

## AGENDA

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**Meeting:** STRATEGIC PLANNING COMMITTEE  
**Place:** Committee Room 3, County Hall, Trowbridge  
**Date:** Wednesday 7 July 2010  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

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<b>Briefing Arrangements:</b>	<b>Date</b>	<b>Time</b>	<b>Place</b>
<b><u>PARTY SPOKESMEN</u></b>	07.07.2010	9.30am	Cttee Room 3

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### Membership:

Cllr Philip Brown	Cllr Julian Johnson
Cllr Mark Connolly	Cllr Mark Packard
Cllr Christine Crisp	Cllr Anthony Trotman
Cllr Andrew Davis	Cllr Ian West
Cllr Peter Fuller	Cllr Fred Westmoreland
Cllr Russell Hawker	Cllr Graham Wright
Cllr Chris Humphries	

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### Substitutes:

Cllr Ernie Clark	Cllr Jacqui Lay
Cllr Bill Douglas	Cllr Francis Morland
Cllr Nick Fogg	Cllr Stephen Petty
Cllr Mollie Groom	Cllr Leo Randall
Cllr John Knight	

## **PART I**

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

1. **Apologies for Absence**

2. **Membership Changes**

3. **Attendance of Non-members of the Committee**

4. **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on 12 May 2010. (Copy attached)

5. **Declarations of Interest**

Councillors are requested to declare any personal or prejudicial interests or dispensations granted by the Standards Committee.

6. **Chairmans Announcements**

7. **Public Participation**

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

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

8. **W/10/00666/WCM - Bore Hill Farm, 124, Deverill Road, Warminster, BA12 8BD - Erection of Biogas Plant, Employment Units, Associated Land Modelling, Landscaping & Access Works - Electoral Division Warminster Broadway**

A report by the Case Officer is attached.

9. **N/10/01208/WCM - Land at Leigh Delamere, Chippenham, SN14 6JZ - Creation of a Landscaped Landform using Inert Fill Material to mitigate adverse Environmental Impacts of the M4 Motorway and Construction of a Temporary Access Track to facilitate Vehicular Access - Electoral Division By Brook**

A report by the Case Officer is attached.

10. **W/10/01161/WCM - Land at Quartermaster Road, West Wilts Trading Estate, Heywood - Temporary Change of Use for a Three Year Period for an End-of-Life Vehicle (ELV) Depot - Electoral Division Ethandune**

A report by the Case Officer is attached.

11. **Date of Next Meeting**

To note that an additional meeting will be held on Wednesday 21 July 2010 starting at 10.30am, which will be held at Monkton Park, Chippenham to consider the following applications:-

N/09/00317/OUT – Land at Langley Park, Chippenham, SN15 1JD - Outline Planning Application for the Demolition and Redevelopment of the Site to Provide a Mixed Use Scheme Comprising Residential, Retail, Hotel, Public Open Space, Together with Car Parking, Servicing, Access and Other Ancillary Uses and Development

W/10/01560/REG3 – George Ward School, Shurnhold, Melksham, SN10 8DQ – Change of Use to Offices for a period of Three Years & Associated Works

12. **Urgent Business**

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

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 12 MAY 2010 AT COMMITTEE ROOM, COUNTY HALL, TROWBRIDGE.

#### Present:

Cllr Philip Brown, Cllr Christine Crisp (Vice Chairman), Cllr Andrew Davis (Chairman), Cllr Peter Fuller, Cllr Russell Hawker, Cllr Julian Johnson, Cllr Mark Packard, Cllr Anthony Trotman and Cllr Fred Westmoreland

#### 10. Apologies for Absence

Apologies were received from Councillors Jeff Ody and Chris Humphries.

#### 11. Minutes of the Previous Meeting

Resolved: To confirm and sign as a correct record the minutes of the meeting held on the 20 January 2010.

#### 12. Declarations of Interest

There were none.

#### 13. Chairmans Announcements

Members were requested to note that it may be necessary to call a special meeting of the Strategic Planning Committee, to deal with a number of procedural matters relating to the Stonehenge Visitors Centre planning application. Members would be advised of the date in due course.

#### 14. Public Participation

Members of the public addressed the Committee as set out in Minute No. 15 below.

#### 15. N/10/00041/REG3 - Former North Wilts DC Depot, Marlborough Road, Wootton Bassett - Erection of New Road Store Salt Depot - Electoral Division Wootton Bassett South

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application.

Statements were received from the following members of the public.

Mr Paul Smith, Wiltshire Council, Head of Service (Fleet), on behalf of the applicant.

Mr Tony Mullin, Oxford Architects.

After a lengthy discussion,

**Resolved:** To grant planning permission for the following reason:-

**The proposed development is for the erection of additional buildings for the storage and distribution of road salt on an existing Council depot site. In this context and subject to the implementation of schemes for the mitigation of noise, visual impact and sustainable drainage, the proposal is considered to be entirely appropriate and without an unacceptable impact upon residential and landscape amenity. The proposal is considered to comply with the provisions of Policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011.**

**Subject to the following conditions,**

- 01 The development hereby permitted shall be commenced within three years from the date of this planning permission.**

**Reason: To comply with Section 51 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 02 Unless otherwise required by conditions attached to this planning permission, the development hereby permitted shall be carried out in complete accordance with the submitted drawing numbers:**

**Site location plan - 09208 100 rev.D**

**Site plan - 09208 115 rev.M**

**Proposed site plan – 09208 102 rev.N**

**Proposed floor plans – gritter garages – 09208 103 rev.A**

**Proposed elevations – gritter garages 09208 105 rev.C**

**Proposed floor plans – salt store – 09208 104**

**Proposed elevations – salt store - 09208 107 rev.A**

**Site 2 - External lighting – 60283(63)003**

**Survey – 09208 101 rev.B**

**Ecological treatment system layout with landscaping and ecological mitigations measures (1 of 2) – 923/001 rev.D**

**Ecological treatment system layout with landscaping and ecological mitigation measures (2 of 2) – 923/002 rev.D**

**Biodiversity and Landscape Delivery Plan (V1.0) – March 2010**

**Habitat features – 09208 117 rev.A**

**Indicative location of faunal mitigation and enhancement features**

**Tree protection plan – 090929-SSDWB-TPP-RevA-AM**

**Reason: To ensure the development is carried out in accordance with the submitted details and for the avoidance of doubt.**

- 03 No part of the development shall be occupied or brought into use until the visibility splays shown on the approved have been 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**

**POLICY-C3**

- 04 The development hereby permitted shall be implemented, and operated at all times thereafter, in complete accordance with the conclusions and recommendations specified in the submitted noise barrier assessment (prepared by 24Acoustics – 3<sup>rd</sup> December 2009).**

**Reason: In the interests of securing a satisfactory noise barrier along the southern boundary of the site so as to secure the amenities of the nearest residential properties.**

- 05 The development hereby permitted shall be implemented in complete accordance with the conclusions and recommendations (including management and monitoring) contained within the Biodiversity and Landscape Delivery Plan (V1.0).**

**Reason: In order to address all ecological issues and to secure a suitable programme for implementation and subsequent monitoring to be followed during construction and post construction management.**

- 06 All soft landscaping comprised in the approved details of landscaping 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 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.**

**POLICY-C3**

- 07 No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).**

**If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.**

**No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.**



**In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.**

**REASON: To enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.**

**POLICY-C3**

- 08 Prior to the commencement of development all constructional and layout details of the proposed of fuel enclosure, gully emptying bays, storage area, straw filter bay and wash down area shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details approved.**

**Reason: For the avoidance of doubt and in the interests of visual amenity.**

- 09 There shall be no external lighting erected or installed on the site unless in complete accordance with the external lighting specifications detailed on drawing number 60283(63)003.**

**Reason: In the interests of visual amenity and impact of the proposal on the countryside.**

(Duration of meeting: 10.30 - 11.05 am)

The Officer who has produced these minutes is Anna Thurman, of Democratic & Members' Services, direct line 01225 713035, e-mail [anna.thurman@wiltshire.gov.uk](mailto:anna.thurman@wiltshire.gov.uk)

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## WILTSHIRE COUNCIL

### REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	7 <sup>th</sup> July 2010		
<b>Application Number</b>	W/10/00666/WCM		
<b>Site Address</b>	Bore Hill Farm, 124 Deverill Road, Warminster, Wiltshire, BA12 8BD		
<b>Proposal</b>	Erection of Biogas Plant; employment units, associated land modelling, landscaping and access works		
<b>Applicant</b>	Malaby Martin Ltd		
<b>Town/Parish Council</b>	Warminster		
<b>Electoral Division</b>	Warminster Broadway	<b>Unitary Member:</b>	Keith Humphries
<b>Grid Ref</b>	386754 143703		
<b>Type of application</b>	County Matter		
<b>Case Officer</b>	David Rose	01225 776655 Ext 215 david.rose@wiltshire.gov.uk	

#### Reason for the application being considered by Committee

Councillor Humphries has requested that this application be determined by Committee in view of the following issues raised; visual impact on the surrounding area, relationship to adjoining properties, environmental/highway impact, and concerns relating to the use of new technology.

