommodate different equipment and plant, although with a similar net output.

In terms of detail, the planning application and the Environmental Statement demonstrate that there would be no adverse impacts on matters of acknowledged importance – notably, the capacity of the highway network, the amenities and well-being of neighbours and the wider Westbury community, the wider landscape, heritage assets and drainage.

RECOMMENDATION

Having taken into account the environmental information, it is recommended to grant planning permission subject to the following conditions –

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

18616-500-02 (red edged site plan) dated 03/2018

040_A05 Rev C dated 06/12/2017

040_A07 Rev D (1 to 4) dated 06/12/2017

040_A08 Rev C dated 06/12/2017

040_A09 Rev C dated 06/12/2017

040_A10 Rev C dated 06/12/2017

NOR-LP01 Rev B (undated)

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The un-loading, storage and re-loading of waste materials shall take place inside the buildings hereby approved only, and shall not take place at, on or over any other parts of the application site.

REASON: To comply with the terms of the planning application and its justification, and to ensure the amenities of the wider environment are safeguarded.

- 4 The total tonnage of waste material delivered to the site shall not exceed 118,500 tonnes in any twelve month period.

REASON: To ensure that the development substantially accords with the terms of the Transport Assessment and Environmental Statement which accompany the planning application, and their conclusions that this scale of operation would not cause harm to matters of acknowledged importance.

- 5 A record of the quantity (in tonnes) of waste materials delivered to the site and all the waste-derived products despatched from the site shall be maintained by the operator of the site and made available to the local planning authority upon request. All records shall be kept for at least 36 months.

REASON: In order that the local planning authority can monitor the approved development.

- 6 Heavy Goods Vehicle (HGV) deliveries to and removals from the site of waste materials shall be limited to the following times:

Monday to Friday: 07:00 to 22:00

Saturdays: 07:00 to 17:00

There shall be no deliveries or removals on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the wider area.

- 7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the facility or the completion of the development whichever is the sooner; All shrubs, trees and hedge

planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 9 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 10 There shall be no surface water discharge connection to the foul water network.

REASON: To safeguard the integrity of the foul water network and prevent flooding.

- 11 No development hereby approved shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Construction deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for

- security purposes.
- Construction traffic routes.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 12 No part of the development shall be brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

The Travel Plan shall include provision for car sharing and for ultra low energy vehicle infrastructure (electric vehicle charging points).

REASON: In the interests of air quality and reducing vehicular traffic to the development.

- 13 Prior to first operation of any plant, noise mitigation measures for the plant shall be installed in accordance with the specifications set out in the 'Noise and Vibration' chapter (chapter 6) of the Environmental Statement dated April 2018 accompanying the planning application. The mitigation shall be retained and maintained thereafter.

Within 3 months of any plant having become first operational a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set out in the Environmental Statement. The outcomes of the noise assessment shall be provided in writing to the local planning authority for agreement in writing no later than 1 month after the initial 3 month period. In the event that the noise assessment finds that the noise predictions have been exceeded then details of additional mitigation measures shall be provided as part of the noise assessment together with a timeframe for installation. The additional mitigation shall then be installed in accordance with the agreed noise assessment and retained and maintained thereafter.

REASON: To protect local amenity from the adverse effects of noise.

- 14 Prior to the development hereby approved becoming first operational an odour management plan (for the management of odours, should they arise) and a pest management plan (for the management of flies, vermin, etc., should they arise) shall be submitted to the local planning authority for approval in writing. Thereafter, the approved plans shall be implemented as approved, if/as necessary.

REASON: To safeguard amenity.

- 15 The development hereby permitted shall be carried out strictly in accordance with the Mitigation Measures for biodiversity set out in the 'Biodiversity' chapter (chapter 8) of the Environmental Statement dated April 2018 accompanying the planning application.

REASON: To safeguard wildlife.

- 16 INFORMATIVE: This activity will require a bespoke installation environmental permit issued by the Environment Agency (EA). As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this by consulting partner organisations, such as Natural

England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). Emissions limits and techniques used to protect the environment and human health are set by the EU Industrial Emissions Directive (IED). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT). The EA cannot set environmental permit conditions that go beyond what is specified by the IED and BAT.

Northacre

Renewable Energy

**Revision of the layout and design of the
Advanced Thermal Treatment Facility permitted
under consent 14/12003/WCM at Stephenson
Road, Northacre Trading Estate, Westbury, BA13
4WD**

**Non-technical summary of the
Environmental Statement**

April 2018

Introduction

Northacre Renewable Energy Ltd (a company set up by the Hills Group) proposes to develop and operate an advanced thermal treatment facility on land between Arla Foods Westbury Dairies and Northacre Resource Recovery Centre (RRC) on Stephenson Road in the Northacre Trading Estate, Westbury.

The Hills Group is one of Wiltshire's largest employers with over 400 staff working across the regions it serves. Established in 1900, The Hills Group is a privately owned family company with a broad and successful portfolio of business activities which include recycling and waste management; quarrying of aggregates and production of ready-mixed concrete; and building new homes. From its base in Wiltshire, Hills serves customers in central Southern England and Wiltshire.

Hills Waste Solutions, which is part of The Hills Group, operates the Northacre RRC under contract with Wiltshire Council.

The proposed development is a modification of the design of an advanced thermal treatment facility, which already has planning consent (ref 14/12003/WCM). The changes to the development as already approved can be summarised as follows:

- Increased height of buildings to incorporate more efficient boiler system and to facilitate safe access around the boiler plant.
- Increase in stack heights to comply with emerging Environment Agency guidance on Best Available Technique.
- Enclosure of the thermal process plant (gasifier, boiler and turbine) to assist in year-round operations and maintenance.
- Separation of the waste reception building and the thermal process building to comply with revised standards for fire control.
- Installation of one fewer turbine and a reduced bank of Air Cooled Condensers due to improved efficiencies in the process.

The proposed development uses advanced thermal treatment technology to generate electricity and heat from a mix of solid recovered fuel (SRF) and commercial and industrial waste that would otherwise be exported to mainland Europe as SRF or landfilled in Wiltshire respectively. Some 25.5 MW electricity / year will be generated.

The Environmental Statement

Environmental impact assessment (EIA) is the process by which the positive and negative environmental effects of a proposed development are identified before development consent is granted. The report documenting the outcome of the EIA process is called an Environmental Statement (ES).

This non-technical summary accompanies the ES and provides a simplified overview of the contents of the ES.

The full ES is available for viewing at Wiltshire Council, County Hall, Bythesea Road, Trowbridge or can be

downloaded from www.northacre-energy.co.uk. Full copies of the application including the ES can be provided on CD for £10.

Assessment of environmental impacts

Following a detailed scoping exercise in 2014, as part of the previous, successful, planning application, the topics identified for further investigation in the EIA were air quality, noise, landscape and visual impact, transport and access, archaeology and cultural heritage. This current assessment has also included biodiversity and nature conservation and climate change but has excluded archaeology from consideration given the findings of the previous assessment. The findings of the EIA process under each of these topic headings are given below. The EIA also considers cumulative effects and includes a detailed description of the development and a chapter on the policy context.

Policy support for the proposed development

The proposed development has been assessed against prevailing planning policy at the national and local level.

The proposed development is an appropriate use of the site.

Northacre Trading Estate is identified in Core Policies 32 and 35 of the adopted Wiltshire Core Strategy as a Principal Employment Area and in the adopted Waste Site Allocations Plan as suitable for 'Materials Recovery Facility / Waste Transfer Station, Local Recycling and Waste Treatment'

The proposed development is in accord with policies on climate change, design and appearance, ecology and nature conservation, economy, pollution, archaeology and cultural heritage, visual impact, traffic and transport, waste management and water resources.

Air quality

Detailed atmospheric dispersion modelling has been undertaken to assess the effects of emissions from the proposed development.

The results of the dispersion modelling and assessment demonstrate that, with a stack height of 75 m, the maximum predicted concentrations of all substances emitted comply with relevant air quality objectives at nearby sensitive locations, including residential areas and nature conservation sites, and the air intake of the adjacent Westbury Dairies.

Noise

A noise assessment was undertaken, which calculated the potential impact of noise levels arising from the proposed development at the nearest residential receptors during both daytime and night time.

The assessment showed that with the implementation of appropriate mitigation measures, noise at the nearest residential receptors would be below background for five out of the six receptors. For the sixth receptor, which is two adjoining residential properties (Crosslands and Brookfield) surrounded by commercial and industrial development, noise generated by the proposed development is predicted to be the same as background in the daytime and exceed the background level by 1 dB at night. It should be noted that 3dB is the smallest change in noise generally perceived to be detectable by the human ear.

Biodiversity and nature conservation

An ecological survey has been undertaken which found that the proposed development site contains common habitat, which is not scarce, threatened or of high conservation status.

No positive signs of any wildlife of note were recorded during the surveys. There is a small, outlier badger sett on

the site boundary, which has its entrance outside the site and the scrub vegetation on the site has the potential to be used by nesting birds. Mitigation measures have been specified, implementation of which, will ensure adequate protection of badgers and nesting birds so that there are no residual effects.

Landscape and visual impact

The potential landscape and visual impact of the proposed development has been assessed through field and desk studies and the preparation of photomontages of before and after views from viewpoints agreed with Wiltshire Council.

The effect on the important visitor destination viewpoint adjacent to the Westbury White Horse has been deemed to be negligible – slight adverse due to the distance from the site.

The majority of visual effects on long distance views have been categorised as Slight Adverse or Moderate to Slight

Adverse as the adjoining Westbury Dairies and other trading estate buildings are already very prominent features in the landscape.

There is a moderate-substantial adverse at a single viewpoint immediately following construction; this impact reduces to moderate adverse as the proposed landscaping matures.

Transport and access

Consideration of vehicle movements resulting from the proposed development shows that the proposed development will not have an impact on the local highway network.

The proposed development would add 41.5 HGV movements / day, routed to the Yarnbrook roundabout via the West Wilts Trading Estate and the B3097. From Yarnbrook, 31 of these movements would use the A350 to the north with the remaining 10.5 passing through Westbury on the A350 to the south.

Vehicle movements will be spread evenly over a 15 hour period meaning that there will be an additional 4 HGVs in the peak hour. This increase amounts to about 0.35% increase in traffic through the Yarnbrook junction. HGV traffic through the air quality management area in Westbury town centre will be equivalent to one additional HGV movement every 1.4 hours

Northacre Renewable Energy Ltd will put in place measures to help reduce reliance on cars and has developed a draft travel plan, which will be finalised when the site is operational. The design incorporates secure covered cycle parking and showers and lockers will also be provided for staff.

Heritage

The heritage assessment identified ten heritage assets within a 5 km radius of the proposed development that required assessment.

For the more distant heritage assets the proposed development is so far removed that it is insignificant.

For the five heritage assets within a 2 km radius, it is considered that the proposed development, whilst visible from the assets, will have no impact on three of the assets.

For the remaining two heritage assets, (Brook Farm and the Medieval settlement and field system west of Brook Farm) which are intervisible with the site, it is considered that the vistas in the direction of the proposed development are already fully compromised so that the proposed development makes very little difference. However, it is concluded that there is a minor adverse residual effect on the setting of Brook Farmhouse, given its proximity to the proposed development.

Climate change

Consideration of climate change includes both the impact of the proposed development on climate and climate

change and the impact of climate change on the proposed development and its implementation.

The proposed development will reduce greenhouse gas emissions, as it will generate energy from waste, which would otherwise be landfilled, and emissions associated with transport will reduce as the development will result in some 2,000 fewer HGV movements compared with the current situation.

In terms of potential effects of climate change on the development, it is not located in an area at risk of flooding nor are any special measures considered to be required to protect the development from extreme weather events.

Summary

The proposed development would divert waste from landfill, generate electricity from waste which is currently landfilled and recover valuable recyclables. It would also utilise SRF produced from Wiltshire's municipal waste, which is currently transported to mainland Europe.

There is one adverse effect arising out of the proposed development, which is classed as significant, namely that of the visual effect on users of the footpath north-west of Brook Farm. In the context of the whole development, this single effect is considered to be acceptable and there are therefore no material considerations arising out of the EIA process.

In summary, the proposed development would:

- Be part of a local circular economy, turning waste into a fuel to generate renewable energy
- Generate local energy to power local businesses – 25.5 MW of electricity / year
- Deal with local waste, primarily from Wiltshire
- Create local employment – 40 permanent positions
- Promote a sustainable Wiltshire and Wiltshire's aspiration for a green economy.



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Your Ref: 14/12003/WCM

Our Ref: CIRIS 45991

12 June 2018

Dear Mr Tomsett,

Planning Application 18/03816/WCM

Revision of the layout and design of Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM

Address: Northacre Renewable Energy Stephenson Road Northacre Industrial Estate Westbury Wiltshire BA13 4WD

Thank you for consulting Public Health England (PHE) on the above application.

We understand that the proposed development relates to an application for the revision of the layout and design of the Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM at Stephenson Road, Westbury. It uses advanced thermal treatment technology to generate and export electricity and heat. It will process 48,000 tonnes of solid recovered fuel (SRF) and 112,000 tonnes of mixed commercial and industrial waste that would otherwise be landfilled in Wiltshire or exported to mainland Europe as solid recovered fuel (SRF).

We are conscious that if a planning permission is granted, the activity on site will also be subject to a permit issued by the Environment Agency under the provisions of the Environmental Permitting Regulations 2016. Additionally, emissions and impacts from the gasification process and ancillary waste handling activities will be governed by those conditions stipulated in that permit. The same regulations require the operator to use the best available technology to ensure that impacts from the site are minimised and are compliant with UK and EU air quality and emissions standards.

For that reason we have limited our consideration at the planning stage to the principle of land use, a consideration of the Environmental Impact Assessment (EIA) approach adopted by the applicant and type and range of submitted assessments.

PHE Position Statement

PHE has published a position statement on incinerators but we note that this application is specifically for a gasification process. This process differs from straightforward combustion and consequently the incineration position statement is not considered applicable in these circumstances. Details of the differences between incineration and thermal treatment can be found in the DEFRA publication Energy from waste, A guide to the debate, February 2014 (revised edition), pages 35 to 38. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf

Impacts during construction

As with any development there may be some localised short term impacts during the construction phase of the project. We note however, that a construction and management plan (CEMP) is included with the application and are happy that such impacts can be adequately managed by normal control measures and the use of industry good practice. Should issues such as noise or dust impacts arise during construction existing regulatory controls are considered adequate.

Air Quality

The applicant has modelled likely emissions from the site and considered the impact on local air quality. There are a number of sensitive receptors within 2km of the proposed plant including a powdered milk production facility, residential premises, commercial premises, recreation areas, schools and care homes. The submitted assessments have identified these receptors and assessed the impact of a range of emissions from the plant. No significant impacts have been identified in the documentation and PHE is satisfied that the applicant is utilising a model and assessment criteria that are in line with UK guidance and good practice.

There is an Air Quality Management Area (AQMA) in Westbury, declared on the basis of nitrogen dioxide, but we note that the predominant source of NO₂ in that area is vehicular traffic. The submitted assessments indicate that the additional contribution from either traffic associated with the proposed development or from stack emissions is likely to be small and consequently is unlikely to have a significant impact on public health.

On the basis of the information submitted with the application PHE is satisfied that the development/process should be capable of operating within the requirements of current UK regulations, air quality standards and emissions standards. Detail of the regulatory control, emissions requirements and monitoring requirements will be

considered in more detail as part of the environmental permitting process; however, on the basis of the information submitted to date PHE would be unable to sustain any objection to the development on the grounds of air quality.

Transport Impacts

PHE has only considered the impact of traffic on air quality and does not wish to comment on other matters such as noise although we note that as a result of the existing traffic burden the predicted increase in overall traffic levels as a result of both the construction and operational phases is predicted to be small. We are not in a position to assess the accuracy of the traffic predictions and should Wiltshire Highways department disagree with the applicants estimates we would be happy to reconsider this matter based on any new evidence.

Controlled Waters

The development/process is handling waste and consequently there is a potential for this to impact on the local environment and controlled waters. This matter is however better assessed by the Environment Agency and will be addressed by suitable permit conditions.

Contaminated Land

The applicant has submitted a site investigation report and no significant levels of ground contamination were identified. The CEMP should include a section on the management of contaminated soils if they are encountered during the development and consequently PHE is satisfied that historic contamination does not pose a risk to public health.

Noise

PHE does not provide comments on noise at the present time.

Conclusion

PHE is satisfied that the applicant has approached the environmental impact assessment in a manner consistent with the UK requirements. They have utilised a satisfactory approach and methodology to predict the likely emissions, distribution of a range of key pollutants and the impact on the local environment and receptors.

PHE will further consider the emissions and appropriate control measures when we are consulted as part of the Environmental Permitting process and will make additional comments at that time. We are however satisfied that the applicant has demonstrated that the proposed development can be carried out without any

significant impact on health, subject to compliance with UK air quality and emission standards. For that reason we do not wish to raise any objection to this planning application.

We note that there appears to be some local opposition to the application and recommend that you liaise closely with your council's public health and health and wellbeing teams. This will ensure that they are aware of the application and local concerns and assess the wider public health implications and impacts on the local community.

If you have any questions or require any clarification please do not hesitate to contact us.

Yours sincerely

Allister Gittins
Environmental Public Health Scientist
crce-ehe@phe.gov.uk

5 Air quality

5.1 Introduction

This section provides an overview of the existing legislation and assessment criteria in relation to air quality. The Local Air Quality Management (LAQM) review and assessment process is outlined together with a summary of the assessment findings and monitoring data for the Westbury area.

The impact of the proposed development on air quality is assessed and mitigation measures recommended as appropriate. The full air quality modelling and assessment and health risk assessment reports, undertaken by ADM Ltd, are included within Appendix D and the results summarised in this section.