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

#### 2. Main Issues

The main issues in respect of the proposals are considered to be:

Compliance with policies of the Development Plan and emerging policies and guidance  
 Odour/Air Quality Impact  
 Noise Impact  
 Ecology  
 Landscape/Visual Amenity  
 Highways

#### 3. Site Description

The application site is located at the former Bore Hill Farm on Deverill Road, Warminster which lies directly off the interchange of the A36 (T) Bristol to Southampton Road and the A350 Chippenham to Poole Road adjacent to the south-west fringe of the Warminster urban area. The site lies approximately 1.4km from the Warminster Town Centre and is bounded by existing residential development at Ludlow Close and Bradley Close to the north; Deverill Road to the east and the A36T Warminster Bypass to the south and south west.

The application site is 2.35 ha and existing built development comprises a single refurbished farmhouse dwelling and six dilapidated agricultural outbuildings. To the north of the application site lies the remaining area of the farm holding which amounts to 2.90 ha and which is to remain as an

open green area. An existing footpath runs along the northern edge of this land connecting Deverill Road with Bradley Road.

The topography of the site is very variable with high ground to the north (146.5m AOD) which sweeps around in a crescent from west to east enclosing a valley at a lower level (127.5m AOD) which runs eastwards towards Butler's Coombe. The varying topography provides both opportunities and constraints in terms of the development proposed with prominent slopes and a contained valley.

#### **4. Relevant Planning History**

In brief, the planning history of the site is as follows;

87/01122/FUL	Regrading of Agricultural Land to Incorporate the Disposal of Surplus Natural Subsoil's arising from the Excavations for the Bypass. Withdrawn 15/12/1988.
89/00539/OUT	Hotel including Restaurant and associated car parking. Appeal Decision, Refused 14/11/1989.
02/00314/OUT	Residential Development (Outline). Refused 17/06/2002.

#### **5. Proposal**

This application seeks planning permission for the erection of a biogas plant and employment units, together with associated land modelling, landscaping and access works. The biogas plant would include the process of anaerobic digestion (AD) of suitable waste and the collection of biogas (methane and carbon dioxide) from this process for combustion to produce heat and power. The proposed employment development would be for six Class B1 business units that would utilise the heat and power from the biogas plant.

Anaerobic Digestion (AD) is a safe, proven and long established technology which has been used in continental Europe (particularly Germany) for many years. In simple terms it is the breakdown of organic material in the absence of oxygen. This breakdown of organic matter by micro-organisms in a sealed airless temperature controlled environment produces biogas and digestate. The gas can be used as a source of renewable energy and the digestate as an agricultural fertiliser which makes the AD process efficient and sustainable.

The biogas plant would take approximately 12,000 tonnes of food waste and 5,000 tonnes of farm slurry per annum as a feedstock which would be converted to provide heat and power (for the adjoining employment buildings; to power the biogas plant; and to put electricity into the grid) and to produce digestate: an inert nutrient rich fertiliser which can be applied to fields to enhance crop growth.

The Government has recently announced its support for anaerobic digestion in the document entitled: 'The Coalition: our programme for government' issued May 2010 by the Cabinet Office which states that it: "Will introduce measures to promote a huge increase in energy from waste through anaerobic digestion".

#### **Biogas Plant Site**

This would consist of the following 3 main elements:

- 1) Combined feedstock reception, pre- processing, administration and viewing area building with odour abatement.
- 2) 3 Digester tanks and containment area for these
- 3) Combined heat and power unit (CHP)

## 1) Reception Building

The feedstock reception building would be the largest building measuring 25m by 30m. It would be a portal frame structure with an eaves height of 10m and ridge height of 12.3m and the overall design would resemble a farm building in keeping with the agricultural setting and historic use of the site. Waste arriving at the site in fully sealed delivery vehicles would be directed to a weighbridge for checking in prior to entering the reception building. The vehicles would enter the reception building through access doors which would have fast opening and closing mechanisms to minimise odour escape. During short periods when the doors are open internal fans will operate to ensure that air flows into the building to control odour emissions.

Once inside the building with the doors closed the vehicles would discharge their loads and then be cleaned prior to leaving the building. Within the building there would be areas for sorting, segregating and pretreating the waste prior to it being piped to the anaerobic digester tanks.

In addition to receiving waste the building also contains administrative, visitor viewing, pasteurisation and welfare areas as well as switchgear to monitor the various processes taking place. An odour abatement system measuring 25m by 5m by 4 m high would be sited adjacent to the building and this would have a stack with a diameter of 1m and a height of 15m.

## 2) Digestion Tanks

Three digestion tanks (total capacity 3,282 cubic metres) would be constructed to the south west of the site and these would be bunded to provide containment and protect the surroundings in the unlikely event of a tank failure. Two of the tanks (the primary and secondary digester tanks) would be where the farm slurry and food waste are digested under anaerobic conditions over a period of 15-20 days to produce the biogas which is 60% methane and 40% carbon dioxide. These tanks would be approx 10m high with a dome shaped roof (which provides the gas holding capacity) and 18m in diameter. The third tank would be used to store the digestate for 20-50 days and would be slightly lower at some 9.8m. This tank holds the digestate before it is collected and removed off site for use on farms as fertiliser.

The capacity of the plant is dictated by a number of factors including: rate of feedstock coming in, rate of digestion, rate of energy generation, and the rate of digestate disposal to farms. In order to provide flexibility to allow for changes a food waste buffer tank (8m diameter by 5m high) and a liquid waste buffer tank (3.5m diameter by 12.2m high) would be constructed to hold feedstock material between reception and dosing into the digestion tanks. All the tanks would be provided with a containment area to contain any spillage in the event of a failure.

## 3) Combined Heat and Power (CHP) Unit

The biogas plant would have a combined heat and power unit (CHP) which would burn the biogas to generate electricity and this would connect to the local electrical grid through an underground connection located at Ludlow Close. All connecting cables would be underground. The plant would run continuously and be housed in an insulated container to reduce noise. The unit would need to intake air and have an exhaust stack which would include noise silencers. An emergency flare would also be installed to burn off methane in the unlikely event of gas build-up and this would be 8m above the height of the CHP housing. It is proposed that the heat and power generated (680KWh) would also be used to run the biogas plant site and the proposed employment units to be built to the north of the site.

## Employment Site

In addition to the development of a biogas plant ( which would create 3 new jobs) it is proposed that the existing farm buildings be demolished and replaced with 6 employment units for B1 business uses. It is proposed that the units would be occupied by a mix of light-industrial businesses (units adjacent to the biogas plant) and offices to the north of the site. These units would provide a visual buffer for views from the north and would retain the character of a farm yard building group, keeping the farm house but replacing the dilapidated barns. The units have been designed to cover the

existing building footprint but would be within a levelled site created by the comprehensive land modelling proposals which would cover the whole of the application site.