5.2 Assessment methodology and significance criteria

5.2.1 Air quality limit values and objectives

Government policy on air quality within the UK is set out in the Air Quality Strategy for England, Scotland, Wales & Northern Ireland (AQS), published in July 2007 in accordance with the requirements of Part IV of the Environment Act 1995. The AQS sets out a framework to reduce adverse health effects from air pollution and ensures that international commitments are met. The AQS sets standards and objectives for pollutants to protect human health, vegetation and ecosystems; standards are derived from EU directives on air quality.

The Environment Act 1995 places statutory duties on Local Authorities for Local Air Quality Management (LAQM) and requires Local Authorities to contribute to the achievement of AQS objectives and conduct periodic reviews and assessments of air quality.

Where the air quality objectives are unlikely to be or have not been achieved by the target date, a local planning authority is required to designate an AQMA and to draw up an air quality action plan (AQAP) towards achieving air quality objectives in the future.

5.2.2 Pollutants relevant to the proposed development

The principal pollutants that will be released to atmosphere from the proposed development are:

- Oxides of nitrogen (NO_x)
- Fine particulate matter (PM₁₀ and PM_{2.5})

- Sulphur dioxide (SO₂)
- Carbon monoxide (CO)
- Hydrogen chloride (HCl)
- Hydrogen fluoride (HF)
- Ammonia (NH₃)
- Benzene (C₆H₆)
- Dioxins and furans
- Twelve metals
- Polychlorinated biphenyls (PCBs)
- Polycyclic aromatic hydrocarbons (PAHs)

Descriptions of these pollutants, including their effects on human health and relevant standard and guideline values are given in section 2.3 of Appendix D.

Modelling has also been undertaken of emissions of odour and bio-aerosols from the 40 m high air extraction system stack.

5.2.3 Significance criteria

The combination of the 'sensitivity' and / or 'value' of the affected environmental receptor and the predicted 'extent' and / or 'magnitude' of the impact or change generally determine the significance of an impact. The assessment of significance ultimately relies on professional judgement, although comparing the extent of the impact with criteria and standards specific to each environmental topic can guide this judgement.

Details of impact descriptors used in this assessment are taken from the Institute of Air Quality Management (IAQM) / Environmental Protection UK (EPUK) guidance and⁹ are given in Table 4 below. It should be noted that the IAQM / EPUK impact descriptors refer to permanent changes in air quality brought about by a development and not short term or temporary changes. They also refer to locations where there is relevant exposure and not therefore necessarily the location of the maximum impact. The criteria therefore are only appropriate for changes to annual average concentrations at locations where there is relevant exposure i.e. not generally the point of maximum impact.

⁹ Environmental Protection UK/IAQM (January 2017) Land-Use Planning & Development Control: Planning for Air Quality

Table 4: IAQM / EPUK air quality impact descriptors for individual receptors

Long term average concentration at receptor assessment year	% change in concentration relative to air quality assessment level (AQAL)			
	1	2 - 5	6 - 10	> 10
≤ 75% AQAL	Negligible	Negligible	Slight	Moderate
76 - 94% of AQAL	Negligible	Slight	Moderate	Moderate
95 - 102% of AQAL	Slight	Moderate	Moderate	Substantial
102 - 109% of AQAL	Moderate	Moderate	Substantial	Substantial
> 110% AAQAL	Moderate	Substantial	Substantial	Substantial

Note: Changes less than 0.5% are negligible

The IAQM guidance on significance shown in Table 4 is only applicable to long term / annual average impacts.

For peak short-term concentrations from an elevated source, IAQM provides the following guidance:

- Magnitude of impact (percentage of relevant Air Quality Assessment Level, AQAL):
 - 10-20% - Small
 - 20-50% - Medium
 - >50% - Large

The corresponding severity of these impacts can be described as slight, moderate and substantial without the need to make reference to background or baseline concentration.

The Environment Agency's (EA) risk assessment guidance¹⁰ includes a test for insignificance of short-term impacts and states that the process contribution (PC) can be considered as insignificant if:

- the long term PC is <1% of the assessment criteria
- the short term PC is < 10% of the assessment criteria

It is important to note that if these thresholds are exceeded it is not automatically concluded that the process contribution (PC) is significant, just that it cannot be ruled out as being insignificant.

For the assessment of significance, this assessment uses the IAQM guidance.

¹⁰ <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>.

The IAQM guidance¹¹ on the assessment of odour for planning suggests three categories for receptor sensitivity (high, medium and low) and defines odour effect descriptors based on the sensitivity of the receptor and the magnitude of the impact in terms of odour units ($\text{OU}_e \text{ m}^{-3}$). The categories are described in full in Appendix D; the relevant assessment criteria for high sensitivity (e.g. residential) receptors as used in this assessment are shown in Table 5 below.

Table 5: IAQM odour effect descriptors

Odour exposure (C_{98} , $\text{OU}_e \text{ m}^{-3}$) (a)	Receptor sensitivity - high
>10	Substantial
5 – 10	Substantial
3 – 5	Moderate
1.5 – 3	Moderate
0.5 – 1.5	Slight
<0.5	Negligible

a) 98th percentile of hourly averages

The IAQM guidance on odours states: “Where the overall effect is greater than ‘slight adverse’, the effect is likely to be considered significant. This is a binary judgement: either it is ‘significant’ or ‘not significant’. Therefore, if the overall effect is not worse than ‘slight adverse’ then the impact is ‘not significant’”. Given that the IAQM approach for judging significance for odours is the same as air quality the test for significance is valid for both air quality and odours.

5.3 Existing conditions

5.3.1 Wiltshire Council monitoring network

As part of on-going requirements to continually review and assess air quality, Wiltshire Council operates a monitoring network that includes both passive and continuous sampling at a number of roadside locations in Westbury. The closest locations to the proposed development are on Primmers Place (0.7 km away), Fore Street (1.7 km) and Haynes Road (1.7 km). There are two locations (Warminster Road and Haynes Road) where the 2016 measured annual average concentration exceeds the Air Quality Strategy (AQS) objective for nitrogen dioxide (NO_2).

The A350 through Westbury from 23 Haynes Road up to the junction with Warminster Road and Warminster Road from the junction with Haynes Road to the junction with Leigh Road has been declared an air quality management area (AQMA) for nitrogen dioxide and particulate matter (PM_{10}).

¹¹ Institute of Air Quality Management (IAQM, May 2014) Guidance on the assessment of odour for planning.

5.3.2 Estimated background concentrations

Defra estimates background concentrations for a number of pollutants across the UK. The estimated background concentrations of NO₂, NO_x, PM₁₀, PM_{2.5} and SO₂ in the area are all less than the relevant AQS objectives. Table 6 below summarises background concentrations and expresses them as a percentage of the assessment criteria (sources for the data are listed in Appendix D).

Table 6: Estimated annual average background concentrations for 2018

Pollutant	Defra estimated background concentration (µg /m ³) ¹	Assessment criterion (µg /m ³)
Nitrogen dioxide (NO ₂)	9.9	40
Oxides of nitrogen (NO _x)	13.3	30
Particulate matter (PM ₁₀)	12.8	40
Particulate matter (PM _{2.5})	8.3	20
Sulphur dioxide (SO ₂)	2.6	10 – 20

1: average for North Somerset is used

Table 6 shows that the background annual average concentrations of NO₂, PM₁₀ and PM_{2.5} are all less than the AQS objectives and are considered to provide a reasonable estimate of current background concentrations in the region of the proposed development.

5.4 Assessment of impacts

5.4.1 Construction

No demolition or site clearance is required for the proposed development.

HGV deliveries during the construction period will vary dependent on the activities on site with larger numbers of deliveries, estimated to be up to 20 / day, associated with earthworks and foundations. At other times, HGV deliveries will be approximately 2 – 5 / day. There will also be approximately 20 oversized loads associated with key items of the process equipment.

The EPUK guidance for development control¹² includes criteria for when an air quality assessment is required and states that an assessment is required when there is a change in AADT of more than 10% (or 5% in an AQMA). An assessment is also required if there is an increase in HGV movements of more than 200 per day.

¹² IAQM / EPUK (2017) Land-Use Planning & Development Control: Planning for Air Quality.

Construction vehicle movements are clearly well below the EPUK threshold at which assessment is required and so the impacts on air quality along the routes that will be used by construction traffic will be negligible. The effect of emissions to atmosphere from vehicles during construction has therefore not been considered further.

The closest residential properties to the proposed development are Brookfield and Crosslands off Brook Lane approximately 75 m to the east of the site. Arla Foods Westbury Dairies adjacent to the site is also considered to be a potentially sensitive receptor in terms of construction impacts.

The IAQM has published guidance¹³ on how to assess impacts of emissions of dust from demolition and construction sites. This guidance has been followed in Table 7, which shows the steps undertaken to determine the risk of dust from construction giving rise to annoyance.

Table 7: IAQM dust risk assessment methodology

Step	Outcome
Step 1: Need for detailed assessment	Assessment required due to proximity of sensitive receptors within 350 m
Step 2: Assess the risk of dust effect	Low risk site due to small number of receptors
Step 3: Identify the need for site-specific mitigation	IAQM guidance stipulates that for low risk sites the low risk mitigation measures are appropriate. The guidance however states that professional judgement should be employed. Given the close proximity of the air intakes to the dairy it is considered that medium risk mitigation measures should be followed. These are detailed in the IAQM guidance
Step 4: Define effects and their significance	Low impact (following mitigation)

Following the implementation of appropriate mitigation measures the significance of the impacts is considered to be negligible.

5.4.2 Operation

The principal types of emissions to air that may result from operation of the proposed development are:

- Emissions associated with vehicle movements.
- Process emissions vented through the proposed facility's stacks.

¹³ IAQM (February 2014) Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance.

The potential impacts of these types of emissions are considered in turn below.

Vehicle movements

Currently, Solid Recovered Fuel (SRF) from Northacre RRC destined for Germany passes through the Westbury AQMA resulting in 718 trips / year; these movements will cease on the opening of the proposed development. Waste material imports to the consented development will result in 2,343 trips per year through the Westbury AQMA, therefore the net change in HGV traffic is an additional 1,625 trips per year. On the basis of 7,500 hours operation per year this equates to no more than an additional 6 HGV movements per days through the Westbury AQMA.

Emissions to atmosphere from 6 HGV movements per day will have a negligible impact on air quality as the numbers of HGVs are significantly below the EPUK/IAQM threshold for requiring an assessment (an increase in HGV movements of more than 100 per day). The additional movements can also be put into context by comparison to the current annual average daily traffic (AADT) of 17,310¹⁴, which passes through the AQMA. The extra HGVs represent a negligible increase in the AADT of 0.03% (the EPUK threshold for assessment is a change of more than 5% of AADT in an AQMA).

The effect of emissions to atmosphere from vehicles during operation has therefore not been considered further.

Process emissions

In order to quantify the potential impact of emissions from the process, and to determine the optimum stack height for dispersion, detailed atmospheric dispersion modelling using the industry standard atmospheric dispersion model ADMS version 5.2 has been undertaken. The full dispersion modelling report is included in Appendix D and results are summarised in this section. A detailed analysis was undertaken to assess the sensitivity of the predicted concentrations to *inter alia* variations in meteorological data, grid spacing, terrain, building downwash, stack height and dispersion model used as well as consideration of short term impacts and those arising from abnormal operations. The sensitivity analysis is included in Appendix D. The assessment is undertaken for continuous full load emissions. It should be noted that the installation is expected to operate for 7,500 hours per year so all predicted annual average concentrations are conservative.

¹⁴ AMEC (September 2014) Land North of Bitham Park, Westbury, Air Quality Assessment.

Receptor locations

To determine the maximum ground level concentrations occurring due to emissions to atmosphere from the proposed facility and the distribution of impacts, predictions are made of ground level concentrations for a grid of receptors; making predictions for a grid of receptors also allows the predicted ground level concentrations to be presented as contour plots. The specific receptors used in the assessment can be divided into three groups as follows:

- Monitoring locations – allows for the predicted impacts to be directly compared and added to the measured concentrations.
- Locations where there is relevant exposure – such as residential properties.
- Statutory and non-statutory sites of ecological importance – in accordance with Agency guidance¹⁵ this includes European sites within 10 km and national / local sites within 2 km.

For the purpose of Local Air Quality Management (LAQM) the Air Quality Strategy Objectives (AQS) only apply where there is relevant exposure. This is defined as being where members of the public are regularly present and are likely to be exposed for a period of time, appropriate to the averaging period of the objective. For the annual average objective, locations of relevant exposure include residential properties, schools and hospitals. Receptor locations used in the assessment are given in Table 8 below. The air intake for the dairy has been included as a receptor to allow the potential for tainting and effects on the filter to be assessed.

Table 8: Receptors used in the assessment

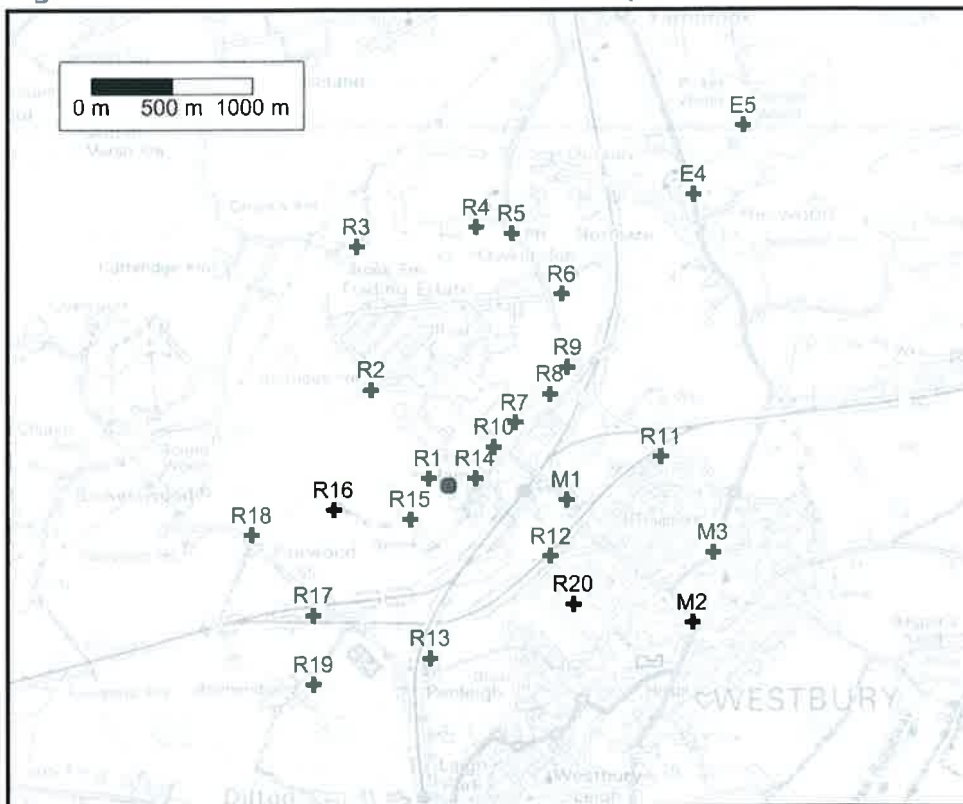
No	Description	Distance (km)
R1	Dairy, air intake	0.1
R2	Storridge Farm	0.8
R3	Brook Farm	1.6
R4	Court Farm	1.6
R5	Property on Hawkeridge Road	1.6
R6	Hawkeridge Farm	1.4
R7	Hawkeridge Park	0.6
R8	Hawkeridge Park	0.8
R9	Grenmore Farm	1.0
R10	Storridge Road	0.4
R11	Bramble Drive	1.3
R12	Oldfield Road	0.8
R13	Penleigh Farm	1.1
R14	Brook Lane	0.2
R15	Orchard House	0.3
R16	Brook Cottage	0.7

¹⁵ Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar Sites within 10 km together with Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs), Local Wildlife sites and ancient woodland within 2 km.

No	Description	Distance (km)
R17	Lambert's farm	1.2
R18	Dairy Farm	1.3
R19	Bremeridge Farm	1.5
R20	School	1.1
M1	P13/58 Primmers Place	0.7
M2	P13/51 41 Haynes Road	1.7
M3	P13/56 12 Fore Street	1.7
E1	Salisbury Plain SAC (Max)	4.2
E2	Salisbury Plain SAC (Representative)	7.3
E3	River Avon SAC	8.6
E4	Picket and Clanger Wood SSSI (Max)	2.4
E5	Picket and Clanger Wood SSSI (Representative)	2.9

Figure 3 shows the locations of the human health receptors, as well as the location of the stack (blue spot).

Figure 3: Location of human health receptors and the stack



There are no statutory or non-statutory sites within 2 km. Given that 2 km is the screening distance specified in the Environment Agency guidance it would be reasonable to disregard sites outside this distance (unless they are SAC, Ramsar or SPAs). However, given the location of Picket and Clanger SSSI to the north-east which is in the direction that the prevailing wind will transport emissions from the facility, assessment of the impacts on this SSSI have been included.

The Westbury Ironstone Quarry SSSI has been designated a SSSI for geological reasons and therefore is not relevant to this assessment.

Modelling and assessment results

The incremental increase in ground level concentrations predicted to occur as a consequence of emissions to atmosphere from the operation of the proposed facility have been calculated, assuming that the facility is operating continuously at full load. Emissions data used are set out in full in section 4.2 of Appendix D.

The focus of the assessment is on the impacts of nitrogen dioxide (NO₂) as this is the pollutant of most concern both in terms of the existing prevailing concentration and the incremental impacts from the proposed facility.

This section also presents an assessment of the impacts of all the pollutants released to atmosphere from the proposed facility as well as predictions of the potential for emissions of odour to cause annoyance and bioaerosols to affect the dairy.

Nitrogen dioxide

Oxides of nitrogen (NO_x), which all progressively becomes nitrogen dioxide (NO₂) in the atmosphere, is the principal pollutant released to atmosphere from the proposed development.