The new buildings would be grouped around a central soft landscaped courtyard with vehicles kept out to the perimeter of the site. Pedestrian pathways are proposed and an avenue of trees along the central courtyard to add variety and to provide natural solar shading for the glazed facades. The courtyard would be the main hub for the employment development with main reception access points to all the units orientated to this central space.

### Visitor centre

An integral part of the proposal would be the inclusion of a visitor centre within one of the buildings to provide facilities for those interested in visiting the biogas plant as well as for broader community use. This could be used as an educational tool for local schools and colleges to promote renewable energy and sustainability in general to younger generations particularly as it is proposed that the biogas plant would be able to provide 100% of the heat and power requirements of the employment buildings. It is proposed to accommodate the visitor centre in one of the buildings closest to the biogas plant with its own dedicated parking. Provision would also be made for visitors to view the operations of the main reception building from a mezzanine viewing gallery. A unique opportunity would be provided for people to see the benefits of renewable energy generation first hand and it would be one of the first such provisions in the UK.

### Site topography, design and access.

Although the site lies in a natural hollow at Bore Hill, the variable levels across parts of the site have led the applicant to consider further land modelling to maximise this feature and minimise the visual prominence of the proposed development. The site for the biogas plant would be excavated into the existing bank to the south of the site to reduce the visual intrusion of the height of the biogas plant buildings and tanks which are the highest structures on the site. The earth produced from this excavation would be used to remodel the land to provide an earth bund around the north and east perimeter of the site. The north bund would be contoured and landscaped to contribute to visual and noise screening for local residents and for footpath users of the east-west footpath. All the material excavated (some 15,540 cubic metres) would be used on the site either as fill or to create the earth bunds which would screen the buildings from nearby receptors to the north.

The main components of the biogas plant (i.e. reception and administration building, digestion tanks, feedstock storage tanks, and CHP equipment) are all structures which are familiar in a modern agricultural setting. The tanks are similar in appearance to slurry or grain stores, the main reception building is similar in appearance to a modern livestock or storage barn and the CHP facilities would be housed in a container similar to secure storage containers found on farms. Thus the biogas plant would have visual characteristics comparable to a normal farm setting.

With regard to the employment development, the design of the buildings seeks to retain the character of a farmyard setting. The individual designs would be based upon two simple uniform grid portal frames with variety being achieved by mixing the grouping of the frames and blending the range of materials between the buildings. The barn character of the buildings would be expressed in the simple massing (as exists with the farm buildings currently on site) and selection of materials used which, in the elevations, would be a blend of rough sawn feather edged timber cladding over brick bases varied with areas of renderwork. Windows and doors would receive a stain finish to blend with the timber cladding. The roof finishes would be kept simple and consistent with the farm building character with profile sheet metal which would be varied between the two unit types in grey and red to break up distant views and add further variety. The existing recently refurbished farmhouse would be retained.

### Access, traffic and parking

It is proposed to access the development by two new simple priority junctions directly onto Deverill Road. The existing farm access to the site would be closed. The proposed access to the south of Bore Hill Farm would serve the biogas plant, visitor centre/ adjoining building and one of the proposed employment units while the secondary access to the north would serve the remaining four employment units to the north of the site.

The waste brought into the site would be delivered by lorry using the A36 and A350 main roads and would amount to 24 heavy goods vehicles (HGV) movements (i.e. two directional) per day. Deverill Road is subject to a 7.5t 'except for loading' weight restriction and so all HGV movements to and from the proposed biogas plant will be via the A36T bypass and so there would be no reason for HGVs to travel through Warminster Town Centre. Although the biogas plant would need to operate continuously in order to function properly the site would be operational for deliveries on 6 days per week during the hours 07.30 – 18.00. No access would be allowed on Sundays or public holidays unless in emergencies. The employment part of the development would be subject to the more usual hours worked by B1 light-industrial and office uses and would generate more vehicle movements but these would be primarily related to cars and vans. Overall, it is anticipated that the total additional traffic flows across the day for the whole development when built and operational would be in the region of 200 two-way movements per day.

A total of 50 car parking spaces are proposed to serve the development (35 commercial spaces, 6 visitor spaces 9 van spaces) and these are mainly on the periphery of the site away from the soft landscaped central area. Two additional spaces would be allocated to the retained Bore Hill Farmhouse.

### Lighting and drainage

It is proposed that the biogas plant would have security lighting only which would be designed to minimise light spillage and the employment development lighting would be kept low key and at low level in the form of bollard and directional illumination at building entrance points and along path way routes. Glazed elevations are mainly orientated to the central courtyard and thus aim to avoid night time light spillage to the residential area to the north.

With regard to the drainage of the site this would be provided for as follows;

- a) Employment units – surface water would be collected in a sealed piped system and discharged to 3 soakaways located within the site.
- b) Biogas Plant hardstanding – surface water would run to the eastern edge of the site and pass through a silt trap and oil/water separator before discharging to a soakaway.
- c) Additional drainage in the form of swales and infiltration channels at the base of slopes would be included to prevent runoff from the surrounding slopes entering the main site.
- d) Foul water from the biogas plant buildings and toilets would be collected in a chamber and pumped to the biogas treatment plant for processing. A new pumping station would be located in the north east of the site to process the foul water from the employment units.

### Environmental Impact Assessment.

The planning application is accompanied by an Environmental Statement (ES) submitted voluntarily by the applicant. The ES reports the findings of an Environmental Impact Assessment (EIA) of the proposed development.

EIA is a procedure which serves to provide information to a local planning authority, other regulators, other interested parties and the general public, about certain proposed developments and their likely effects on the environment.

The ES reports the findings of assessments of those aspects of the proposed development which are considered likely to have significant environmental effects, namely air quality and odour, ecology, landscape character and visual amenity and noise impacts. Other matters were scoped out of the ES as early investigations proved there to be no significant effects. These matters were: archaeology, contaminated land, transport, waste handling, and water protection.

## 6. Planning Policy

The following Development Plan policies are considered relevant to the determination of this planning application:

Policies RE5 and RE6 of RPG10: Regional Planning Guidance for the South West, 2001.

Policies RE1, W2, W3, DP1, DP9 and DP14 of the Wiltshire and Swindon Structure Plan 2016

Policies WCS 1, WCS2, WCS3 and WCS5 of the Wiltshire and Swindon Waste Core Strategy 2006-2026.

Policies WDC1, WDC2, WDC3, WDC7, WDC8, WDC11 and WDC12 of the Wiltshire and Swindon Waste Development Control Policies DPD

Policies C1, C4, C31a, C32, C34, C35, C38, and E6 of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004( as amended by Secretary of State Direction of 26<sup>th</sup> September 2007 regarding “saved” policies)

### National Land Use Policy

National Planning Policy comes in the form of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). PPGs and PPSs of relevance to the determination of this planning application are as follows:

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPS10: Planning for Sustainable Waste Management

PPS22: Renewable Energy

PPS23: Planning and Pollution Control

PPG24: Planning and Noise

PPS25: Planning and Flood Risk

## 7. Consultations

**Local Member, Councillor Humphries** – requested that the application be considered by the Strategic Planning Committee for reasons set out above. No additional comments have been received.

**Warminster Town Council** – object to the proposals because of inappropriate siting, too close to urban area.

**Environment Agency** – no objections subject to conditions addressing matters relating to; protection of controlled waters, pollution prevention, surface water disposal and flood risk.

**Natural England** – no objection



**Highways Agency** – no objection to the proposals, subject to conditions being imposed regarding the construction of the proposed embankment adjacent to the A36 boundary.

**Environmental Health Officer** – no objections subject to conditions restricting noise (i.e. the biogas plant, employment site and delivery vehicles) and odour levels.

**Council Ecologist** – concludes that the proposal is extremely unlikely to result in any adverse impacts to habitats and species in the local area and that the proposed landscaping could deliver significant gain for biodiversity.