Table 9 shows the maximum predicted ground level concentration of nitrogen dioxide (NO₂) occurring as a consequence of emissions to atmosphere from the development for each of the five years of meteorological data used in the assessment. Predictions include the effects of terrain and building downwash.

Table 9: Maximum predicted (process contribution) annual average and 99.8th percentile of hourly average concentrations of nitrogen dioxide (µg m⁻³)

Year	Annual average ^(a)	99.8 th percentile of hourly averages ^(a)
2012	1.03	8.0
2013	0.74	7.7
2014	0.83	10.1
2015	0.94	8.4
2016	0.64	8.5
Background Concentration	9.9 ^(b)	-
Background + Maximum Impact (PEC) ^(c)	10.9	29.9 ^(d)
Assessment Criteria	40	200

(a) Assumes 70% oxidation for annual average and 35% for 99.8th percentile.

(b) Defra estimate background concentration, appropriate for point of maximum impact.

(c) Predicted Environmental Concentration

(d) Environment Agency (H1) guidance; 99.8th + 2 x annual average background.

Table 9 shows that 2012 meteorological data give rise to the highest predicted increment to annual average ground level concentrations and 2014 data the highest 99.8th percentile of hourly averages.

For 2012 meteorological data, at the point of maximum predicted impact the incremental increase in annual average ground level concentration is 1.03 $\mu\text{g m}^{-3}$ which can be compared to the air quality strategy objective of 40 $\mu\text{g m}^{-3}$. When added to the prevailing background concentration of 9.9 $\mu\text{g m}^{-3}$, the resulting total concentration of 10.9 $\mu\text{g m}^{-3}$ is less than the Air Quality Strategy objective.

The maximum predicted 99.8th percentile of hourly averages of 10.1 $\mu\text{g m}^{-3}$ is small compared to the Air Quality Strategy objective of 200 $\mu\text{g m}^{-3}$. To determine the incremental increase to background occurring due to the proposed facility, the Agency's H1 guidance is used; the resulting total 99.8th percentile is 29.9 $\mu\text{g m}^{-3}$.

Table 10 shows the predicted annual average concentration at the specific receptors for human exposure and at the monitoring locations using 2012 meteorological data, assuming 70% oxidation.

Table 10: Predicted annual average concentrations of NO₂ at specific receptors ($\mu\text{g m}^{-3}$)

Location / description	Predicted increment (PC) ^(a)	Prevailing concentration	PC + prevailing (PEC)	Increment (PC) as % of objective
R1 Dairy, air intake	0.0	9.9	9.9	0.0
R2 Storridge Farm	0.1	9.9	10.0	0.3
R3 Brook Farm	0.1	9.9	10.0	0.3
R4 Court Farm	0.2	9.9	10.1	0.6
R5 Property on Hawkeridge Road	0.3	9.9	10.2	0.6
R6 Hawkeridge Farm	0.5	9.9	10.4	1.2
R7 Hawkeridge Park	0.8	9.9	10.7	2.0
R8 Hawkeridge Park	0.9	9.9	10.8	2.2
R9 Grenmore Farm	0.8	9.9	10.7	1.9
R10 Storridge Road	0.3	9.9	10.2	0.7
R11 Bramble Drive	0.3	9.9	10.2	0.7
R12 Oldfield Road	0.2	9.9	10.1	0.5
R13 Penleigh Farm	0.2	9.9	10.1	0.4
R14 Brook Lane	0.0	9.9	9.9	0.0
R15 Orchard House	0.1	9.9	10.0	0.3
R16 Brook Cottage	0.2	9.9	10.1	0.4
R17 Lambert's farm	0.3	9.9	10.2	0.7
R18 Dairy Farm	0.1	9.9	10.0	0.3
R19 Bremeridge Farm	0.2	9.9	10.1	0.5

Location / description		Predicted increment (PC) ^(a)	Prevailing concentration	PC + prevailing (PEC)	Increment (PC) as % of objective
R20	School	0.2	9.9	10.1	0.4
M1	P13/58 Primmers Place	0.2	28 ^(b)	28.2	0.6
M2	P13/51 41 Haynes Road	0.1	38 ^(b)	38.1	0.3
M3	P13/56 12 Fore Street	0.1	39 ^(b)	39.1	0.3
Assessment criteria				40	

(a) Assumes 70% oxidation.

(b) Measured values.

The EPUK significance criteria are applicable to locations where there is relevant exposure and are only applicable to annual average concentration. Defra TG(16) guidance gives the following examples of where there is relevant exposure to annual average objectives:

- Building facades of residential properties
- School
- Hospital
- Care homes

Examples given of where there is not relevant exposure to annual average objectives include gardens of residential properties, hotels and kerbside sites.

Table 11: EPUK Significance Criteria – Nitrogen Dioxide (NO₂, µg m⁻³)

Location / description		Predicted increment (PC) ^(a)	Increase % of objective	PEC	PEC % of objective	Impact descriptor
R1	Dairy, air intake	0.0	0%	9.9	24.8	Negligible
R2	Storrige Farm	0.1	0%	10.0	25.0	Negligible
R3	Brook Farm	0.1	0%	10.0	25.1	Negligible
R4	Court Farm	0.2	1%	10.1	25.3	Negligible
R5	Property on Hawkeridge Road	0.3	1%	10.2	25.4	Negligible
R6	Hawkeridge Farm	0.5	1%	10.4	26.0	Negligible
R7	Hawkeridge Park	0.8	2%	10.7	26.7	Negligible
R8	Hawkeridge Park	0.9	2%	10.8	27.0	Negligible
R9	Grenmore Farm	0.8	2%	10.7	26.7	Negligible
R10	Storrige Road	0.3	1%	10.2	25.4	Negligible
R11	Bramble Drive	0.3	1%	10.2	25.5	Negligible
R12	Oldfield Road	0.2	0%	10.1	25.2	Negligible
R13	Penleigh Farm	0.2	0%	10.1	25.1	Negligible
R14	Brook Lane	0.0	0%	9.9	24.8	Negligible
R15	Orchard House	0.1	0%	10.0	25.0	Negligible
R16	Brook Cottage	0.2	0%	10.1	25.2	Negligible
R17	Lambert's farm	0.3	1%	10.2	25.5	Negligible
R18	Dairy Farm	0.1	0%	10.0	25.1	Negligible
R19	Bremeridge Farm	0.2	1%	10.1	25.3	Negligible
R20	School	0.2	0%	10.1	25.2	Negligible
M1	P13/58 Primmers Place	0.2	1%	28.2	70.6	Negligible

Location / description		Predicted increment (PC) ^(a)	Increase % of objective	PEC	PEC % of objective	Impact descriptor
M2	P13/51 41 Haynes Road	0.1	0%	38.1	95.3	Negligible
M3	P13/56 12 Fore Street	0.1	0%	39.1	97.8	Negligible
Assessment criteria				40		

Table 11 shows that the impact description is 'negligible' at all the receptor locations including receptors M1 M2 and M3, which are in the Air Quality Management Area (AQMA).

Table 12 shows the predicted 99.8th percentile concentration at the specific receptors using 2014 meteorological data.

Table 12: Predicted 99.8th percentile of hourly average concentrations ($\mu\text{g}/\text{m}^3$) of NO₂ at specific receptors

Location / description		Predicted increment (PC) ^(a)	Predicted increment + prevailing (PEC)	Increment (PC) as % of objective
R1	Dairy, air intake	0.1	19.9	0.0%
R2	Storrige Farm	4.0	24.0	2.0%
R3	Brook Farm	3.0	23.1	1.5%
R4	Court Farm	3.0	23.2	1.5%
R5	Property on Hawkeridge Road	3.0	23.3	1.5%
R6	Hawkeridge Farm	3.7	24.6	1.8%
R7	Hawkeridge Park	7.6	29.2	3.8%
R8	Hawkeridge Park	6.5	28.2	3.2%
R9	Grenmore Farm	5.4	26.9	2.7%
R10	Storrige Road	5.0	2.5%	2.5%
R11	Bramble Drive	3.5	1.8%	1.8%
R12	Oldfield Road	5.6	2.8%	2.8%
R13	Penleigh Farm	3.7	1.8%	1.8%
R14	Brook Lane	0.2	0.1%	0.1%
R15	Orchard House	3.9	1.9%	1.9%
R16	Brook Cottage	5.1	2.6%	2.6%
R17	Lambert's farm	4.1	2.1%	2.1%
R18	Dairy Farm	3.5	1.8%	1.8%
R19	Bremeridge Farm	3.0	1.5%	1.5%
R20	School	4.1	2.0%	2.0%
M1	P13/58 Primmers Place	6.0	3.0%	3.0%
M2	P13/51 41 Haynes Road	2.5	1.3%	1.3%
M3	P13/56 12 Fore Street	2.8	1.4%	1.4%
Assessment criteria			200	

(a) Assumes 35% oxidation.

(b) Defra guidance (TG4(00)); NO₂ 99.8th + 2 x annual average NO₂ background.

Table 12 shows that the maximum predicted 99.8th percentile of hourly average nitrogen dioxide (NO₂) concentrations is 7.6 $\mu\text{g m}^{-3}$ at any of the specific receptors which is only 3.8% of the objective.

It is not appropriate to use the EPUK significance criteria for short term concentrations of nitrogen dioxide (NO₂); short term impacts can be screened out as being insignificant using the Environment Agency's H1 guidance.

The results reported above (Table 9 - Table 12) show that at the specific receptors, the predicted incremental increase in concentrations of nitrogen dioxide (NO₂) occurring due to emissions from the proposed facility are small compared to the assessment criteria and are not of concern to human health.

Figure 4 and Figure 5 below illustrate the distribution of nitrogen dioxide (NO₂) emissions (process contributions) from the proposed facility, using 2012 meteorological data for annual average and 2014 data for 99.8th percentile of hourly averages.

The figures show that peak predicted increments to ground level concentrations occur within about 750 m of the facility.

Figure 4: Annual average NO₂ concentrations

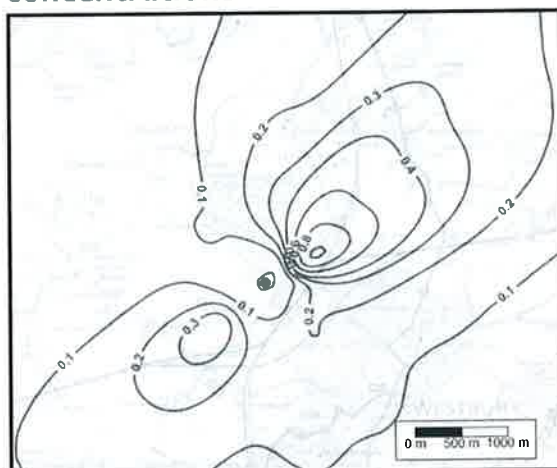
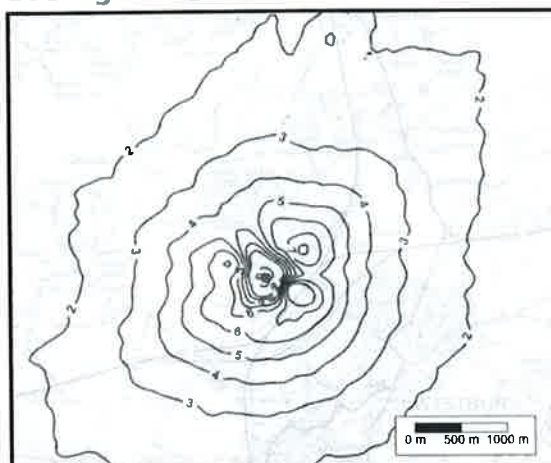


Figure 5: 99.8th percentile of hourly average NO₂ concentrations



Remaining pollutants

Table 13 below shows the results for all pollutants considered in this assessment, assuming full load continuous operation and 2012 meteorological data because this gives rise to the largest increment to annual average concentrations.

Table 13: Maximum predicted incremental concentrations due to emissions to atmosphere from the proposed facility ($\mu\text{g m}^{-3}$)

Pollutant	Averaging period	Predicted concentration ($\mu\text{g m}^{-3}$)	Assessment criteria ($\mu\text{g m}^{-3}$)	Percentage of assessment criteria (%)
Nitrogen dioxide (NO ₂)	1 hour	8.0	200	4.0%
	Annual	1.03	40	2.6%
Particulate matter (PM ₁₀) (PM _{2.5})	24 hour	0.25	50	0.5%
	Annual	0.07	40	0.2%
	Annual	0.07	20	0.4%
Sulphur dioxide (SO ₂)	15 minutes	6.5	266	2.4%
	1 hour	5.5	350	1.6%
	24 hour	2.7	125	2.2%
Carbon monoxide	8 Hour	5.3	10,000	0.1%
Hydrogen chloride	1 Hour	3.0	750	0.4%
Hydrogen fluoride (HF)	Annual	0.007	16	0.0%
	1 Hour	0.30	160	0.2%
Benzene (C ₆ H ₆)	Annual	0.007	5.0	0.1%
	1 Hour	0.30	195	0.2%
Ammonia (NH ₃)	Annual	0.073	180	0.0%
	1 Hour	2.95	2,500	0.1%
Antimony (Sb) ^(a)	Annual	0.0004	5	0.0%
	1 Hour	0.017	150	0.0%
Arsenic (As)	Annual	0.000005	0.003	0.2%
Cadmium (Cd)	Annual	0.00018	0.005	3.7%
Chromium (Cr) ^(b)	Annual	0.0004	5	0.0%
	1 Hour	0.017	150	0.0%
Chromium (Cr _v)	Annual	0.0000003	0.0002	0.1%
Cobalt (Co)	Annual	0.0004	0.2	0.2%
Copper (Cu)	Annual	0.0004	10	0.0%
	1 Hour	0.017	200	0.0%
Lead (Pb)	Annual	0.0004	0.25	0.2%
Manganese (Mn)	Annual	0.0004	150	0.0%
	1 Hour	0.017	1,500	0.0%
Mercury (Hg)	Annual	0.0004	0.25	0.1%
	1 Hour	0.015	7.5	0.2%
Nickel (Ni)	Annual	0.0004	0.02	2.1%
Vanadium (Vn)	Annual	0.0004	5	0.0%
	1 Hour	0.017	1	1.7%
Dioxins	Annual	0.73 (a)	-	-
PAHs	Annual	0.73 (a)	0.00025	0.0%
PCB	Annual	0.02 (a)	0.2	0.0%
	1 Hour	0.77 (a)	6	0.0%

(a) – units are fg m^{-3} ($\times 10^{-15}$)

Table 13 shows that, as a percentage of the short term assessment criteria, it is the 99.8th percentile of hourly average concentration of nitrogen dioxide (NO₂) which is 4.0% of the assessment criteria that has the largest impact. When combined with the background concentration, the PEC (Predicted Environmental Concentration) of 27.8 µg m⁻³ is 13.9% of the assessment criteria and not considered to be of concern to human health.

For annual average impacts the increment to annual average concentration of cadmium (Cd) is predicted to give rise to the largest percentage of the assessment criteria of 3.7%. It should be noted that the assessment criteria of 0.005 µg m⁻³ is from the World Health Organisation Air Quality guidelines (2000) which state that the guideline is set to '*prevent any further increase of cadmium in agricultural soils*'. Given that the maximum predicted concentration is substantially less than the assessment criteria and that the location of maximum impact is predominantly urban, it is considered that there is no concern to human health.

Dioxins and furans are a group of organic compounds that are formed as a result of incomplete combustion in the presence of chlorine. Sources include vehicles, domestic and industrial coal burning, power generation and incinerators. There are no regulatory air quality standards set for dioxins and furans; this group of substances, however, are important in terms of risk to human health and the effects of dioxins are assessed through a human health risk assessment (HRA). The maximum predicted ground level concentration of dioxin of 0.73 fg I-TEQ m⁻³ is small compared with the prevailing dioxin concentration and not of concern to human health as demonstrated by the health risk assessment¹⁶ that has been undertaken for the proposed development and which is contained in Appendix D.

Plume visibility

Once released to atmosphere, emissions will dilute, cool, and depending on the prevailing ambient temperature and relative humidity, may condense to form a visible vapour plume. The frequency and extent of any visible plume depends on the ambient temperature and relative humidity and the rate of plume dilution.

Table 14 summarises the predictions of visible vapour plume length and frequency for each year of metrological data.

¹⁶ ADM Ltd (February 2018) Appendix A: Health Risk Assessment of Emissions to Atmosphere from Northacre Renewable Energy Westbury.

Table 14: Predicted occurrence of a visible vapour plume

Year of Meteorological Data	2012	2013	2014	2015	2016	Average
%age occurrence of visible plume (%)	4.4	6.3	2.1	2.4	3.2	3.7
%age visible plume length > 250 m (%)	0.0	0.2	0.0	0.0	0.0	0.0
%age visible plume length > 100 m (%)	0.5	1.1	0.5	0.3	0.3	0.5
%age visible plume length > 50 m (%)	1.2	2.7	0.9	0.8	0.9	1.3
Maximum length of visible plume (m)	231	345	179	217	236	-
Average length of vapour plume (m)	44	59	57	45	42	-

Table 14 shows that for the year that gives rise to the highest frequency occurrence of visible vapour plumes (2013) the predicted occurrence is 6.3% of the time. It should be noted that these percentages are for all hours including night time hours where a higher frequency will occur due to lower ambient temperatures.

Plume grounding

Plume grounding is usually the description given when a plume can be observed to impact on the ground or elevated terrain. Plumes are usually only visible if they contain smoke, which is not the case here, or if water vapour in the plume has condensed to form a visible vapour plume.

Whether visible or not, all plumes will ground; the dispersion model used for this assessment calculates the frequency and intensity of plume grounding events to predict the resulting ground level concentrations.

The assessment of the frequency of visibility vapour plumes presented above shows that visible vapour plumes longer than 100 m will only occur for 0.5% of the year and therefore the frequency of visible plume grounding events will be significantly less than 0.5% for locations more than 100 m from the proposed facility. It should be noted that for the majority of the time when a plume is visible (e.g. 0.5% for plumes more than 100 m) the visible part of the plume will not be coming to ground and therefore there will not be a visible plume grounding event.

Odour

Table 15 below shows the results of the assessment of potential odour impact from the ventilation stack.

Table 15: Predicted 98th percentile hourly average odour concentrations (OU_e m⁻³) for five years of meteorological data

Location / description		Predicted odour concentration for each year					Receptor sensitivity ^a	Magnitude of impact
		2012	2013	2014	2015	2016		
R1	Dairy, air intake	0.07	0.10	0.09	0.02	0.02	-	-
R2	Storridge Farm	0.2	0.2	0.2	0.2	0.2	High	Negligible
R3	Brook Farm	0.1	0.1	0.1	0.1	0.1	High	Negligible
R4	Court Farm	0.1	0.1	0.2	0.1	0.1	High	Negligible
R5	Property on Hawkeridge Road	0.2	0.1	0.2	0.2	0.1	High	Negligible
R6	Hawkeridge Farm	0.2	0.2	0.2	0.2	0.2	High	Negligible
R7	Hawkeridge Park	0.5	0.4	0.5	0.5	0.5	High	Slight
R8	Hawkeridge Park	0.3	0.3	0.3	0.4	0.4	High	Negligible
R9	Grenmore Farm	0.2	0.2	0.3	0.3	0.3	High	Negligible
R10	Storridge Road	0.7	0.7	0.7	0.8	0.8	High	Slight
R11	Bramble Drive	0.1	0.1	0.1	0.1	0.1	High	Negligible
R12	Oldfield Road	0.2	0.2	0.2	0.2	0.2	High	Negligible
R13	Penleigh Farm	0.1	0.1	0.1	0.1	0.1	High	Negligible
R14	Brook Lane	1.2	1.2	1.2	1.3	1.3	High	Slight
R15	Orchard House	1.0	1.0	1.1	1.1	1.2	High	Slight
R16	Brook Cottage	0.2	0.2	0.2	0.3	0.3	High	Negligible
R17	Lambert's farm	0.1	0.1	0.2	0.2	0.2	High	Negligible
R18	Dairy Farm	0.1	0.1	0.1	0.1	0.1	High	Negligible
R19	Bremeridge Farm	0.1	0.1	0.1	0.1	0.1	High	Negligible
R20	School	0.1	0.1	0.1	0.1	0.2	High	Negligible
M1	P13/58 Primmers Place	0.2	0.2	0.2	0.2	0.3	High	Negligible
M2	P13/51 41 Haynes Road	0.1	0.1	0.1	0.1	0.1	High	Negligible
M3	P13/56 12 Fore Street	0.1	0.1	0.1	0.1	0.1	High	Negligible
Assessment criteria		3.0						

(a) The IAQM odour significance guidance is intended to determine the likelihood of annoyance and is not appropriate for use for the air intake of the dairy where tainting is the concern.

Table 15 clearly shows that the predicted odour impacts are significantly below the level that would give rise to annoyance of 3.0 OU_e m⁻³ and therefore can be screened out as having an impact of negligible significance.

There are four locations where the IAQM magnitude of change descriptor is slight. The IAQM guidance on odours states: *Where the overall effect is greater than 'slight adverse', the effect is likely to be considered significant. This is a binary judgement: either it is 'significant' or 'not significant'*. Therefore, in this case, the overall impact is *'not significant'*.

Predictions of odour impact have also been made at the location of the air intake to the dairy because of the potential for odour to taint dairy products. The maximum predicted 98th percentile odour concentration at the dairy air intake is 0.10 OU_e m⁻³. Even though this is only 3% of the threshold for annoyance

there is still the possibility of detectable odours from time to time, but not at an intensity or duration likely to cause annoyance.

Widely accepted odour thresholds¹⁷ are as follows:

- 1 OUe m⁻³ - point of detection in a laboratory
- 3 OUe m⁻³ - recognition threshold
- 5 OUe m⁻³ - a faint odour
- 10 OUe m⁻³ - a distinct odour

For 2013 meteorological data, which is the year of maximum impact at the location of the dairy, the maximum one hour average odour concentrations at the location of the dairy air intake is 2.3 OUe m⁻³ which is less than the recognition odour threshold and so odours at the location of the air intake will be undetectable over an averaging period of one hour. It should also be noted that the prevailing background odour is likely to be in the range of 5 to 40 OUe m⁻³ i.e. considerably higher than the incremental increase predicted to occur due to emissions from the proposed facility.

Bio-aerosols

There is a wide range in natural background concentrations of bio-aerosols and there are no legal standards or guidelines for acceptable concentrations. The assessment criteria normally used is 1,000 colony forming units (cfu) m⁻³, which is cited in a number of documents including the Environment Agency's guidance on monitoring around waste facilities and its policy statement on composting and potential health effects.

It was reported in the 2008 air quality assessment for the Northacre RRC that the key concern for Arla Foods Westbury Dairies in relation to bio-aerosols relates to the potential to affect its existing air filtration system leading to increased operational and maintenance costs. Bio-aerosols are not normally included in an assessment for an advanced thermal treatment facility such as the proposed development, however, given the proximity of Arla Foods Westbury Dairies and its previous concern over bio-aerosols, they have been included in this assessment for completeness.

The 2008 assessment for Northacre RRC stated that Westbury Dairies had indicated that an increase in levels of bio-aerosols within 1 order of magnitude (i.e. a factor of 10) of existing backgrounds is broadly acceptable. Therefore, as existing background levels in the area have been measured at an average of

¹⁷ Environment Agency (March 2007) Review of odour character and thresholds.

50 cfu m⁻³, the assessment criteria at the location of the air intakes for the dairy is 500 cfu m⁻³, as an annual average concentration.

Table 16 shows the predicted annual average concentrations of bioaerosols for each of five years of meteorological data at the location of the dairy air intake (receptor R1).

Table 16: Predicted annual average bio-aerosol concentration at dairy air intake (receptor R1)

Meteorological data year	Annual average (cfu m ⁻³)
2012	0.0041
2013	0.0047
2014	0.0059
2015	0.0037
2016	0.0059
Maximum	0.0059
Assessment criterion	500
Maximum expressed as % of criterion	0.0%

Table 16 clearly shows that the maximum predicted annual average concentration of bio-aerosols at the location of the dairy air intake is negligible.

Vegetation and ecosystems

The assessment has also considered the effects of emissions on vegetation and ecosystems and conservatively assumes that emissions to atmosphere of oxides of nitrogen (NO_x), sulphur dioxide (SO₂) and ammonia (NH₃) are all at their respective emissions limits. The full results are contained in section 6.2 of Appendix C.

For the annual average process contribution, results at the Salisbury and River Avon Special Areas of Conservation (SAC) were below the Environment Agency's 1% level of insignificance. The maximum and representative impacts at Picket and Clanger Woods SSSI were 1.7% and 1.4% respectively. Although the predicted impact at Picket and Clanger Wood is close to 1%, because it is not less than 1% it requires further assessment.

Predicted environmental concentrations of NO_x were therefore calculated and were below the critical level at all receptors.

Predicted 24 hour average concentrations of NO_x were all less than the Environment Agency's 10% level of insignificance for short term impacts.

For sulphur dioxide annual average process contributions were all less than the Environment Agency's 1% level of insignificance and therefore no further assessment is required although for completeness the deposition rates and contribution to acidification were assessed and found that critical levels for

sulphur dioxide were not predicted to be exceeded.

For ammonia, there are two critical levels dependent on the ecological receptors under consideration – a lower level for lichens and a higher level for all higher plants. Process contributions ranged from 0.9% - 2.6% of the critical levels and are not of concern. Background levels of ammonia are 190% of the lower critical level and 63% of the higher critical level meaning that the predicted environmental concentration exceeds the critical level for sensitive lichen communities at all receptors as a direct consequence of the prevailing background concentrations.

Acid deposition has also been considered for ammonia (NH₃), nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and hydrogen chloride (HCl). Using Environment Agency guidance, the impacts can be combined and expressed as total nitrogen (N) and total sulphur (S) deposition rates. The predicted process contribution to acid deposition is at most 2.9% of the critical load, which is not of concern to habitats and ecosystems.

5.5 Mitigation measures

The assessments presented in this section assume adequate levels of mitigation built into the design of the facility itself e.g. through the identification and selection of an appropriate stack height for dispersion. The predicted effects are those that remain following the implementation of the mitigation measures i.e. the residual effects.

5.5.1 Construction

Emissions of dust generated during construction can be almost entirely abated by mitigation measures should these be necessary. The mitigation measures that would be employed during construction would be those set out in the IAQM dust guidance for medium risk sites and would be incorporated into a site Construction and Environmental Management Plan (section 3.12).

5.5.2 Operation

The assessment has shown that the dispersion provided by the 75 m main stack and 40 m ventilation stack is sufficient to render the emissions harmless at ground level to both human health and ecological receptors and therefore no further mitigation measures are required.

The potential for annoyance due to emissions of odours from the ventilation stack is predicted to be negligible.

The potential for emissions of bioaerosols from the ventilation stack to affect the operation of Westbury Dairies is predicted to be negligible.

The potential for emissions of volatile organic compounds (VOCs) from the ventilation stack to taint food products at Westbury Dairies is considered to be negligible.

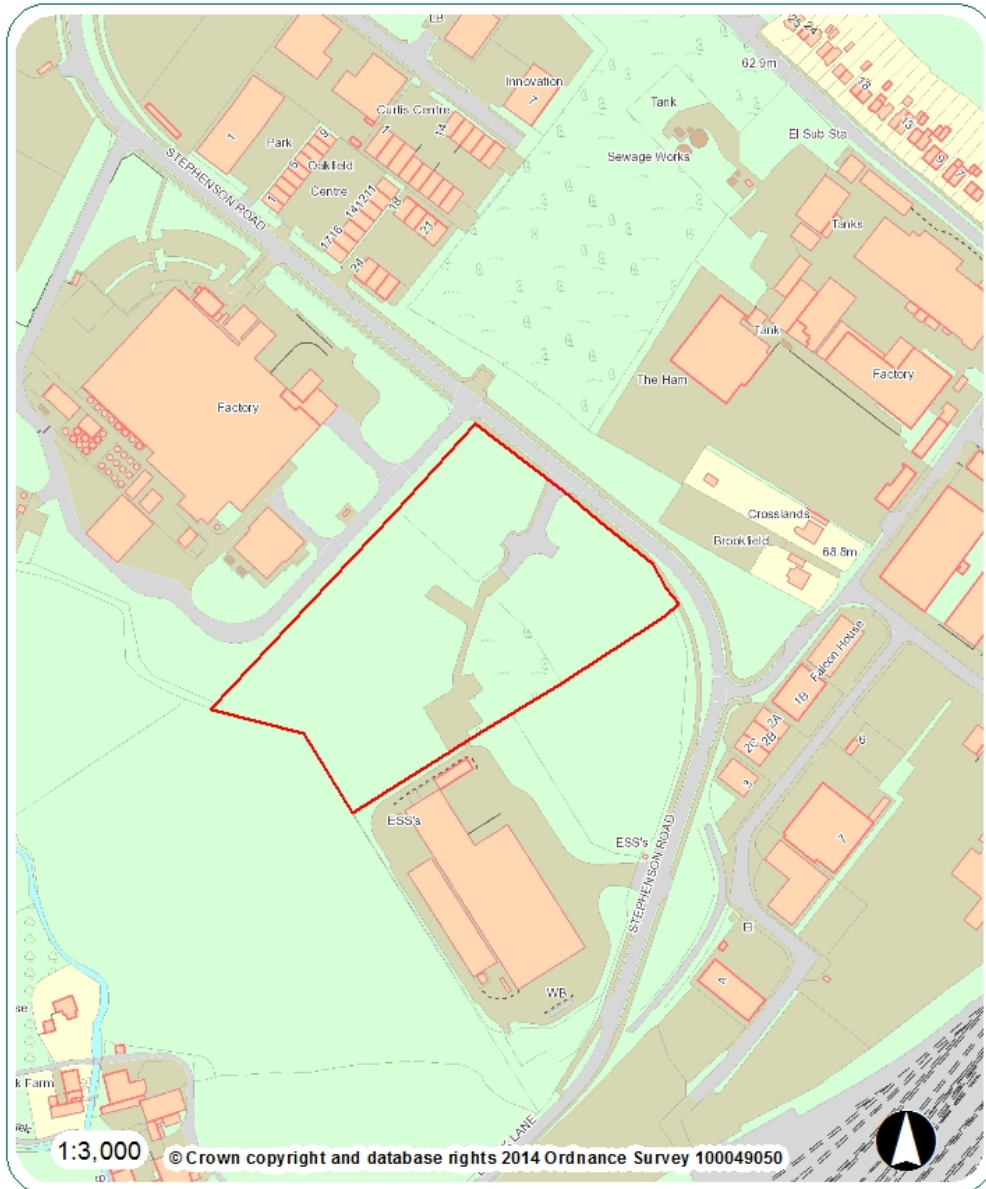
The potential for emissions from vehicles to affect air quality in the AQMA is predicted to be negligible.

Therefore no further mitigation measures are required.

5.6 Residual effects and conclusions

The results of the atmospheric dispersion modelling and assessment clearly demonstrate that the maximum predicted concentrations of all substances comply with relevant air quality objectives at nearby sensitive locations.

The overall effect on air quality of emissions to atmosphere from the proposed facility can be described as of minor significance. This conclusion is based on all the impacts presented in the assessment and takes account of the localised nature of the area of maximum impact.



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STRATEGIC PLANNING COMMITTEE REPORT

Date of Meeting	18 July 2018
Application Number	18/03716/FUL
Site Address	Junction 20 at A338 Park Road/Pennings Road and Station Road/Lahore Road, Tidworth
Proposal	Townscape and highway improvement scheme to enhance Park Road/Pennings Road and Station Road/Lahore Road including creation of traffic islands containing relocated traffic lights, the removal of the right turn lane from Station Road to Pennings Road and creation of a signalised slip lane from Park Road to Lahore Road.
Applicant	Secretary of State for Defence
Town/Parish Council	TIDWORTH
Electoral Division	TIDWORTH – Councillor Mark Connolly
Grid Ref	423464 148500
Type of application	Full Planning
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Mark Connolly due to the 'environmental or highway impact' of the proposed development.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission.

2. Background Information

In March 2013, the Secretary of State for Defence announced the Regular Army Basing Plan. This set out the future lay down of Army units in the UK as units move back from Germany and restructure to deliver the Army 2020 future operating Model. The Army Basing Plan has transitioned into a delivery phase known as the Army Basing Programme (ABP). This proposes an optimisation of the UK estate including greater concentration of the Army on Salisbury Plain Training Area (SPTA), where three high-readiness Reaction Force Brigades will be based.

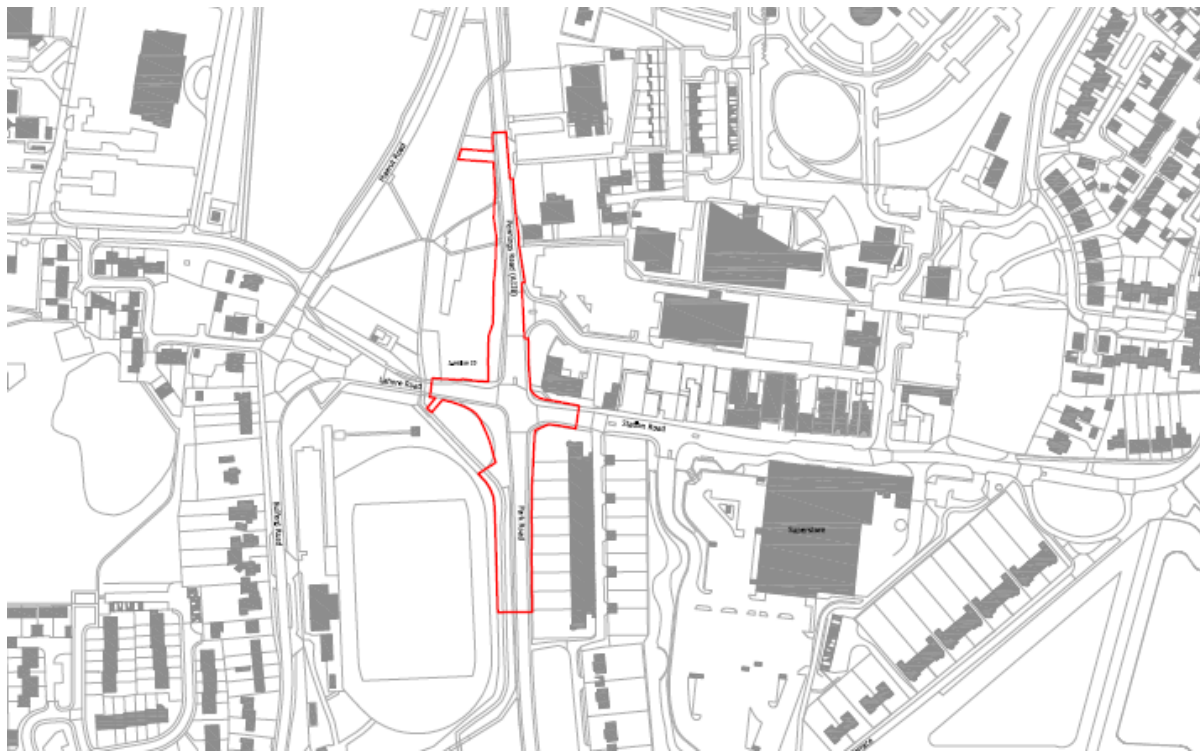
In order to effectively achieve the ABP, the Defence Infrastructure Organisation (DIO) have produced a masterplan for all the military bases on Salisbury Plain and have allocated sites for new services personnel homes to be built.