**Council Landscape Officer** – confirms that the landscape and visual impact assessment undertaken and the methodology employed is current and best practice. Notes that the key visual receptors to the development are residential properties to the north and the adjacent road and footpath. Advises that mitigation for these receptors has been carefully designed by setting the proposed biogas plant low in a natural depression and increasing the height of the natural ridge by two metres. Remodelled contours follow the existing landform character and marry into existing levels without noticeable change. Schematic drawings demonstrate that recontouring with associated planting will provide adequate screening of the biogas plant. On site planting would be required at the A36 roundabout corner to retain a visual screen throughout the year. No adverse landscape impacts are therefore envisaged. Further advises development is agricultural in appearance and associated with an existing cluster of buildings. The northern field is not encroached upon and so the landscape character and visual amenity would change very little. An opportunity exists to improve the entrance to Warminster through proposed new planting and new buildings.

**Local Highway Authority (LHA)** - advises that traffic generation will not be significant. Recommends that if the proposal is considered for approval then conditions should be attached relating to visibility splays, internal access road requirements and the southerly access junction to allow for articulated vehicles using the site.

## 8. Publicity

The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out.

Sixteen letters of objection have been received raising the following concerns:

- More suitable sites are available for this kind of project away from residential areas.
- Concerns regarding the washing out of waste vehicles and odours from the proposed chimney.
- Traffic build- up on the roads approaching the Bore Hill roundabout from lorries waiting to enter the premises from the A350.
- Need to consider emissions from the plant.
- Impact of construction works involved in the laying of a new cable to the electricity grid.
- The impact of the proposals on ecology does not address the loss of green space.
- Concerns regarding lorries arriving round the clock to serve the biogas plant.
- Land between the existing housing and the bypass was supposed to be Green Belt which would never be built on.
- Light pollution from plant, access road lighting, additional street lighting and illuminated signage.
- Odour from plant gas discharge, processing the feedstock material and vehicle loads in transit both empty and loaded.
- Noise from plant machinery, noise from units, vehicle movements etc
- Devaluation in property values.
- Proposals are better suited to an existing industrial site.
- The farm units should be redeveloped for housing.
- Previous applications on this site have been refused on the grounds that it should remain as a green buffer zone and these reasons still stand.

- Food waste and farm slurry will not be delivered in sealed units and so foul smells will be emitted.
- Concerns regarding safety because it is new technology.
- No amount of tree planting will hide the proposals.

In addition, twenty-six letters have been received in support of the application. These consider:-

- Positive benefits of providing a more pleasant entrance to the town;
- Move toward renewable energy and attainment of energy targets;
- Good location with access onto A36T and A350;
- Rural diversification and economic benefits of the proposals;
- Sustainable development which accords with government policy and does not rely on fossil fuels;
- Provides a solution to dealing with organic waste and reducing carbon footprint;
- Educational benefit of a visitor centre;
- Reduced use of chemical fertilisers and production of organic fertiliser;
- Benefits outweigh any potential negatives;
- Warminster becoming a beacon of environmental good practice.

A letter has been received from Dr Andrew Murrison MP who has commented that, whilst he applauds the concept, the proposals would, in his view, spoil the main gateway to the town of Warminster and could lead to further development in the green field area to the north of the site. His constituents have concerns regarding access; amenity and the potential for unpleasant odours which could arise from the proposed plant.

## 9. Planning Considerations

The planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Having taken into account the environmental information, it is considered that the main issues in the determination of this application are:

- (i) Compliance with the policies of the Development Plan and emerging policy guidance
- (ii) Odour/Air Quality
- (iii) Noise Impact
- (iv) Ecology
- (v) Landscape/Visual Amenity
- (vi) Highways

(i) Compliance with the policies of the Development Plan and emerging policy guidance.

### Biogas plant

In relation to the biogas plant Policies RE5 and RE6 of RPG10 are relevant to the determination of this application. Policy RE5 considers the need to consider a variety of waste recovery methods which will reduce reliance on landfill so as not to become over-reliant on any one method or facility. Policy RE6 considers energy generation and encourages local authorities (and others) to support the region to meet targets relating to reduction in greenhouse gas emissions, establish targets for producing electricity from renewable energy sources and to encourage combined heat and power (CHP) plants using renewable energy.

Policies W2 and W3 of the Wiltshire and Swindon Structure Plan 2016 support proposals for the recycling or recovery of energy from waste and for the provision of an adequate network of waste management facilities to meet the needs of the Plan area. Policy RE1 supports renewable energy proposals in appropriate locations.

Policy WCS1 of the Wiltshire and Swindon Waste Core Strategy 2006-2026 (WCS) considers the need to provide a framework of strategic and local waste sites over the period to 2026 to cater for waste arising within Wiltshire and Swindon having regard to principles of sustainable development and sustainable transport. Policy WCS2 considers the requirement to locate strategic waste facilities as close as practicable (within 16km) of the RSS 'Significantly Strategic Cities and Towns' (SSCTs) of Swindon, Chippenham, Trowbridge and Salisbury; policy WCS3 considers preferred locations of waste management facilities and policy WCS5 supports waste management options which are located higher up the waste hierarchy and which move away from landfill/landraise.

The Bore Hill Farm site is located within the 16km radius of Trowbridge. Although policy WCS3 seeks to locate AD plants on existing industrial/ employment land or close to current waste management facilities, the policy does allow windfall developments outside of these areas to be considered where they can be demonstrated to be in accordance with the overall aims and objectives of the Waste Development Plan Documents (WDPDs). The applicants have adequately demonstrated that their proposals are in accordance with policies at all levels in their detailed justification of the proposals. It is considered that in principle, the proposals accord with the overall aims of the WDPDs and PPS 10 which supports the diversification of farms for waste management purposes and using waste as a resource where possible. The proposals for AD at Bore Hill accord with sustainable waste management practice by moving waste up the waste hierarchy and developing an energy recovery option.

Policy WDC 12 requires that regard be had to the need to maximise the opportunities for renewable energy production for electricity and heat generation. PPS 22 on Renewable Energy considers that renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. The proposed development of an AD biogas plant at Bore Hill would require 12,000 tonnes of food waste and 5,000 tonnes of farm slurry per annum and this would generate enough energy to power the plant itself, the adjacent employment units, and put electricity into the national grid. In addition, digestate would be produced which would provide an organic based fertiliser which could be spread on local fields to improve soil quality. The plant would therefore use waste for a beneficial purpose by providing an energy recovery option.

The proposal would therefore be consistent with national, regional and local waste policy and strategy and the proposed development of the AD plant can be supported in principle.

### Employment Units

Policies contained in the West Wiltshire District Plan 1<sup>st</sup> Alteration (WWDP) consider the wider implications of more general development in the countryside as opposed to the specifically waste related development considered above.

Policy C1 seeks to protect the countryside from development unless proposals encourage diversification of the rural economy. The proposals at Bore Hill would benefit economic activity and maintain and enhance the environment. Rural diversification in terms of the provision of employment units as proposed linked to the production of renewable energy is encouraged within council policy and would have a positive impact on the local economy. The proposed scheme would be a major improvement on what currently exists on the site and its visual appearance would be improved.

Policy E6 specifically relates to small scale employment enterprises in rural areas and makes it clear that such proposals are acceptable subject to them being compatible with neighbouring land uses, are not detrimental to residential amenities and do not give rise to pollution issues such as excessive noise, smoke, fumes, dust, effluent or vibration. The B1 employment uses proposed on the Bore Hill site would be used for light industry, research and development and offices which can be carried out in a residential area without detriment to the amenity of that area by reason of the above. The proposals would represent a compact development of small scale employment units in a suitable location which is acceptable within policy.

Policy 31a considers the importance of design and the need for new development to respect or enhance its setting. The proposals for the employment units are contemporary in style combining

clean lines and simplicity of detail. The design is not dissimilar in form to the character of the existing agricultural buildings and it is considered that the proposals would result in a visually dynamic group of buildings with important spaces and hard and soft landscaping. Sustainable construction methods would be used for the employment units.