This reorganisation of the Army will involve significant new development in and around the

Ludgershall, Perham Down, Tidworth, Bulford and Larkhill areas, so to accommodate the additional activity, personnel and their families as well as the infrastructure to support them. The development derived from the SPTA ABP, will generate additional traffic movements which has previously been considered by the Council. A package of highway improvement works has been secured as part of outline planning permissions refs. 15/02770/FUL, 15/04006/FUL and 15/05540/FUL in July 2016 which are proposed as part of the wider ABP and its associated Service Family Accommodation (SFA) project. The highway works are compelled to be carried out by a combination of planning conditions and provisions within the associated Master S106 Agreement signed in July 2016. This current application only relates to the highway improvement works required at Junction 20, Tidworth as detailed below.

3. Site Description & Proposed Development

The application seeks full planning permission for townscape and highway improvements works to enhance the A338 Park Road/Pennings Road and Station Road/Lahore Road junction at Tidworth. The application site is also known as “Junction 20”.



Location Plan

The application describes the proposal in further detail:

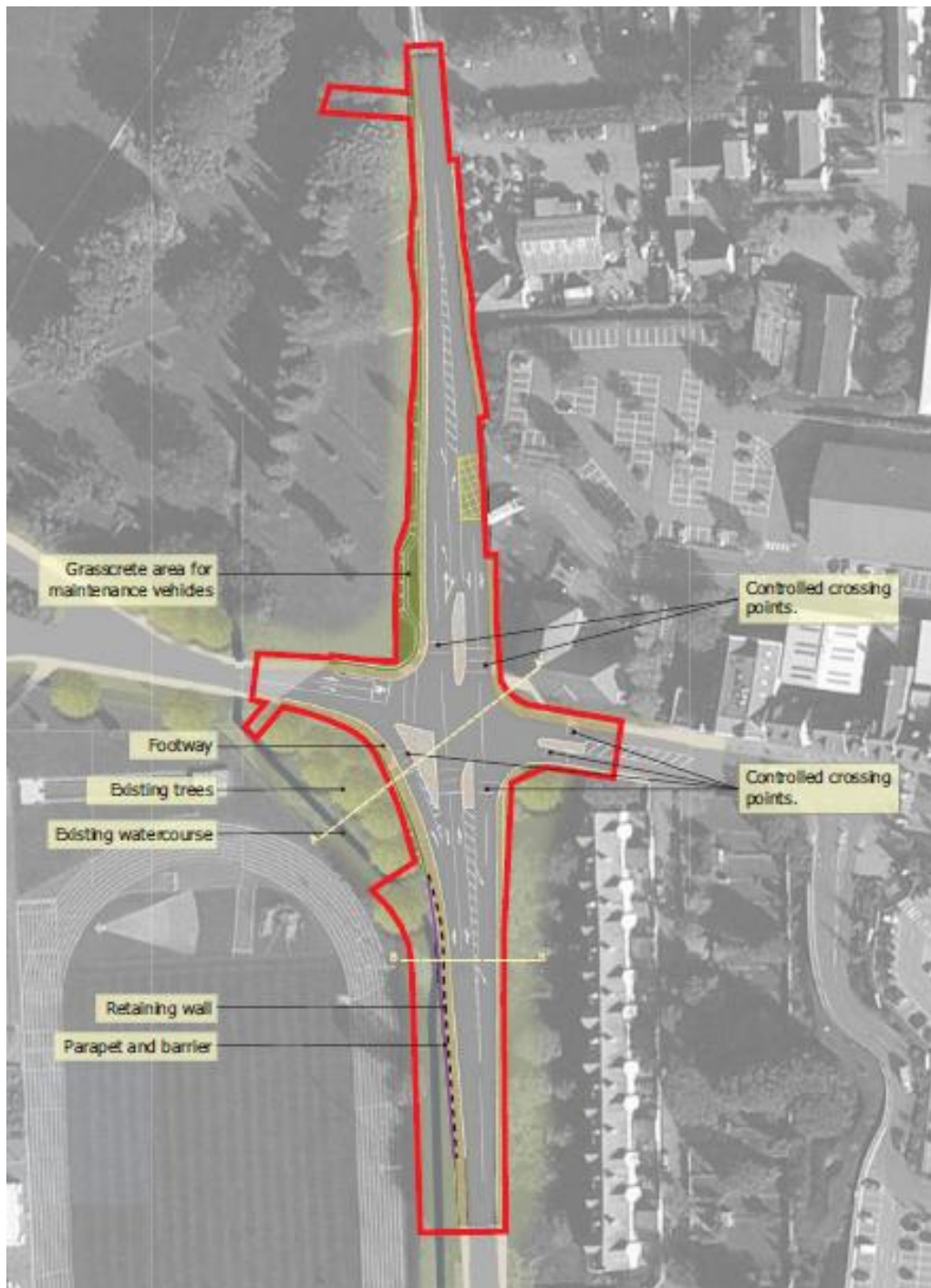
“The development site is primarily highway land located at the junction Lahore Road/Station Road and Pennings/Park Road. Each of the roads affected are lit single carriageway roads, with a footway on both sides of the carriageway. The junction is entirely signalised.

The application site is largely located within Flood Zone 1, with low risk of flooding, however the works for the retaining wall are located within functional flood plain Flood Zone 3b.

The key junction improvements proposed involve the creation of traffic islands containing relocated traffic lights, the removal of the right turn lane from Station Road to Pennings

Road and creation of a signalised slip lane from Park Road to Lahore Road. Further details of the junction improvements can be seen on the proposed plans.

We expect that the proposed improvement works to the junction could be carried out by the Highway Authority, which in this case is Wiltshire Council. Usually development by highways authorities is covered by Part 9, Class A of the Permitted Development (England) Order 2015. However, the junction improvements to Junction 20 requires culverting part of the watercourse. The works proposed therefore require planning permission as the works require land outside of the existing Highway Boundary”.



Proposed Site Plan

The application is supported by following documents and plans:

- Archaeological Desk Based Assessment (January 2017) by WYG
- Water Framework Directive Assessment
- Junction 20 Flood Risk Assessment and Drainage Strategy (March 2018) (Report No. A089116-10/REP/005) by WYG
- A338 Junction 20 Contamination Assessment (13 April 2017) (ref A089116-10) by WYG
- Tree Survey Report Salisbury Plain Junction 20 A388 Pennings Road, Tidworth (August 2017) by DIO
- Arboricultural Report Salisbury Plain Junction 20 A388 Pennings Road, Tidworth (March 2018) by DIO

- Drawing No. SK20D LP01 Rev A – Location Plan, received 18.04.18;
- Drawing No. SK20D LP02 Rev A – Existing Layout Plan, received 18.04.18;
- Drawing No. A089116-10 – LS20-01 – Landscape Strategy, received 18.04.18;
- Drawing No. A089116-10 – LS20-02 – Landscape Strategy: Sections, received 18.04.18;
- Drawing No. 500 – General Arrangement, received 18.04.18;
- Drawing No. SK541 Rev A – General Arrangement Sections, received 18.04.18;

The original planning application incorrectly stated that the proposal involved the removal of the right hand turn from Station Road to Pennings Road. The following documents were subsequently submitted on the 8th June 2018 to clarify that the scheme involves the removal of the right turn lane from Station Road to Pennings Road but not the right turn itself.

- Revised Application form in respect of Junction 20
- Explanatory letter setting out the history behind the proposed designs at both Junctions 20 and 22.
- Revised Letter of Application in respect of Junction 20 (updated to refer to the removal of the right hand turning *lane* on Station Road rather than the ability to turn right)

4. Planning Policy

The **National Planning Policy Framework**.

The adopted **Wiltshire Core Strategy** with particular regard to:

- Core Policy 3 Infrastructure Requirements;
- Core Policy 26 Spatial Strategy: Tidworth Community Area;
- Core Policy 37 Military Establishments;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape;
- Core Policy 56 Contaminated Land;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources.

Army Basing Programme - Salisbury Plain Masterplan (“the Masterplan”) is a material consideration in the determination of the planning applications.

5. Consultations

Environment Agency – No objection, subject to informatives regarding safeguards to be implemented during the construction phase and the need to obtain an environmental permit for flood risk activities.

Veolia Water – No objection, subject to an informative regarding the need to divert, re-align or lower Veolia Water apparatus.

Wiltshire Council Highways Officer – No objection.

Wiltshire Council Drainage Engineer – Requested further information which was subsequently submitted. No further observations received.

Wiltshire Council Archaeologist – No objection.

Wiltshire Council Ecologist – No objection, subject to conditions to ensure the development can be achieved without resulting in negative impacts on habitats and species of value to nature conservation.

Wiltshire Council Arboricultural Officer – No observations received.

Wiltshire Council Public Protection Officer – No objection.

Wiltshire Council Landscape & Design Officer – No observations received.

Tidworth Town Council – Objection.

“The removal of the right turn out of Station Road onto Pennings Road (A338) is going to force traffic down Lahore Road, where it will have to turn right into Meerut Road and then re-join Pennings Road to the North (I appreciate that with the new round about planned this may become easier than it is now). In effect this is removing a safe right turn under traffic control where visibility is high; to a junction which is uncontrolled and has poor visibility to the right. And as a member of Speed Watch I am only too aware of the number of cars exceeding 30mph on Meerut Road into Bulford Road. In addition the effective relocation of the right turn is to a residential from a non-residential area and I do not see how that makes sense”.

The Town Council support the comments of Councillor Mark Connolly.

Councillor Mark Connolly – Objection:

“With all due respect to the applicant’s highways experts and WC’s highway expert, none of them live in the Town and whilst the plans may work on simulations, we know that the removal of the right-hand lane in Station Road will not work and will cause problems for both traffic exiting Tesco and in Station Road.

There has been no pre-application discussions with me as the local member or the Town Council. This flies in the face of normal protocol and all the good work DIO did in terms of pre-application discussions/consultation with communities prior to the Army Basing plans

being submitted. I and the previous Mayor were consulted, shown proposals and traffic models for the forerunner highways applications to the present applications. This time, nothing. Perhaps they realised that the Station Road proposal would be controversial to local residents and stayed well clear.

The result of the lack of local pre-application consultation is that DIO only consulted WC, who in turn should have got them to consult with me as the local member or at least given me a heads up that these pre-application discussions were ongoing and showed me the plans. The affect is that highways have no objections, or so I believe, which means the community is essentially faced with a fait accompli and there is virtually nothing we can do about it. That is wrong at every level and there is no natural justice in this. Highways imposed the two mini-roundabouts on us as part of the Leisure Centre application some years ago and we said it would not work. They have been a thorn on our sides with many accidents over the years. I am sure we are right on this application too.

It seems perverse that for this application and 18/03728/FUL, more lanes are being provided for the new roundabout and the proposed route into Lahore Road from the A338 but Station Road, the main shopping area for the Town is to have a reduction in lanes. This proposal is not going to improve trade for the local shops or Tesco. I believe it will adversely affect the town centre, which Wiltshire has done much to promote over many years.

The simple answer as far as I am concerned is to retain the right-hand lane and stop access to the rear of the married quarters at the bottom of Station Road and make it exit only. Access to these properties should be via the two accesses via the A338. As DIO are responsible for all three accesses, this should be easy for them to introduce”.

“The applicant states that the highway authority wishes to reduce ringtail hand turn conflicts as the reason for removing the right hand lane in Station Road. However, there are three right hand lanes remaining under the proposed junction “improvement”. Indeed, the main issue of right hand movements is actually traffic turning right into Station Road from the A338 (Park Road) who are often cutting in front of traffic travelling South on the A338 towards Shipton or turning left into Station Road. There are no movements from Lahore Road when traffic is moving out of Station Road, so there is presently no conflict with traffic wishing to turn right from Station Road. The developer has therefore failed in this respect to deal with the highway authority’s concerns in this respect. I suggest this goes back to the drawing board”.

6. Publicity

The application has been publicised via a site notice and letters sent to properties within close proximity of the site. As a result of the publicity 142 letters were originally received raising concerns with the proposal to remove the right hand turn from Station Road onto Pennings Road. It is felt that this is unnecessary, would inconvenience road users whilst trying to reach local services and facilities. The potential impact on queuing traffic on Station Road is also a key concern.

A re-consultation exercise was carried out once the application was amended to correct the error as detailed above i.e. the scheme involves the removal of the right turn lane from Station Road to Pennings Road but not the right turn itself. As a result of the publicity 26 letters have been received raising concerns with the loss of the right hand turning lane on Station Road because it will lead to larger queues on Station Road and hinder the time it takes to get x amount of vehicles across when the lights are green. The proposal will also affect pedestrians hoping to cross Station Road, may put people off shopping on Station road and may put local businesses at risk. The potential environmental impact upon the water course (River Bourne) is also raised as a concern.

7. Planning Considerations

The adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). The planning applications for new developments associated with the Army Basing Programme have been granted in accordance with Core Policy 37 'Military Establishments' and Core Policy 3 'Infrastructure Requirements' of the WCS, along with the Army Basing Master Plan. The need for a number of junction improvements has arisen as a result of the infrastructure requirements required to support the Army Basing Programme and have been secured as part of the overarching Army Basing Programme Section 106 Agreement. The agreement requires that Tidworth Junctions 20, 21, 22, 36 & 37 improvements to be undertaken within a set timeframe which is linked to the delivery of the Service Family Accommodation developments, unless such further occupation is otherwise agreed with the Council. The highway improvement works the subject of this current application relate to Junction 20 only.

The purpose of the proposed development is to improve the capacity, efficiency and safety of the junction, in order to accommodate the additional traffic expected from the Salisbury Plain Training Area developments. The proposed junction improvements have been designed in consultation with the Council's Transportation department with the aim of removing potential conflicts between right turning vehicles and oncoming traffic and thereby improving safety at the signalised junction.

The proposal will result in a four-way signal controlled junction which will secure separately phased right turns. This design will therefore remove the potential conflicts between right turning vehicles and oncoming traffic. The application explains that "The scheme will provide staggered pedestrian crossings on the A338 North and South and Station Road. On Lahore Road a triangular island was provided to allow pedestrians to cross when the A338 northbound signal is green.

Retaining the short right turn lane on Station Road would require the removal of the pedestrian refuge island and the inclusion of an 'all red' stage for the pedestrian crossing. This would have an impact on the capacity of the signals as a result of the increase in lost time to traffic.

MOVA [*Microprocessor Optimised Vehicle Actuation*] control will be provided at the new signals. MOVA monitors traffic flows on the approaches to the signals and can optimise signal timings to minimise delay around the whole junction. It is therefore able to detect if there is queuing on an approach and adjust the green times accordingly".

The Town Council, Ward Member and local residents have raised concerns with the loss of the existing right hand turn lane on Station Road. These concerns are understood however the MOVA traffic light control system will be able to manage any increased queuing on Station Road. MOVA operates in a delay minimising mode; if any approach becomes overloaded, the system switches to a capacity maximising procedure which will respond specifically and clear any queues on Station Road.

The Council's Highways Development Control Officer advised that –

"the proposed layout of this junction alteration ... is considered to be an acceptable scheme, which strikes a reasonable balance between providing for the increased traffic pressures in the locality with the needs of pedestrians wishing to cross roads in the vicinity of the junction.

The highways engineering details of the junction changes will be addressed through a s278 agreement between the developer and the Council, which will be concluded in advance of any works being permitted to commence on the highway.

I have no objection to the proposals; because the details of the highway works shall be subject to local highway authority approval, I do not seek any conditions”.

The proposal would involve the loss of some green open space / vegetation and would encroach on the watercourse (River Bourne) on the west side of Park Road. In the context of the surrounding green space it is not considered that the proposed works would result in any unacceptable loss or harm to the integrity of the green infrastructure and linkages in the local area. The development has been designed to reduce the impact on existing soft landscaping however there will be a need to remove four trees and one group of shrubs to accommodate the proposal. The development will be carried out in accordance with the recommendations of the Arboricultural Impact Assessment to ensure the trees to be retained are protected during the construction stage.

The site and river is not covered by a statutory nature conservation designation but the Tree Report submitted in support of the application acknowledges that the tree line and scrub vegetation could be of value to a range of wildlife species. The Council’s Ecologist highlighted however that the report does not give any recommendations for precautionary measures designed to protect wildlife during the construction works or provision of habitat for wildlife in the finished scheme. As such, a series of conditions have been recommended to secure a lighting scheme, control the timing of works, and to ensure all trees and other woody vegetation will be assessed for their ability to support roosting bats, to ensure the proposed road improvements can be achieved without resulting in negative impacts on habitats and species of value to nature conservation.

The Council’s Archaeologist has no objection to the proposal because the archaeological evaluation did not identify significant archaeological features or deposits. As such, no further investigations are considered necessary.

The Council’s Drainage Engineer questioned whether the proposal would result in the need to divert any sewerage infrastructure, highlighted the need to obtain permission from the Environment Agency (EA) to carry out works to a water course, and sought clarity in relation to the plans for the disposal of surface water. The applicant confirmed that –

“if required Sewer Diversions (S185 Applications) will form part of the Detailed Highway and Drainage Technical Approvals process following Planning, an Approval in Principle has been granted by the EA, and the proposed Drainage Strategy and layout Drawings are included within the Flood Risk Assessment submission”.

The application is supported by a Water Framework Directive (WFD) because the scheme involves sheet piling along the road side embankment between the A338 Park Road and the Tidworth Oval to support the proposed road widening on the south approach to the junction. This will involve installation of a permanent sheet pile cantilever retaining wall along the east embankment of the River Bourne. Sheet piles are to be set back under the proposed footway to retain the existing 100 year flood profile and will be approximately 70m in length. The Environment Agency has no objection to the proposal. The proposed scheme does not compromise the ability of the River Bourne water body to achieve its WFD status objectives.