Overall it is considered that the employment scheme is well designed and is in accordance with Development Plan Policy. The development of employment units on this site would bring innovation and new technology to the area which would add to the vitality and economic viability of Warminster. The units would utilise the energy provided by the AD plant and therefore the proposals are sustainable and should be supported in principle.

### Impact on Surrounding Environment

Policy WDC1 of the Wiltshire and Swindon Waste Development Control Policies (WDC) DPD considers key criteria for ensuring sustainable waste management development takes place within Wiltshire and Swindon and Policy WDC2 considers the range of impacts which can arise from waste related development and the need to demonstrate that these impacts can be avoided or mitigated to acceptable levels. These impacts are considered below.

#### (ii) Odour/Air Quality

One of the main concerns expressed by local residents is the risk of odour from the biogas plant. The potential impacts of odour are addressed in the ES. It is acknowledged that, unless it is properly managed, there is the potential for odour to be a problem wherever waste is involved. The key requirement therefore is to ensure that any potential risks are reduced to the minimum. Although anaerobic digestion is essentially a sealed process, there are a number of associated operations which, if not undertaken properly, have the potential to generate odours. However, a suite of odour mitigation measures would be incorporated into the design of the biogas plant. These would be designed to ensure that no significant odours would be evident outside the boundary of the biogas plant during normal operations.

Considering the delivery of food waste; this would be delivered to the site in enclosed vehicles and discharged in the fully enclosed reception building where it would be pre-treated and transferred to a storage tank. Cattle slurry would be delivered to the site by tanker and discharged into the storage vessel using sealed hosing. The reception building would be fitted with two fast acting roller shutter doors and while the doors are open for a brief period to allow vehicles access and egress fans would be activated to ensure increased inward air flow (negative pressure) with the extracted air being passed through an odour abatement system to remove any odours. Stored waste would be fed directly through enclosed pipe work to the two sealed digestion tanks where organic matter degrades over 45 days producing the biogas which would be contained in the double membrane gas holders on top of the digester and storage tanks prior to desulphurisation and delivery to the CHP where it would be thermally oxidised to produce heat and electricity. A surplus gas burner would be provided to flare off excess gas. Digestate would be removed by sealed road tanker.

Through these various measures there would be no significant odours outside the boundary of the biogas plant during normal operations and this, in turn, will ensure that no odours will be detected at the nearest residential properties in the area. Other than the Bore Hill farmhouse, (which it is proposed will house the site manager) the closest existing residential properties are approx 200 metres from the site boundary of the biogas plant.

Whilst the EHO is of the view that it is desirable to have a baseline measurement of odour levels it is acknowledged that it will be the Environment Agency who will control the matter of odour through an Environmental Permit should planning permission be granted. The fine details in terms of final specification and design of plant and equipment would come forward at this time in order for the permit to be issued. PPS23 ('Planning and Pollution Control') makes it clear that planning authorities must assume that relevant pollution controls will be properly applied and should not seek to duplicate controls. In this instance general conditions that have direct control over odour will be addressed under permitting regulations governed by the EA. A biogas /AD plant is considered, for planning

purposes, to be an appropriate use of the land, but the plant would be unable to operate until the EA have issued a Permit containing operational and monitoring conditions.

### (iii) Noise

The biogas plant would have equipment operating over 24 hours (CHP unit and pumps) with other activity taking place only during the normal working day, i.e. the site would be operational for deliveries Saturday to Sunday between 07.30 and 18.00 hours. Most of the noise generating plant (pre processing equipment, conveyors, loading machinery, pasteurisation and screening equipment) would operate inside the building. Equipment which would operate externally would include the CHP generator (sound attenuated) electrical pumps on tanks, odour filter, safety flare, delivery and collection vehicles. The B1 employment units would operate during the normal working day and the noise sources from these would consist primarily of fixed plant and vehicle movements which would occur during the working day.

The ES includes a noise assessment which relates to the operational phase of the proposed biogas plant and employment development at the site and noise levels have been predicted for the facades of the nearest noise sensitive properties to the site which are located along Ludlow Close to the north, dwellings along Ashley Place to the north east and Butlers Coombe Farm to the east of the site. The noise levels relate to the 3 time periods of; day (07.00 – 19.00) evening (19.00- 23.00) and night (23.00-07.00). The levels range from 30dB to a maximum of 45dB with all properties experiencing a maximum of 30dB during evening and night time hours. British Standard 8233:1999 states that for 'good' conditions within habitable rooms the internal ambient noise level should not exceed an equivalent noise level of 30dB. The proposed levels therefore accord with British Standard 8233:1999 requirements and so it is considered that there will be no significant effect to noise sensitive receptors as a result of the proposed development.

The EHO has raised no objection to the proposed noise levels subject to a condition being imposed on the permission requiring the above noise levels to be adhered to during the time periods specified.

### Ecology

An ecological assessment has been undertaken for the site and submitted as part of the ES. This established that the Bore Hill site is currently of low ecological value having been improved for agriculture and that it is likely that the ecological and biodiversity potential would be significantly enhanced by the proposals. There are no records of either European Protected Species or UK BAP species either on the site or in the immediately surrounding habitats. The intention would be to improve ecological quality by identifying and protecting the existing ecological interest and incorporating new native planting around the site. This would accord with PPS9 (Biodiversity and Geological Conservation) which requires planning authorities to seek enhancement of habitats that will benefit biodiversity through the planning process. An Environmental Management Plan (EMP) to cover both construction and operational aspects of the proposed scheme would be put in place and with the measures in place it is considered that there would be no significant adverse impacts on matters of ecological importance. The measures can be secured by conditions on any planning permission granted.

### Landscape/Visual Amenity

A Landscape and Visual Impact Assessment has been undertaken for the site and submitted as part of the ES. The Council's Landscape Officer has confirmed that the methodology employed is current and best practice.

Key visual receptors to the development are residential properties to the north. To provide mitigation the biogas plant has been sited at the lowest point of the site to the south and contours would be remodelled to provide for the reception building with surplus soils being retained on site to increase the height of a natural ridge by 2 metres. This would mitigate any harmful visual impact and it is considered that the scheme respects the area in which it is proposed to be located and would not have any significant adverse impact on the character of the countryside or rural amenity in this location.

Policy C4 of the WWDP seeks to protect the landscape setting of Warminster. The aim of this policy is not to preclude development but to prevent inappropriate large scale development which would have a detrimental effect on the views into and out of Warminster. Although the Bore Hill site is located in open countryside at a short distance from the edge of town boundary, the proposed development would remain separated by an area of open field from the houses on the brow of the hill. This would be retained as part of the landscape setting for the proposed development and would serve to reinforce the landscape setting of Warminster and act as a natural barrier between the new development and the existing development on the brow of the hill.

The current use of the site has been agricultural (with derelict farm buildings still remaining on the site) and the proposed development would be agricultural in appearance and so it is considered that there is an opportunity to improve the entrance to Warminster through proposed new planting and new buildings. The site is sufficiently far away from any residential neighbours so as to prevent any loss of amenity arising from over looking and loss of privacy.

A detailed landscape management and maintenance plan can be secured by condition prior to the implementation of the permission.

It is considered that there would be no adverse landscape impacts of the proposal.

#### Highway issues

Concerns have been expressed by local residents that there would be a build up of traffic at the A36 junction as articulated vehicles arrived with food waste at the biogas site and had to queue to gain access. It has been calculated that deliveries would amount to 12 arrivals and 12 departures per day. Although the nature of the proposals are such that lorry movements to and from the biogas plant are likely to occur outside of the peak hours, an assessment was undertaken of the effect of having all the movements occurring during the am and pm peaks as a worst case scenario. Even if this were to happen it would amount to less than 1 additional vehicle on Deverill Road in one direction or the other every minute. This increase in traffic is considered very low particularly given the existing relatively low traffic flows on Deverill Road to and from the site and so it is extremely unlikely that drivers will suffer queuing or significant delays while using the junctions.