The Council Public Protection Officer confirmed that the Contamination Assessment concludes a very low risk of contamination and therefore no further assessments or work associated with land contamination is required.

8. Conclusion

The proposed development will deliver townscape and highway improvements at Junction 20 which are required to support the additional flows which will be generated from the Army Basing Programme Service Family Accommodation developments.

The principle of the development has previously been secured and needs to be delivered to accord with the overarching Army Basing Programme section 106 agreement. The proposed works have been designed to improve the capacity and efficiency of the junction along with its safety and can be delivered without any unacceptable harm to the environment or townscape / landscape character.

The key area of concern locally relates to the removal of an existing lane on Station Road. However, the Council's Transportation department is supportive of the proposal and advised that the scheme strikes a reasonable balance between providing for the increased traffic pressures in the locality with the needs of pedestrians wishing to cross roads in the vicinity of the junction.

The need for the development for national security purposes is a material planning consideration which should weigh in favour of this planning application.

The scheme is considered to be in accordance with both the national and local planning policy and with suitably worded conditions; it is recommended that planning permission be granted.

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved document and plans:

- Drawing No. SK20D LP01 Rev A – Location Plan, received 18.04.18;
- Drawing No. SK20D LP02 Rev A – Existing Layout Plan, received 18.04.18;
- Drawing No. A089116-10 – LS20-01 – Landscape Strategy, received 18.04.18;
- Drawing No. A089116-10 – LS20-02 – Landscape Strategy: Sections, received 18.04.18;
- Drawing No. 500 – General Arrangement, received 18.04.18;
- Drawing No. SK541 Rev A – General Arrangement Sections, received 18.04.18;
- Document. Junction 20 Flood Risk Assessment and Drainage Strategy (March 2018) (Report No. A089116-10/REP/005) by WYG.

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement contained within the Arboricultural Report Salisbury Plain Junction 20 A388 Pennings Road, Tidworth (March 2018) by DIO.

REASON: In order that the development is undertaken in an acceptable manner, in

order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 4 No development shall commence on site until all trees and other woody vegetation will be assessed for their ability to support roosting bats. Trees that have developed features suitable to support bat roosts will be subjected to a climbing survey to determine any current or recent bat use of suitable features. If any features are found to support bats, a licence, obtained from Natural England will be in place prior to any cutting, trimming or removal of trees.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to militate against the loss of existing biodiversity and nature habitats.

- 5 No development shall commence on site until a lighting plan demonstrating that a level of 1 lux or less can be achieved at the edges of sensitive ecological receptors such as trees both within and adjacent to the site has been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to militate against the loss of existing biodiversity and nature habitats.

- 6 Tree and vegetation removal will not be carried out between March and July inclusive, unless a documented search for nesting birds has been carried out and the area has been found to be clear of any active nests.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to militate against the loss of existing biodiversity and nature habitats.

- 8 **INFORMATIVE TO APPLICANT:**
The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

- 9 **INFORMATIVE TO APPLICANT:**
Please note the following guidance from the Environment Agency:

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

In addition to any other permission(s) that you may have already obtained, e.g. planning permission, you may need an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 6 April 2016) if you want to carry out work:

- in, under, over or near a main river (including where the river is in a culvert)
- on or near a flood defence on a main river
- in the flood plain of a main river
- on or near a sea defence

For further information and to check whether a permit is required please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

For any further advice, please contact your local Environment Agency FRA Permitting Officer, daniel.griffin@environment-agency.gov.uk / yvonne.wiacek@environment-agency.gov.uk

10 **INFORMATIVE TO APPLICANT:**

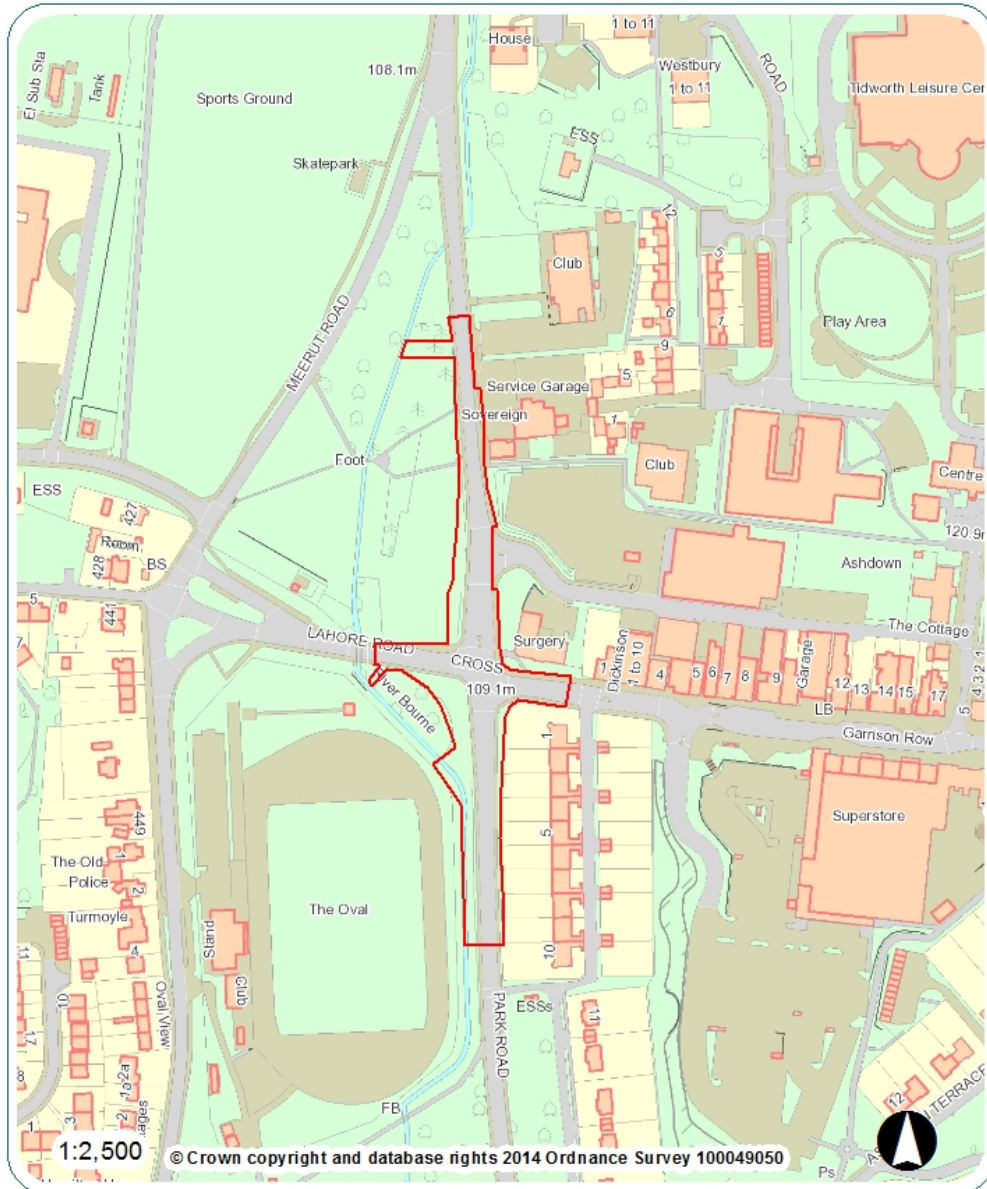
Please note the following guidance from Veolia Water:

The proposed development will impact Veolia Water public water and waste water apparatus which may / will required diversion, re-alignment or lowering. We would anticipate detailed consultation in a suitable and sufficient timescale to allow us to survey the area in question and to provide costed schemes under S185 of the Water Industry Act and in line with usual highway works practice.

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18/03716/FUL

Junction 20 at A338 Park Road/Pennings Road and
Station Road/Lahore Road
Tidworth



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	18 th July 2018
Application Number	17/01798/FUL
Site Address	Valley View, Dean Road, East Grimstead, Wiltshire, SP5 3SD
Proposal	Change use of land for the stationing of one mobile home, one touring caravan, and a day/utility room building for residential purposes, together with the formation of hardstanding, and landscaping and erection of maximum 2.8 fence (retrospective)
Applicant	Miss Nicola Terry
Town/Parish Council	East Grimstead
Electoral Division	Grimstead – (Richard Britton)
Grid Ref	423012 127267
Type of application	Full Planning
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The reason that this application is brought before the Strategic Committee and not the Area committee is that the Inspector, when reporting on the Wiltshire Core Strategy, expressed concern about whether the Council's approach towards gypsies and travellers was consistent with national policy. National policy requires Council's to plan positively for traveller sites. In its response to the Inspector's concerns, the Council has committed to considering planning applications for new traveller sites as a strategic issue rather than a local issue. This proposal would increase the number of pitches available for travellers and is therefore before the Strategic Committee.

The application has been called-in by Cllr Britton if officers are minded to approve, with key issues being the strong local concern, scale of development, its visual impact, highway matters and its relationship to adjoining properties.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved for the reason(s) set out below.

2. Report Summary

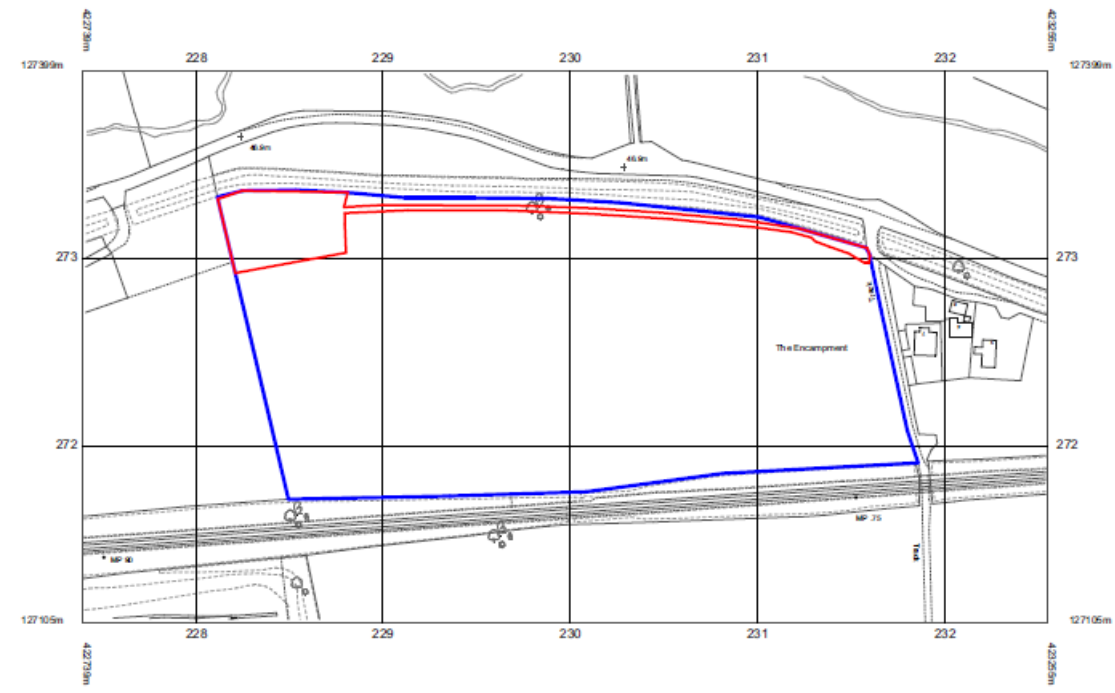
The issues in this case are:

- Principle, policy and planning history issues
- Highway Safety
- Design, Layout and Impact on Landscape Character
- Impact on Neighbour Amenity
- Other Environmental Impacts

The publicity has generated nine letters in objection of the application with an objection from the Grimstead Parish Council to the development.

3. Site Description

The application site consists of a parcel of land approximately 0.30 hectares in size adjacent to Dillons Farm, East Grimstead. Running adjacent to the entrance of the site is the bridleway known as GRIM22. Properties in proximity to the application site are known as No's 4-7 Dean Road referred to as the Encampment.



4. Planning History

None directly related to the site, but there has been recent relevant planning history in relation to Dillons Farm and the surrounding land shown below in an aerial photograph. Dillons Farm is located adjacent to the application site. The planning history for these sites and surrounding area is detailed on the next page.



Dillons Farm adjacent to the site

Existing entrance to the application site

Dillons Farm planning history:

13/00514/FUL - Retrospective application for the addition of 1 extra mobile home and amenity block to be used in conjunction with the existing gypsy site. This was refused by WC.

13/03834/FUL - Retrospective application for the change of use of land to residential occupation and the addition of 1 extra mobile home and amenity block to be used in conjunction with the existing gypsy site. This was refused by WC but was the subject of an Appeal Hearing where the development was allowed and costs granted against Wiltshire Council.

16/10365/APD – Erection of agricultural barn. Refused

Committee members are advised that there is an on-going planning enforcement investigation on this site. Following the appeal hearing in reference to application 13/03834/FUL where the development was allowed (appeal decision is shown as Appendix 1), the only subsequent change is that the applicants started to construct what they believed to be a caravan. The structure is not complete and is currently not occupied. As such the following planning application has been submitted to the Local Planning Authority for consideration:

18/05023/FUL - Amenity/Utility dayroom to be used in conjunction with existing authorised gypsy site. Currently under determination.

Other site history on land adjacent to Dillons Farm:

16/05642/FUL - Creation of bund to prevent fly tipping, creation of hardstanding and erection of gates (retrospective) A.C 25.08.16

5. The Proposal

This retrospective planning application proposes to change the use of the land for the stationing of one mobile home, one touring caravan and a day/utility room building for residential purposes, together with the formation of hardstanding, landscaping, and the erection of a stable block and fencing 2.8 metres in height. Access to the site is obtained via an existing access shared with that of the Encampment adjacent to this proposed traveller site.

6. Planning Policy

The relevant planning policies are:

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 23 Southern Wiltshire Community Area

Core Policy 47 Meeting the needs of Gypsies and Travellers

Core Policy 57 Ensuring high quality design and place shaping

Paragraph 4 of the National Planning Policy Framework (NPPF)

DCLG Planning Policy for Traveller Sites (PPTS), August 2015

7. Summary of consultation responses

Grimstead Parish Council – Objection received with the following comments:

- Development has already taken place with a large mobile home already on site and occupied.
- The Parish Council have already repeatedly approached Planning Enforcement about this site re the issues of the dumping of waste soil/rubble in a large bund, the presence of a touring caravan and also when the mobile home was taken onto the site. This application is thus clearly retrospective.
- The application is extremely sparse in details: the owner is not shown in the certificate. The arguments for the utility/dayroom are not convincing – modern mobile homes are designed for washing, heating, toilets etc.. The 2.8m high fence is excessive with no clear need for its presence.
- No evidence of gypsy or traveller status is shown. The letters from neighbours clearly question the status of the applicants and will no doubt be noted and considered by the planning authority
- The Council considers this to be basically an application for a new dwelling in the countryside with the recently approved site (Dillons Farm) next door as its example. Recent changes to planning law would significantly have weakened the case for that approval as being permanently unable to pursue a travelling lifestyle due to age/infirmary, the argument used for Dillons Farm, no longer applies.
- Similarly, any argument using the fact that Wiltshire Council have failed to provide sufficient traveller sites requires that such one-off sites as this should relate to a nearby community with appropriate facilities. East Grimstead is not such a community. It has no shop, no pub, no school and a very poor bus service which is about to become worse through recent reductions in frequency. We agree with the Highways objection to this application.
- The number of people living in the original encampment further along the road towards West Dean has grown significantly in recent years. This, along with the those living in Dillons Farm and those suggested for this new application means that the total population of these sites is a significant proportion of the population of East Grimstead. This is at odds with government guidelines re traveller/gypsy sites next to small communities.
- The Council would like to make clear that it accepts the presence of the original encampment on Dean Road. It has been there for many years and families have lived there for several generations with a clear right to do so although the fairly recent increase in numbers has been noted. However this development cannot be considered as an extension to the encampment, as now realised by the amended CPRE response.
- The Council views speculative applications such as this as an abuse of the planning system and requests that the application be refused with enforcement action taken as appropriate.

Wiltshire Council Landscape Officer – Support subject to conditions.

Wiltshire Council Public Rights of Way– No objection
Wiltshire Council Highways – No objection subject to conditions
Wiltshire Council Spatial Planning – No objection
Wiltshire Council Drainage Officer – No objection
Wiltshire Council Public Protection – No objection subject to conditions

8. Publicity

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated nine letters of objection for the application with an objection from Grimstead Parish Council given to the development. However it should be noted that seven of these letters of objection have subsequently been withdrawn.

Two letter of objection have been received from the South Wiltshire Campaign to Protect Rural England (CPRE) with comments stating:

Letter 1:

The documentation on-line available for this registered application does not appear to have any associated Planning Application Form but simply a Covering letter from a planning consultant. It is therefore extremely difficult to make a sensible comment. However the location identified is adjacent to the relatively discrete collection of residential units that have been home for members of the Gypsy and Traveller community for many years. One has to presume that this is an extension of that existing facility. In the absence of any tangible and sensible provision by Wiltshire Council to fulfil their duty of provision of sites for this group this site would appear to be appropriate.

Letter 2:

In the absence of a proper Planning Application the South Wiltshire CPRE made some assumptions that this was, as implied in the covering letter with the application, an extension of the existing traveller and gypsy community adjacent to the site. However subsequent objections from various members of the Cooper family appear to contradict this assumption. It is very clear that the application is not quite as it appeared to be. Because of this and because there is still no proper application form displayed on-line for this application the South Wiltshire CPRE wishes to withdraw support for this application. Until more evidence is submitted and viewable on-line the South Wiltshire CPRE wishes to object to this application as an apparently inappropriate proposal outside any clear development boundary in open countryside.

9. Planning Considerations

9.1 Principle, policy and planning history

The NPPF indicates at para 4 that:

“This Framework should be read in conjunction with the Government’s planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant”

The NPPF advice above is complimented by the Governments Planning Policy for Traveller Sites document (PPTS). This contains a variety of advice for decision makers on this topic. Below is outlined and summarised some of the more relevant advice:

5 Year Housing Land Supply

The Planning Policy for Traveller Sites (PPTS) Policy H requires the LPA to consider the availability of the 5 year supply of deliverable site when considering an application for granting consent for a traveller application:

If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space; an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

In relation to the 5 year supply, the comments of the Spatial Planning Team on this matter are as follows:

.....In terms of overall need the council's latest position for the South Housing Market Area (HMA) is that for the period December 2016 - December 2021, an additional 37 pitches are required. This is set out in Wiltshire Core Strategy Core Policy 47. The council's monitoring data shows that as of April 2017, this need has not been met. Since December 2011, 8 pitches¹ were granted permission in the South HMA. This results in an outstanding requirement of 29 pitches for 2011-16 which is unmet, and an additional 19 pitches for 2016-21.

....The proposal would make a small contribution to meeting outstanding need.

....Under 'other material considerations' please note that the Local Plan will now deal with gypsy and traveller matters and a standalone DPD will now no longer be pursued. This is set out in the Local Development Scheme report based on which members approved the 2017 LDS. See para 10-14 in the attached. The upshot is that there is no development plan document which could direct travellers to allocated sites in the interest of plan-led development.

.....Therefore this proposal would in principle aid in meeting outstanding need for additional pitches in the South HMA. Proposals will be considered favourably where they satisfy the general criteria in Wiltshire Core Strategy Core Policy 47.."

In sum, the South Housing Market Area cannot meet the required 5 year supply of deliverable sites because of the few number of permissions granted. There is no DPD in place which allocates such sites and the Wiltshire Local Plan is not well advanced. The lack of a five year supply weighs in favour of the application.

Status of the Applicant

Annexe 1 of the PPTS states 'gypsies and travellers' mean:

Persons of nomadic habit of life whatever their race or origin including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old

age have ceased to travel temporarily but excluding members of an organised group of travelling show people or circus people travelling together as such.

As such, the agent on behalf of the applicant has submitted a statement confirming the status and background of the applicant as a member of the traveller community. This has been confirmed by information obtained from the Hampshire County Council Gypsy Liaison Officer claiming that he has had dealings with the applicant and is aware of her travelling background and family heritage. Therefore on balance, it is considered that the information supplied within this application form is acceptable to allow the LPA to conclude that the application beyond any reasonable doubt is associated with the purposes of a gypsy or traveller.

Moreover, planning permission, unless expressly made personal, runs with the land and not the applicant. A condition can be imposed on any planning permission to ensure that the Council retains reasonable control so that any future occupiers satisfy the definition of a traveller as set out in national policy. The PPTS specifies that local planning authorities should determine applications for sites from any travellers and not just those with local connections (para 22).

Availability (or lack) of alternative accommodation for the Applicant

The Planning Policy for Traveller Sites (PPTS) Policy H requires the LPA to assess applications for travellers against set national criteria. The following paragraphs b) and c) are considered below:

- b) The availability (or lack) of alternative accommodation for the applicants;
- c) Other personal circumstances of the applicants.

This application has not presented any information to justify the application site against the above criteria. No evidence has been submitted to stipulate the accommodation needs of the applicant or how the applicants has tried to meet those needs without the occupation of this application site.

Policy CP 47

Notwithstanding the above national guidance, and in the absence of a specific DPD, the Council's own planning policy CP47 deals with these issues. Wiltshire Core Strategy Core Policy 47 (criterion i-ix) lists the locational requirements traveller sites have to meet. This states that:

"Proposals for new Gypsy and Traveller pitches or Travelling Show people plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the following general criteria they will be considered favourably.."

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable*
- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users*
- iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.*

iv. *The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas*

v. *It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.*

vi. *It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*

vii. *Adequate levels of privacy should be provided for occupiers*

viii. *Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements, and*

ix. *The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.*

The following parts of the report assesses the application against the above criteria and planning impacts.

9.2 Flooding and drainage issues

Criterion i) of CP47 indicates that no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable. Similarly, criterion iii) of CP47 indicates that the site should be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

Comments from the WC Spatial Planning state: *The site falls within Flood Zone 2. This part of Dean Road lies to the north of the Salisbury-Southampton rail line which provides regular train services. No significant barriers have been identified linked with i) but it needs to be considered from a drainage perspective if the ground conditions would support a drainage solution. No details have been submitted by the applicant in this regard so this should be clarified further.*

Comments received from the Drainage Team reference the fact that it will be possible to locate the accommodation in a low flood risk area and discharge any foul drainage to a septic tank for regular collection. The agent has confirmed that there is an existing septic tank already in situ on the site.

As there is no known problems with regards ground stability or proximity to other hazardous land or installation around the site, it is considered that the proposal complies with policy criterion i) & iii) of CP47.

9.3 Highways issues

Criterion ii) of CP47 states that the proposal should be served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users. Similarly criterion iv) of CP47 states that the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

The application site consists of a parcel of land approximately 0.30 hectares in size adjacent to Dillons Farm, East Grimstead. Running adjacent to the entrance of the site is the bridleway known as GRIM22. Properties in close proximity to the application site are known as No's 4-7 Dean Road referred to as the Encampment. Access to and from the site is obtained from the existing access from Dean Road which serves No's 4-7 Dean Road.

The Council's Highways Team initially had visibility concerns regarding the proposal, but in response to additional information from the applicant, they have stated: *I am satisfied that the attached addresses my concerns with regards to visibility, however, I must highlight an incorrect statement within the attached, that it is the Highway Authority's responsibility to maintain visibility splays for this private access. This is not the case, as owners of all private accesses must maintain their own visibility splays and any cutting must be complete in consultation with the HA.*

Assuming you do not consider an objection on sustainability grounds to be appropriate, I would recommend that no Highway objection is raised, subject to a set of conditions and an informative being attached to the consent;

The Council's Rights of Way comments state: *The proposed driveway to the property would be accessed by a bridleway (GRIM22). This is not recorded as a public vehicular highway, the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take private legal advice.*

Following the submission of additional information in respect of a visibility splay assessment by the agent, the Council's Highways Officer is now satisfied that with the submission of this additional information, any concerns over highway safety from the access have now been overcome. Therefore, in the opinion of the case officer, the proposed site is acceptable in respect of highway safety and highway users. It therefore is considered that this development complies with criteria ii) of CP47. The part of the policy criteria referring to play areas is considered to be irrelevant in this instance as this is application relates to a singular pitch provision, not a larger gypsy site. Consequently, it is also considered that criterion iv) of CP47 is also met.

9.4 Sustainability

It is recognised that the PTTS advises that "*local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*" (par 23).

However, criterion v) of Core Policy 47 does not require new Gypsy and Traveller development to be located within the limits of development but to be located in or near to existing settlements within reasonable distance of a range of local services and community facilities.

The Council's Spatial Planning Officer comments that: *The site lies approximately 1.2km distance to East Grimstead which has a primary school. As children's needs are cited in the application the Council's education team may have further comments as to the availability of*

school places unless the children are already registered. The nearest surgery is located in Whiteparish, approximately 5.5 km away.

A bus stop is situated in the centre of East Grimstead. A regular bus service to Salisbury can be accessed here. Salisbury lies approximately 8 km away and provides for a wide range of services and facilities including shops, supermarkets, schools, a hospital, libraries, and employment. Other traveller sites have been permitted in South Wiltshire by the Council or at appeal which are situated in a similar location or further away from services and facilities. The 2014 appeal decision for the Dillon's Farm traveller site which lies to the west of the application site refers. Overall it is considered that the site lies near existing settlements within reasonable distance of a range of local services and community facilities, although the distance to the next surgery is more than 5 km.

The previous appeal Inspectors comments related to the sustainability of the Dillons Farm site is attached. In particular, para 16 to 24 of the report, and paragraph 33 outline why the site is considered to be acceptable in locational terms.

The comments from the Spatial Planning Officer and the Inspectors comments are sufficient to demonstrate that the scheme is reasonably related to an existing settlement and that the proposal complies with criteria v) of CP47. Accordingly, a refusal of permission based on this issue would be difficult to justify.

9.5 Amenity impacts

Criterion vii) of CP47 indicates that adequate levels of privacy should be provided for occupiers. Policy CP57 has a similar stipulation.

The site is surrounded by 2.8 metre wooden fencing and is bound by established trees along the northern boundary with Dean Road running along this boundary. To the west of the application site is the neighbouring dwelling (known as Dillons Farm). To the east of the site is a collection of properties situated within an area called the Encampment which is approximately 250 metres from the stationed mobile home. There are no other neighbouring dwellings within close proximity to the application site.

As a result, the proposal has no significant adverse impact on surrounding amenities and is in compliance with CP47 (vii) and CP57.

9.6 Landscape Impact

CP47 vi) requires that it will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. and CP47 viii) states that development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

CP51 relates to landscape matters, and the site is located in a Special Landscape Area.

Members should note para 28 of the attached appeal decision related to the adjacent site relates to the Inspectors comments on the impact of that site on the countryside. He concludes that there would be no harm.

Comments received from the Landscape Team state:

- *This is a Greenfield site in open countryside. The landscape character is locally enclosed by woodland and copses and is sparsely settled and highly rural.*
- *The Introduction of any uncharacteristic local buildings such as a mobile home or a caravan (which do not support or strengthen typical local building character /vernacular) must be screened from countryside visual receptors/viewpoints where there is potential inter-visibility with this type of new development in order to protect and safeguard high quality valued local landscape character.*
- *The submitted information does not illustrate how development of this nature could or would support or strengthen appropriate local character. The rural character of Dean Road and Bridleway (GRIM 22) should be conserved, strengthened and enhanced in line with Core policy 51, and NPPF (As some clear opportunities exist to improve the character of the area and the environmental credentials of the scheme at this location).*

Visual effects

- *The site is likely to share only limited opportunities for inter-visibility with public visual receptors.*
- *The site may be visually exposed from the higher more distant areas to the south but this has not been evaluated within the submission or verified by myself.*
- *The railway and its associated vegetation help to screen the site from the south (except potentially for more distant southern elevated receptors as previously identified).*
- *The rolling landform of the applicant's (blue line) field helps to screen the main fenced compound area from the bridleway (GRIM 22) from the east, north of the railway line. There is potential for the site and development to register as an uncharacteristic visual change from elevated vantage points located further south along this bridleway closer to West Dean Farm.*
- *Views from restricted Byway (GRIM 13) are unlikely of the development, restricted by topography and intervening railway and field boundary vegetation.*

Views from Dean Lane are heavily restricted by an established mature line of intervening wooded vegetation and the roadside hedgerow lining this section of Dean Road.

It is considered that the works that have been undertaken are modest in scale. Whilst visible at close quarters, from the wider landscape, the works are not readily visible. Furthermore, other sites and structures elsewhere in the area are similarly visible. Consequently, a refusal based on the detrimental impact of the proposal on the landscape would be difficult to justify, particularly given the Council's ability to impose a condition to secure a planting scheme.

9.7 Ecology issues

CP47 criterion ix) indicates that the site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology. CP51 relates to ecology and biodiversity matters.

There are no national or international environmental designations in this sector and officers are not aware that any protected species have been recorded in the area, and the site itself is considered to be of low ecological value.

10. Conclusion

The applicant meets the definition of a traveller as set out in the national guidance. The adopted WCS outlines that there is a requirement for additional pitches within the South HMA.

Given the lack of the required land supply, which weighs heavily in favour of the proposal, the principle of the development within the countryside is considered acceptable. When assessed against the criteria of the development plan, and particularly policy CP47, it is not considered that there are any significant and demonstrable adverse impacts that would justify a refusal of this proposal.

Accordingly permission is recommended.

RECOMMENDATION:

Approve with conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG No: 16_823_001 Site Location Plan Date Received 10.03.17

DWG No: 16_823_003 Proposed Site Plan Date Received 31.03.17

DWG No: 16_823_004 Rev A Proposed Elevations, Floor Plan of the Utility/Day Room Date Received 10.03.17

DWG No: 16_823_005 Fence Panel Detail Date Received 10.03.17

DWG No: 16_823_005 Proposed Stable Block, Elevations, Section, Floor Plan and Roof Plan Date Received 31.03.17

DWG No: 0200.308.001 Proposed Visibility Splays Date Received 24.04.18

REASON: For the avoidance of doubt and in the interests of proper planning

2. The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG, 2015).

REASON: Planning permission has been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and has been assessed against the policies in the Development Plan relating to such sites. Occupation by persons not complying with this definition would conflict with the policies of the Development Plan.

3. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than one shall be a static caravan/mobile home) shall be stationed on the land at any time.

REASON: To preserve the character of the area.

4. No commercial activities shall take place on the land, including the storage of materials.

REASON: To preserve the character of the area.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

REASON: To preserve the character of the area.

6. Within three months of the date of the decision notice, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- Full details of any proposed boundary enclosure/s along new private vehicular access track along with full details of any gates or other means to control access between the new track at its junction with Bridleway GRIM 22 and ongoing maintenance or future replacement of these boundary enclosures on a like for like basis;
- Full details of the plant material to screen the 2.8m high timber fencing around the perimeter of the compound development with a locally native hedgerow/woody shrubs specified as a mix of Whips and feathered stock and planted in a triple staggered row and shall include adequate protection from grazing animals until established.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of the landscaping scheme referred to in condition 6 above. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. Within two months of the date of this decision, the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. Within two months of the date of this decision, the visibility splays shown on the approved plan (DWG No: 020.0308.001 Proposed Visibility Splays Date Received

24.04.18) shall be provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

10. Within two months of the date of this decision, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing beforehand by the Local Planning Authority.

REASON: In the interests of highway safety.

INFORMATIVES:

The proposed driveway to the property would be accessed by a bridleway (GRIM22). This is not recorded as a public vehicular highway, the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the footpath. The applicant is advised to take private legal advice.

No construction / demolition vehicle access may be taken along GRIM22 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

Reason: To ensure the public right of way remains available and convenient for public use.

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority has the power to take enforcement action as necessary.

Appeal Decision

Hearing held on 11 March 2014

by Bridget M Campbell BA(Hons) MRTPI

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

Decision date: 15 April 2014

Appeal Ref: APP/Y3940/A/14/2211452

Dillons Farm, Dean Road, East Grimstead, Salisbury SP5 3SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Murphy against the decision of Wiltshire Council.
- The application Ref 13/03834/FUL, dated 2 September 2013, was refused by notice dated 20 November 2013.
- The development proposed is "change of use for residential occupation of caravans for a gypsy/traveller site".

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Preliminary matters

Costs

1. At the Hearing an application for costs was made by Mr Murphy against the Council. This application is the subject of a separate Decision.

Clarification of application

2. The appeal was lodged in the names of Messrs David and Dale Murphy. The right of appeal under s78 of the Act is limited to the person or persons who applied for planning permission. In this case the application form simply says "c/o Agent". However, a letter submitted as a supporting statement to the application gives the name of the applicant as Mr Murphy. At the hearing it was agreed by both parties that this referred to Mr David Murphy. That being the case, the appeal will proceed in his name.
3. The development as described by the Council in its decision notice is materially different to that given on the application. It suggests the property is already a gypsy site. No such lawful use is claimed by the Appellant. Whilst Mr David Murphy does say he has lived on the site for 20 years, he does not allege that the use has become lawful with the passage of time since he acknowledges that he sought to hide his residential occupation from the Council. It is common ground that residential use is not lawful.
4. At the hearing it was suggested that the Appellant's description of the proposed development might be made clearer and in this respect the following was agreed as appropriate: *Change of use to a residential gypsy site involving the occupation of two caravans and the erection of an amenity block.*

The appeal site

5. For clarification, the Appellant owns a rectangle of land of a little over 2ha stretching between Dean Road to the north and a railway embankment to the south and with a field to either side. The majority is pasture used for the grazing of his horses. The residential "enclosure" (the appeal site), sits towards the front of the property behind the line of the former canal running along the site frontage. It extends across about half the width of the site from the western boundary and is well delineated. The property itself is well defined by hedgerows and mature vegetation so that public views into it are limited. Solid double wooden gates secure the access.
6. There are two buildings on the site of long standing comprising a stable building and a barn. The former is used for storage as a utility/day room whilst the latter is used by the Appellant for his hobby of restoring traditional gypsy and showman's wagons. The two residential mobile homes proposed are also on the site. One is occupied by the Appellant and the other by his son. What remains to be implemented from the proposed development is the second utility block for the Appellant's son.
7. The site lies just outside the village of East Grimstead which is a small loose knit settlement. The nearest houses lie to the northern side of Dean Road, a short distance to the west

Gypsy status

8. The Appellant is in his late 50s and has stopped travelling for an economic purpose due to his poor health. He needs his son, Dale, on the site to take care of him and when Dale is away travelling, neighbours in the vicinity step in to provide care. Dale is a roofer who travels for this work from time to time but he also takes to the road each year with his colleague Mr Baker when they break horses for others along the way. Dale's wife, who is not a gypsy, and his children live in a house in Southampton which he visits. He chooses to live the traditional lifestyle, however, and needs to look after his father. His mobile home has sufficient bedrooms to enable the children to come and stay with him. There has been no suggestion that Mr David and Mr Dale Murphy are not gypsies and I find they satisfy the definition of gypsies and travellers for planning purposes as set out in Annex 1 of national guidance in *Planning policy for traveller sites* March 2012 (PPTS).