The other matter raised concerns the noise from waste lorries arriving through the night to supply the biogas plant. Although the plant would be operational 24 hours 7 days a week, the proposed hours for delivery of waste to serve the plant would be restricted and would be open for the delivery of waste to the biogas plant between 07.30 -18.00 6 days a week with no deliveries on Sundays or Public Holidays unless in an emergency. However, it is proposed that the hours be restricted for deliveries to 07.30 – 18.00 on five days and then from 09.00-13.00 on Saturdays with no deliveries on Saturday afternoons or on Sundays or Public Holidays. These hours accord with hours of opening for other waste management sites in Wiltshire and Swindon. Vehicles would not be allowed into the plant outside of these hours and so there would be no lorries associated with the development arriving through the night. It is considered that the concerns raised have been addressed and that there would be no adverse impact as a result of traffic.

## **10. Recommendation**

That planning permission be **granted**.

#### **For the following reason(s):**

Having taken into account the environmental information, the Council is of the opinion that the proposed development is in accordance with the Development Plan and that there are no material considerations that indicate the decision should be made otherwise. The biogas plant would provide a sustainable means of creating renewable energy through the processing of waste to provide a source of power to run the plant itself, adjoining employment units, and supply electricity to the national grid. The employment units would provide the opportunity for new technology to develop and contribute to

the vitality and economic viability of Warminster. The Council is of the view that the development proposed on the Bore Hill site is acceptable.

The policies relevant to this decision are: Policies RE5 and RE6 of RPG10: Regional Planning Guidance for the South West, 2001; Policies T1, RE1, W2, W3, DP1, DP9 and DP14 of the Wiltshire and Swindon Structure Plan 2016; Policies WCS1, WCS2, WCS3 and WCS5 of the Wiltshire and Swindon Waste Core Strategy 2006-2026; Policies WDC1, WDC2, WDC3, WDC7, WDC8, WDC11 and WDC 12 of the Wiltshire and Swindon Waste Development Control Policies DPD and; Policies C1, C4, C31a, C32, C34, C35, C38 and E6 of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 (as amended by Secretary of State Direction of 26<sup>th</sup> September 2007 regarding "saved" policies).

**Subject to the following condition(s):**

1. The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: In accordance with Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: 9068 (L) 001 Proposed Layout – Roof, dated 28.01.10  
Plan Ref: 9068 (L) 003 Demolitions scheme, dated 21.07.09  
Plan Ref: 9068 (L) 005 Elevations & Section – Unit 3, dated 25.01.10  
Plan Ref: 9068 (L) 006 Elevations & Section – Unit 2, dated 25.01.10  
Plan Ref: 9068 (L) 007 Elevations & Section – Unit 4 & 5, dated 25.01.10  
Plan Ref: 9068 (L) 008 Ground First & Roof Plans – Unit 3, dated 25.01.10  
Plan Ref: 9069 (L) 009 Ground Mezzanine & Roof Plans – Unit 2, dated 25.01.10  
Plan Ref: 9068 (L) 010 Ground & Mezzanine Plans – Unit 4 & 5, dated 25.01.10  
Plan Ref: 9068 (L) 011 Proposed Site Sections – AA BB & CC, dated 05.02.10  
Plan Ref: 9068 (L) 013 Elevations & Section – Unit 1, dated 25.01.10  
Plan Ref: 9068 (L) 014 Ground First & Roof Plans – Unit 1, dated 10.02.10  
Plan Ref: 9068 (L) 015 Elevations & Section – Unit 6, dated 10.02.10  
Plan Ref: 9068 (L) 016 Ground First & Roof Plans – Unit 6, dated 10.02.10  
Plan Ref: 9068 (L) 020 Site Location Plan, dated 09.02.10  
Plan Ref: 9068 (L) 021 Proposed Site Layout Plan, dated 09.02.10  
Plan Ref: 9068 (L) 026 Employment Site Plan, dated 28.01.10  
Plan Ref: 9068 (L) 030 Biogas Plant Site Plan, dated 17.02.10  
Plan Ref: 9068 (L) 031 Biogas Plant Pre-Treatment Building Elevations, dated 17.02.10  
Plan Ref: 9068 (L) 032 Biogas Plant Plan, dated 17.02.10  
Plan Ref: 9068 (L) 033 Biogas Plant Site Cross Sections, dated 17.02.10  
Plan Ref: 9068 (L) 034 Biogas Plant Pre-Treatment Building Sections, dated 17.02.10

Plan Ref: 978-001-1-A Landscape Masterplan, dated 10.07.09  
Plan Ref: 978-G002 Landscape Section 1, dated February 2010  
Plan Ref: 978-G003 Landscape Section 2, dated February 2010  
Plan Ref: 978-400 Security Fencing Detail, dated 23.02.10

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

3. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of the Biogas Plant and Employment Buildings have been submitted to and approved in writing by the Waste Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Waste Planning Authority, the details of which shall include:
- a) details of all existing trees and hedgerows to be retained on the land together with measures for their protection in the course of development.
  - b) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads and other works.
  - c) proposed finished levels or contours
  - d) means of enclosure
  - e) vehicle parking layouts together with pedestrian access and circulation areas
  - f) hard surfacing materials
  - g) minor artefacts and structures (e.g. furniture, bicycle racks, refuse or other storage units, signs, lighting etc)
  - h) proposed and existing functional services above and below ground (e.g., drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc)
  - i) retained historic landscape features and proposed restoration.

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

Policy: WDC7 of the Wiltshire and Swindon Waste Development Control Policies DPD and Policy C32 of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004.

5. All soft landscaping comprised in the approved details of landscaping 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 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 Waste 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 Waste Planning Authority.

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

Policy: WDC7 of the Wiltshire and Swindon Waste Development Control Policies DPD and Policy C32 of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004.

6. Delivery of waste to the biogas plant shall only take place between the following hours:

07.30 to 18.00 Monday to Friday  
09.00 to 13.00 Saturday

No deliveries shall take place on Sundays or Bank Holidays.

Reason: To reduce the potential for disturbance caused by vehicular movements.

Policy: WDC2 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies DPD.

7. No development shall commence on site until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Waste Planning Authority. The agreed scheme shall be implemented in full in accordance with an agreed timetable.

Reason: To prevent the increased risk of flooding and prevent pollution of the water environment.



Policy: WDC2 and WDC3 of the Wiltshire and Swindon Waste Development Control Policies DPD

8. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters.

Policy: WDC2 and WDC3 of the Wiltshire and Swindon Waste Development Control Policies DPD

9. The development shall only be carried out in accordance with the Flood Risk Assessment (Clarkebond, Engineering and Management Consultants – dated February 2010) and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off generated by the 1 in 100 year critical storm (including an appropriate allowance for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Policy: WDC2 and WDC3 of the Wiltshire and Swindon Waste Development Control Policies DPD

10. The plant and equipment on site shall be designed, installed and maintained to ensure that the following noise levels are achieved at the locations and time periods specified:

<u>Location</u>	<u>Time Period</u>	<u>Laeq 5min dB</u>
Butlers Coombe Farm House	07.00 – 19.00	34
	19.00 -- 23.00	30
	23.00 – 07.00	30
Dwellings on Ashley Place	07.00 -19.00	45
	19.00 –23.00	30
	23.00 –07.00	30
Dwellings on Ludlow Close	07.00 –19.00	40
	19.00 - 23.00	30
	23.00 –07.00	30

The plant shall be so designed and maintained so as to eliminate any tonal or impulsive character to the noise.

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

Policy: WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD

11. No development shall commence on site until full details of visibility splays of 4.5m x 160m in both directions, at both access points to Deverill Road, shall be submitted to the Waste Planning Authority. The visibility splays shall be provided in accordance with the approved details before the development is first brought into use and shall be maintained at all times.

Reason: In the interests of highway safety.

Policy: WDC2 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies  
DPD

12. No development shall commence on site until full details of the internal access roads and access junctions to Deverill Road shall be submitted to and approved in writing by the Waste Planning Authority. The internal access roads and junctions shall be constructed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of highway safety

Policy: WDC2 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies  
DPD

13. No development shall commence on site until full details of the southerly access junction to the site have been submitted to and approved in writing by the Waste Planning Authority. Such details shall ensure that articulated vehicles will not obstruct the opposing traffic lanes when turning into the site. Gradients of internal access roads shall not exceed 1 in 30 over the first 9 metres measured from the nearside edge of carriageway of Deverill Road. The junction shall be constructed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of highway safety

Policy: WDC2 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies  
DPD

14. No development shall commence on site until details of the location, scale, construction method, fill and means of retention of the proposed embankment adjacent to the A36 (T) road shall be submitted to and approved in writing by the Waste Planning Authority. Development shall be implemented in accordance with the approved details.

Reason: To protect highway safety of the A36

Policy: WDC2 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies  
DPD

15. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Waste 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 Waste Planning Authority on request, together with any changes arising from those results.

Reason: In the interests of road safety and reducing vehicular traffic to the development.

Policy: T1 of the Wiltshire and Swindon Structure Plan 2016

16. 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 have been submitted to and approved in writing by the Waste Planning Authority. The lighting approved shall be installed and shall 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.

Policy: WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD.

17. There shall be no open storage of waste within the biogas plant or employment area.

Reason: To safeguard the amenity of local residents from any potential odours.

Policy: WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD.

18. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Waste Planning Authority prior to the first use of the development.

Reason: To prevent pollution of the water environment.

Policy: WDC2 and WDC3 of the Wiltshire and Swindon Waste Development Control Policies DPD

19. Prior to the commencement of development an ecological construction method statement and detailed Environmental Management Plan shall be submitted to the Waste Planning Authority for approval. The plan shall set out details regarding how it is proposed to safeguard wildlife species during the construction and operation of the site and proposals for long term management of the site to maintain and encourage native species. Development shall be carried out in accordance with the scheme approved.

Reason: In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity.

Policy: WDC8 of the Wiltshire and Swindon Waste Development Control Policies DPD

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the employment units shall be used solely for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: The proposed use is acceptable but the Waste Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

21. No development shall commence on site (including any works of demolition) until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Waste Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Waste Planning Authority.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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WILTSHIRE COUNCIL

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	7 <sup>th</sup> July 2010		
<b>Application Number</b>	N/10/01208/WCM		
<b>Site Address</b>	Land at Leigh Delamere, Nr Chippenham, Wiltshire, SN14 6JZ		
<b>Proposal</b>	Creation of a Landscaped Landform using Inert Fill Material to mitigate adverse Environmental Impacts of the M4 Motorway and Construction of a Temporary Access Track to facilitate vehicular access		
<b>Applicant</b>	Mr Paul Lysley		
<b>Town/Parish Council</b>	Grittleton Parish Council		
<b>Electoral Division</b>	By Brook	<b>Unitary Member:</b>	Mrs Jane Scott
<b>Grid Ref</b>	388265 179097		
<b>Type of application</b>	County Matter		
<b>Case Officer</b>	David Rose	01225 776655 Ext 215 david.rose@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Scott has requested that this application be determined by Committee due to the effect of the proposals on the surrounding countryside.

#### 1. Purpose of Report

To consider the above report and to recommend that planning permission is refused.

#### 2. Main Issues

The main issues in respect of the proposals are considered to be:

Waste Policy  
Landscape/Visual impact  
Ecological Impact  
Traffic Impact

#### 3. Site Description

The proposed development site is located at Leigh Delamere and is part of an agricultural field which slopes gently from north to south and is bounded by the hamlet of Leigh Delamere to the north and the east bound carriageway of the M4 motorway in the south. To the west of the site is made-up ground from the construction of the M4 in the late 60's early 70's and to the east is a cattle/ vehicle over bridge which runs from Leigh Delamere and passes over the motorway. The application site is 3.30 ha and is currently used for arable purposes.

#### 4. Relevant Planning History

In brief, the planning history of the site is as follows;

- N05/02398/FUL      Creation of Landscaped bund adjacent to M4 Motorway. Refused 10/11/2005.
- N09/0653/WCM      Creation of landscaped landform to mitigate adverse environmental impacts of the M4 Motorway and the construction of a temporary access track to facilitate vehicular access to construct the landform. Withdrawn 6/7/2009.

#### 5. Proposal

The application seeks planning permission for the construction of a landscaped landform (environmental bund) along the northern boundary of the M4 at Leigh Delamere to provide an acoustic and visual screen for the residents of the hamlet from the M4. The bund would be approximately 400 metres long, 75 metres wide with an average height of 4-5 metres above existing ground levels. It would have a shallow slope on the north side facing Leigh Delamere with a steeper slope on the south as it drops down to the M4. This would give it the appearance of a field rising to the south as viewed from the hamlet.

It is proposed to construct the bund to an engineered design using inert material which would be imported to the site from construction sites in the local vicinity. A front loading shovel and 360- degree excavator would be used to place materials into position once delivered to the site. When constructed the bund would be landscaped with shrubs and trees.

Access to the site would be via a field gate off a 'C' class county road (C178) which links Leigh Delamere (to the east) with Sevington (to the west). The field entrance would be hard surfaced and a temporary haul road installed to the proposed bund site. It is estimated that some 70,000 cubic metres of materials (soils, subsoil's and clays) would be required to build the bund which would equate to 12 lorry loads per day (24 movements) over a period of 24 months. Proposed hours of operation are as follows;

Monday to Friday      07.30 – 18.00, with no deliveries within 30 minutes of school start time and finish time.

Saturday                      07.30 – 13.00

No Sunday or Bank Holiday working.

No indication is given in the application regarding the source of the inert waste material or the routes to be taken to arrive at the site.

#### 6. Planning Policy

The following Development Plan policies are considered relevant to the determination of this planning application:

Policy W4 of the Wiltshire and Swindon Structure Plan 2016

Policies WCS 2, WCS 3 and WCS 5 of the Swindon and Wiltshire Waste Core Strategy 2006 – 2026.

Policies WDC1, WDC2, WDC3, WDC7, WDC8, WDC9 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies DPD.

Policies HE1, NE11, and NE15, of the North Wiltshire Local Plan 2011 Written Statement

National Land Use Planning



It is considered that the following Planning Policy Guidance Note and Planning Policy Statements are relevant to the determination of this planning application:

PPG 24: Planning and Noise

PPS 5: Planning for the Historic Environment

PPS 10: Planning for Sustainable Waste Management

## 7. Consultations

**Local Member, Mrs Jane Scott** – has requested that the application be considered at a meeting of the Strategic Planning Committee. No further comments have been made.

**Grittleton Parish Council** – wishes to formally record its objection to the application on the following grounds;

- Traffic movements involved in importing 70,000 cubic metres of materials to the site are significant in terms of the surrounding rural road network
- Concerns as to whether 12 lorry movements per day to and from site(24 in total) accurately reflects the number of traffic movements potentially involved in constructing the bund
- 2 year timescale would be detrimental to wider rural community, safety of residents and damage to road surface.
- Previous experience of bund construction left considerable damage to the road surface which has only recently been repaired.
- Proposed timings to avoid school starts and finish times (30 minutes) does not accurately reflect variations which exist and this led to problems previously with speeding construction vehicles which, in one case forced a school bus off the road.
- The population of school age children in the Parish has increased significantly over last five years and their safety is of paramount importance.
- No mention is made of routes that construction traffic would take to and from proposed site. Other hamlets and villages would be affected and should be consulted.
- Parish Councillors would like to be reassured that the proposed plans would lead to noise being reduced to an acceptable level and that the sound would not be displaced to another area of habitation nearby.
- Whilst being wholly sympathetic with the inhabitants of Leigh Delamere, the Parish Council considers that the impact the proposals would have on the surrounding area is unacceptable for the wider community.