Planning policy and identification of the main issue

9. The PPTS requires local planning authorities to identify a five year supply of specific deliverable sites to meet locally assessed need and to identify a supply of specific developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15.
10. South Wiltshire Core Strategy (SWCS) which forms part of the Development Plan for the area predates that advice, having been adopted in February 2012. Policy CP4 identifies a need for 18 residential pitches to 2011 and indicates that sites will be identified within a Site Allocations DPD. Beyond that date, it says provision would either be compounded up or a further needs assessment undertaken. Prior to the adoption of the DPD, a set of criteria in the policy can be used to guide the determination of planning applications and to identify new pitches.

11. Only one of those criteria is at issue between the parties in this case and that is the first criterion which states "Preferably the site should be located within or close to a settlement as defined by the Sustainable Settlement Strategy". That Strategy is set out in policy CP1. East Grimstead is not a defined settlement. Alderbury, some three miles distant is defined as a secondary village where modest growth is provided for.
12. The SWCS is to be replaced by the Wiltshire Core Strategy (WCS) which is currently undergoing formal examination. Policy CP47 is entitled *Meeting the needs of Gypsies and Travellers*. Following concern expressed by the Examining Inspector, the Council has recently revisited and increased its proposed residential pitch requirements for South Wiltshire from 33 to 37 for the period 2011-16 and from 17 to 19 for the period 2016-21. The robustness of that assessment is a matter for the development plan process but it was common ground at the hearing that these figures are unlikely to go down.
13. The policy goes on to say that development should be situated in sustainable locations. Five criteria are set out which proposals must satisfy and it was agreed that these are unlikely to change prior to adoption of the Plan. Once again only one is an issue between the parties and that is criterion (iv) that the site is "located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services".
14. East Grimstead is defined as a Small Village in the emerging WCS where policy CP1 limits development to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities Policy CP2 limits such development to infill within the existing built area and, in principle, supports development which seeks to meet local housing needs.
15. Against this background the main issue is whether the site is a suitable location for a gypsy site having regard to the settlement strategy for the area and distance from services and to its effect on the countryside and, if not, whether any harm is outweighed by other considerations.

Reasons

The settlement strategy and distance from services

16. Taking first the adopted SWCS, the appeal site is not located within or close to a settlement as defined by the Sustainable Settlement Strategy since East Grimstead is not defined in that Plan as a settlement. A strict application of policy CP4 would result in a conflict with this requirement. However, the criterion clearly allows for some exceptions to be made since it begins with the word "Preferably". It seems to me therefore that it recognises that there may be situations where, taking other matters into account, a site might be accepted that is not within or close to a defined settlement – failure to meet such a locational criterion is not necessarily fatal in terms of that policy.
17. Looking next at the emerging WCS, the Council argues that criterion (iv) of policy CP47 is not met because the site is not near to an existing settlement which offers a range of local services and community facilities. With respect, that is not the way the criterion is worded – it does not say the settlement itself which the site is to be in or near must contain the services and facilities. The criterion is poorly worded but I can put no other meaning on it than that

there are two parts to it: firstly, a site is to be located in or near to existing settlements; and, secondly, a site is to be located within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

18. There is no defined settlement boundary for East Grimstead but even so the site cannot be argued to be within the existing built area despite its loose knit nature. It is, however, very close to it so that it can be said to be located on the edge of it. In the emerging WCS, East Grimstead is to be identified as a settlement – a Small Village. Thus the site is located near to an existing settlement. The first part of the criterion is met.
19. Looking at the second part of the criterion “reasonable distance” is not defined in the Plan. The Council expressed the view that this should be less than a mile and on a route conducive to walking. Since the wording of the criterion says “in particular schools and essential health services” I consider the Council’s interpretation to be unduly restrictive. For example, to have to be within a mile of a school and with a route to it that would be attractive to walk would be severely limiting when trying to identify suitable sites.
20. East Grimstead is not a settlement with many facilities to offer. There is a church and village hall/reading room and the local community run their own free book exchange in the former telephone kiosk. The village does, however, have the advantage of being on a bus route, albeit that there are only 5 services a day and there is a bus stop within a short stroll of the appeal site.
21. Within some two to three miles of the site I was told there is a railway station connecting to Southampton and Salisbury, 4 shops including a post office, 3 primary schools, public houses, churches and a number of social clubs. In addition East Grimstead is served by school buses. It would be fair to say that the site lies within a reasonable distance of some, rather than a range of, facilities and services.
22. The site is not served by roads with footways but in my experience sites within the countryside rarely are. However Dean Road is on the national cycle network and the bus service and nearby railway station do offer an alternative to car journeys albeit limited. In my view, with these alternative modes of transport available, facilities and services further afield might be said to be within a reasonable distance of the site. Salisbury, some 7 miles distant offers a full range of services and facilities for day to day living.
23. To resist development in principle unless it is located close to a settlement offering a good range of services does not recognise that the emerging Plan specifically provides for some modest development at Small Villages such as East Grimstead to respond to local needs and to contribute to the vitality of rural communities (WCS para.4.16 and policies CP1, CP2). Such development would have a similar relationship to a good range of services as the appeal site.
24. The Council has drawn attention to paragraph 23 of the PPTS which, it says, emphasises the ‘in principle’ objection by reason of the location in the open countryside, remote from existing settlements and facilities.¹ I do not agree. Whilst the paragraph does say sites in the open countryside away from existing settlements or outside areas allocated in the development plan should be

¹ Council’s statement paragraph 5.10

strictly limited, this site is not “away from existing settlements”, it is on the edge of East Grimstead and there are no areas allocated for gypsy sites in the development plan. The provision of the appeal development responds to the local need for more sites in the South Wiltshire area – it is a local housing need (WCS policy CP2) albeit not for conventional bricks and mortar. The paragraph of the PPTS goes on to recognise that there will be sites in rural areas and seeks to ensure that they will not dominate the nearest settled community or place an undue pressure on the local infrastructure. This site, in effect for two pitches, would not do so.

Effect on the countryside

25. The appeal site is situated within a Special Landscape Area (SLA) which local designation, I was told, covers most of the eastern side of South Wiltshire and comprises pleasing undulating countryside. The Council has raised no concern about the site having any material harmful impact on the rural area and I find no reason to conclude otherwise. The residential component is compact and at the lower end of the Appellant’s property, the extent of which is defined by hedgerows. The frontage to either side of the canal is densely vegetated so that even when the trees are without leaf a person walking along Dean Road would scarcely be aware of the appeal site other than seeing the solid double wooden gates at the entrance. Although the Parish Council says the site is visible from a byway to the west, the view is a distant one.
26. The residents and Ward Councillor who attended the hearing expressed concern that litter and other items from the site might find their way onto Dean Road and that activities might expand, for example to use as a scrap metal business. This would damage the appearance of the rural area. However, it was evident from my visit that the Appellant’s use of the site has been going on for some time, albeit that the intention is now to regularise his residential occupation and to add a pitch for his son. The site seemed well contained and there was no evidence of any encroachment of the use beyond the boundaries. Conditions could be attached to any planning permission granted to prevent business use on the appeal site.
27. I understand that residents have concerns about a much larger gypsy site further to the east along Dean Road. I do not know the full details of the problems encountered and neither can I comment upon them. It would appear that there is some friction and that is a pity. However, that in itself is no indicator that this site, used by the Appellant for some 20 years, would throw up the same problems or indeed exacerbate those already encountered. The site is sufficiently distant from the nearest residential dwelling so as not to intrude upon the living conditions of its occupiers. There is no reason to suppose that the Appellant would not take as much pride and care with his property as would a member of the settled population.
28. The proposed development would not damage the character and appearance of the rural area nor the quality of the SLA and there is no conflict with the existing and emerging policies of the Development Plan aimed at protecting the quality of the landscape.

Other considerations - need for more pitches

29. There is clearly an urgent need for a substantial number of additional pitches in the South Wiltshire area and this was acknowledged at the hearing by the

Council. There is no five year supply of specific deliverable sites. The adopted SWCS identifies a need for 18 by 2011 and the replacement figure in the emerging WCS is likely to be no less than 37 for the period 2011-16 and no less than 19 for the period 2016-21. Since the 2006 assessment, which is now agreed to have understated need, planning permission has only been granted for three pitches². I was advised that refurbishment of a public site at Downton will provide a further two pitches. At the start of 2014, this is a lamentable record of provision when measured against the assessed need.

30. An updated needs assessment is to commence this year with a view to informing a formal review of the WCS in 2015 and the Site Allocations DPD anticipated for May 2016. There is no expectation that this will identify any reduction in the level of need. In intervening period between now and May 2016, the Council is looking at the possibility of releasing publicly owned land to help meet the need; assessing suitability by applying the policy criteria. However, with a report to Committee not due until June and then the mechanics to be put in place including obtaining planning permission, it seems to me unlikely that these sites will be provided any time soon. I was told that the Council expect private sites to continue to come forward both now and in the future which will be assessed against the policy criteria. All public sites within the County are full and there are some 15 families on the waiting list.
31. The personal circumstances of the Appellant and his son are set out in paragraph 8 above. Neither has an alternative site to go to that would facilitate the gypsy way of life. The appeal site is large enough to accommodate both the proposed residential use and the Appellant's hobby without undue intrusion on the surrounding courtside.

The balance of considerations

32. Looking at the performance of the appeal site against the gypsy and traveller policy in the existing Development Plan, the site does not meet the "preference" for a location within or close to a settlement in the SWCS but otherwise there is no identified policy conflict. In respect of the emerging Plan, the WCS, the site is located near to an existing settlement (as will be identified in that plan) and it is within a reasonable distance of a limited range of services and facilities (within some 2-3 miles). However taking into account that there are some alternative means of transport available in the area – bus, cycle and train – the site might be said to be brought within a reasonable distance of the full range of facilities and services.
33. Of course there might well be sites which would perform better in this respect but the emerging policy is not worded to require a location in or near to a settlement offering a specific level of facilities and services. This is commensurate with emerging policy for conventional housing which allows infill at Small Villages to meet local housing needs³. Occupiers of that housing would have the same requirements to access services and facilities for day to day living as would gypsies and travellers. Moreover, the very rural nature of the area generally needs to be borne in mind when considering what a "reasonable distance" might be and this in turn informs the assessment as to whether it is a "sustainable location". Having regard to the requirements of both existing and emerging policies I find the site to be a suitable location for a

² Table 1 of document 4

³ WCS policy CP2

gypsy site which would not undermine the settlement strategy for the area, is within a reasonable distance of services and would not harm the countryside. I find no material conflict with either existing or emerging Development Plan policies.

34. Nonetheless, insofar as there might have been said to have been conflict with policy – for example in not meeting the preference in SWCS policy CP4 for a location within or close to a settlement (as identified in that Plan) – that is outweighed by the ongoing urgent need for more pitches. The advantages for gypsies and travellers of having a settled base has long been recognised, not least in assisting with access to health services and in enabling children to attend school on a regular basis. Whilst it is anticipated that sites for new pitches are likely to be allocated towards the middle of 2016, the appeal site performs reasonably well when assessed against the criteria in emerging policy WCS CP47 (acknowledged as criteria which are unlikely to change) and I was told that it is expected that private sites will continue to come forward aside from the specific site allocations. Their suitability, as here, would be assessed by applying the policy criteria.
35. Having regard to my findings I intend to allow the appeal.

Conditions

36. The conditions suggested by the Council were discussed at the hearing. That specifying the standard time for commencement of the development is not necessary since the use has begun. It is, however, necessary to limit occupation by persons who meet the planning definition of gypsies and travellers since it is the application of policies relating to this group of people that has had a bearing on the outcome. The Council did not suggest a personal permission and I do not find this necessary as the personal circumstances of the specified intended occupiers did not need to be weighed in the balance so as to justify permission being granted.
37. It is necessary to restrict the number of caravans on the site to protect the character and appearance of the area and in this respect the normal standard of one static and one touring caravan per pitch will be adjusted to take account of the Appellant's hobby. For the avoidance of doubt a condition requiring the development to be carried out in accordance with the submitted drawings is necessary although the Council did not require a follow up that there should be no subsequent change to the position of the caravans because of the well screened nature of the site. It was agreed that a condition prohibiting any industrial or commercial use was necessary and that that would not impinge upon the Appellant's current restoration activities which the Council considers to be a hobby and incidental to the residential use. Whilst the representation from the Parish Council suggested a landscaping condition, the Council did not find this necessary and neither do I given the extent of the existing vegetation.

Formal Decision

38. The appeal is allowed and planning permission is granted for a change of use to a residential gypsy site involving the occupation of two caravans and the erection of an amenity block at Dillons Farm, Dean Road, East Grimstead, Salisbury SP5 3SD in accordance with the terms of the application, Ref:13/03834/FUL dated 2 September 2013, and the plans submitted with it, subject to the following conditions:

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites*.
- 2) No more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed on the site at any time and used for residential purposes. In addition no more than 3 other caravans comprising touring caravans or traditional showman or gypsy wagons shall be accommodated on the site.
- 3) The development hereby permitted shall be carried out in accordance with the following approved drawings: site location plan, site plan, site layout plan, plan for standardised static caravan, photograph of standardised static caravan and plan and elevations of day room.
- 4) No industrial or commercial activities shall take place on the land, including the storage of materials.

Bridget M Campbell

Inspector

APPEARANCES

FOR THE APPELLANT:

Mrs A Heine	Planning Consultant
Mr David Murphy	Appellant
Mr Dale Murphy	Son of the Appellant
Mr Paul Baker	Friend of the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Pearce	Land Development and Planning Consultants
Mr W Simmonds	Planning Officer

INTERESTED PERSONS:

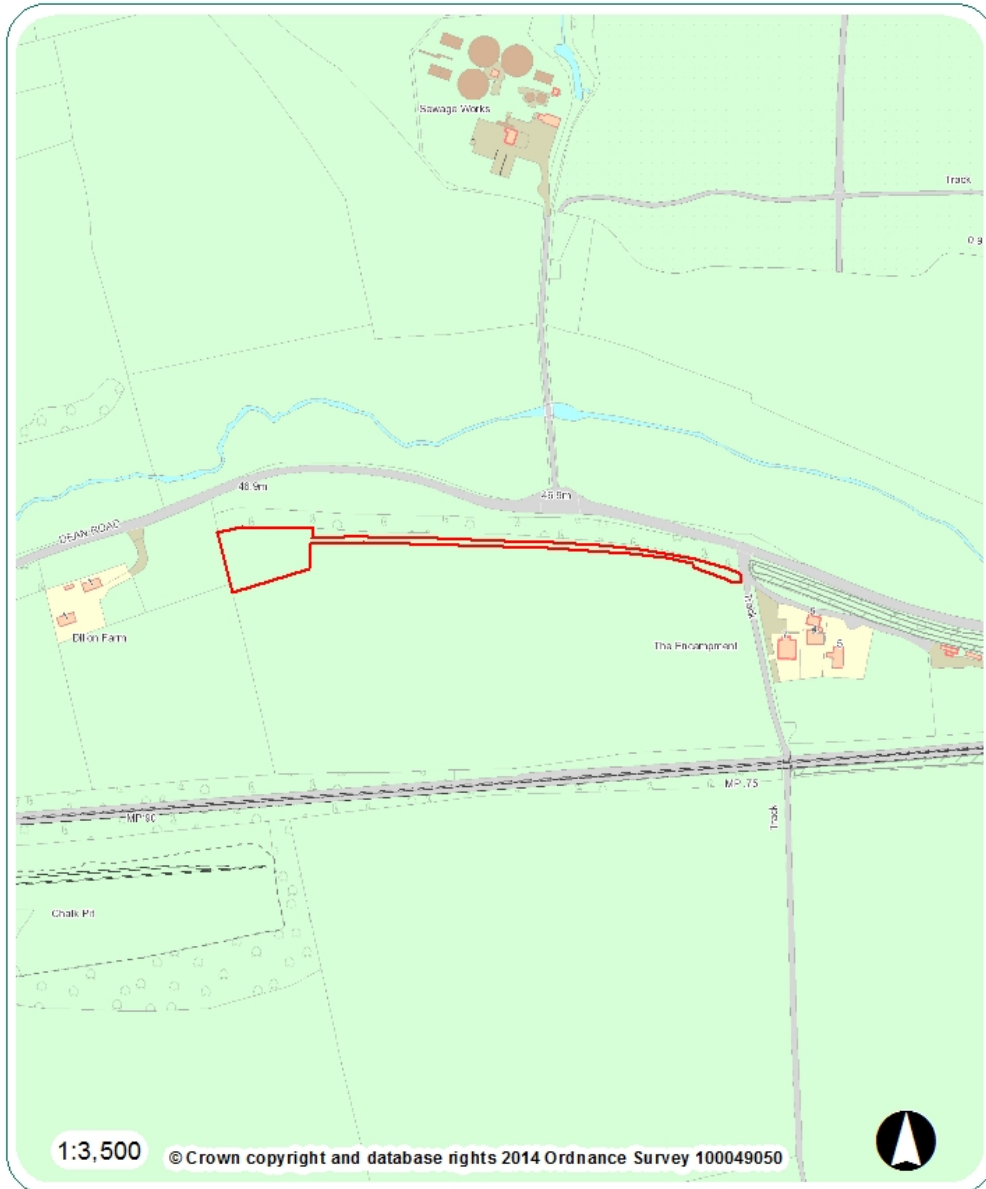
Councillor R Britton	Ward Councillor representing two local residents
Mrs S Stacey	Local resident
Ms S Hesselberg	Local resident

DOCUMENTS submitted at the hearing

- 1 Photographs, two letters and notice to quit a highway verge submitted for the Appellant
- 2 Letter from Grimstead Parish Council
- 3 Extracts from the emerging Wiltshire Core Strategy
- 4 Wiltshire Core Strategy – Addendum to Topic Paper 16
- 5 Existing and emerging landscape policies addressing the SLA

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Valley View
Dean Road
East Grimstead
Salisbury
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SP5 3SD



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