**Environment Agency** – no objections subject to a condition regarding approval of surface water drainage details

**Highways Agency** – no objections

**Environmental Health Officer** – no objections

**Council Ecologist** – Considers that the information provided relating to ecology is inadequate as no ecological survey has been carried out based on standard methodology to identify what habitats or species are present on the site and adjacent to it.

**Council Landscape Officer**- Has major concerns regarding the intrusive scale of the bund and is not convinced that it will achieve what the applicants suggest. Has grave concerns that this type of development may be 'sold on' to other villages dotted along the M4 within Wiltshire and so it is imperative to consider whether it is as small a structure as necessary to achieve an improvement to the noise and to minimise landscape and visual effects. This information is not in the current submission. The proposal needs acoustic advice to inform the design of the bund. What is the minimum height and width of bund required to restore acceptable noise levels to the residents of Leigh Delamere? Until this is known the application cannot be fully considered.

**County Archaeologist-** no objections

**Local Highway Authority (LHA)-** recommends refusal on the grounds that the traffic generated from the proposal would use roads which, by virtue of their function in the highway network and their inadequate width, alignment and junctions, are considered unsuitable to accommodate the increase in traffic from this development and that for which it would set a precedent.

## **8. Publicity**

The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out.

Nine letters of support have been received, raising the following matters:-

- Noise levels have increased as traffic levels are increasing and becoming more intrusive
- A bund would reduce noise levels by 50%
- Precedent has been set by bund constructed in 2001
- Current levels of noise are above WHO guidelines and therefore a bund is needed.
- Bunds are being erected close to motorways where housing is currently being built i.e. Junctions 16 and 15 of the M4.
- Inconvenience would only last for 2 years compared with the long term benefits to the village.
- Motorway development to day would not be built without adequate landscaping to mitigate impact of noise

## **9. Planning Considerations**

The determination of this application must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the main issues in the determination of this application are as follows;

Waste Policy  
Landscape/Visual Impact  
Ecological Impact  
Traffic Impact

### Waste Policy

The proposed environmental bund is to mitigate the impact of the M4 on the living conditions of residents of Leigh Delamere. The associated importation of inert (waste) fill material is claimed by the applicant to be for the purpose of 'waste recovery' (i.e. associated with a genuine use in construction) rather than for the disposal of waste on land. However, having had regard to the detail and scale of the proposed development officers are of the view that the predominant purpose of the development involves waste disposal. In particular, officers note that the quantity of waste that will be required to construct the bund subject to this application is substantially larger than that required to construct the bund proposed in the previous 2009 application (70,000 cubic metres as opposed to 40,000 cubic metres) and without offering any significant additional benefits in noise reduction and /or visual screening.

The applicant has submitted a noise assessment in support of the proposal, which suggests that a bund could cut average noise levels of 65dB by 5.3 – 6.3dB. Reference is made to the concept of

Noise Exposure Categories (NECs) for proposed residential development near existing transport noise sources and suggests that planning permission should not have been granted for these properties given the noise levels locally. The argument which the applicant attempts to make here is that existing noise levels are unacceptable without the mitigation and therefore a bund needs to be provided. However, it is considered that the argument is flawed because the NEC procedure is only applicable where consideration is being given to introducing residential development into an area with an existing noise source, rather than the reverse situation. The houses in Leigh Delamere precede the building of the M4 Motorway. Increased traffic noise from existing trunk road/motorways is not unique to Leigh Delamere and the Highways Agency has a programme to resurface the network with quieter surfacing.

The noise survey accompanying the application was undertaken in 2007 and submitted with the 2009 application and again with the 2010 application without any amendment. The design of the bund has changed yet no further assessment has been undertaken of how this will affect its acoustic properties. It is therefore considered unlikely that the acoustic report has formed the basis for the design of the bund and, if this is the case, then it is not known for certain whether the bund now shown in the application will bring about a significant noise reduction. Similarly, it has not been demonstrated that the level of noise reduction anticipated could not be achieved by a smaller bund or a bund /fence combination of acceptable appearance or by additional tree/hedgerow planting. The bund as proposed is therefore without sufficient justification at the present time and has to be viewed as having no clearly defined purpose and benefit other than to dispose of substantial quantities of waste material.

Policies WCS 3 and WCS 5 of the Wiltshire and Swindon Waste Core Strategy are therefore relevant to the determination of this application. Policy WCS3 considers preferred locations for waste management facilities within the County and Policy WCS5 considers the waste hierarchy together with the Councils stance in terms of seeking to drive waste up the hierarchy thus ensuring that developers demonstrate that the most sustainable option for waste management has been promoted.

Policy WCS3 considers preferred locations for inert landfill and suggests that such facilities should be located adjacent to existing landfill facilities or as part of the restoration of the mineral workings. In this respect, therefore, the proposals are considered to be contrary to Policy WCS3. The policy also outlines an approach to dealing with proposals put forward outside of the preferred locations, which requires the applicant to demonstrate their proposals are in accordance with the relevant provisions of the strategy. This has not been done in this case. The waste hierarchy clearly considers disposal as a final option and so this proposal is contrary to Policy WCS5.

Policy WDC13 of the Wiltshire and Swindon Waste Development Control Policies DPD is also considered relevant as it sets out the Council's policy in relation to landfill developments. Proposals for new or extended landfill developments will be considered favourably where the applicant is able to demonstrate that there is no more suitable option available further up the waste hierarchy and that the quality of the land would be improved as a result of landfilling or that it is required for restoration of the site. The applicant has not demonstrated that alternative more suitable options have been considered in terms of reducing noise. The proposals are not essential for the restoration of the site as the site is currently in agricultural use.

#### Landscape/Visual Impact

Another reason for the applicants promoting the bund is that, once constructed it will act as a visual barrier between the hamlet of Leigh Delamere and the M4 Motorway and so inhabitants of the village will not be able to see vehicles as they travel along the motorway. The motorway was constructed in the late 60's early 70's and the hamlet of Leigh Delamere was designated as a Conservation Area in 1990. Modernisation of the building stock and other forms of development have been carried out over recent years which have respected the landscapes sensitivity and maintained the hamlet's local distinctiveness.

There have been previous proposals to create a bund on the same site as the one currently being considered. In November 2005 permission was refused by North Wiltshire District Council for bund requiring 50,000 cubic metres of fill material. One of the grounds of refusal was that it would be an

alien feature in an agricultural landscape and would be detrimental to the setting of the Leigh Delamere Conservation Area. The current application proposes a redesigned bund which would require a substantial increase in waste material to construct, yet the bund remains some 400 metres in length and the height 5-6 metres. The applicant has said that the redesigned bund would be more acceptable as it would have a wider gentle slope to the north with extensive tree and shrub planting to the south, but this view is not shared by officers.

The Council's Landscape Officer has assessed the current proposals and is of the view that, despite the design being changed and gradients reduced, it still represents a large, permanent and imposing structure on the landscape and would be intrusive within the landscape. In addition, the Landscape Officer has grave concerns that if the development was approved it may become a blueprint for proposals further along the M4 in Wiltshire which potentially suffer from the same problems. Residents have referred to examples locally where housing is being built close to the motorway and acoustic bunds constructed to shield them. However, it is important to note these bunds are an integral element of these developments and designed as such. It is considered the current proposal would, by virtue of its increased size, represent a more 'alien' and intrusive feature in the landscape which would adversely impact on the landscape setting of the Leigh Delamere Conservation Area. No substantial benefits from constructing the bund have been put forward to outweigh these concerns.

### Ecological Impact

The applicant has in support of the application a letter from a Wiltshire Wildlife Trust officer written following a site visit undertaken in 2007. This letter sets out the officer's views and recommendations regarding retention of hedgerows and planting on the bund but did not include a survey of the site as regards its ecological value or potential.

The Council's Ecologist has considered this letter and has found it to be inadequate and advises that an ecological survey is required based on standard methodology to identify what habitats are present on the site and immediately adjacent to it. This should include presence of protected species (e.g. great crested newts, bats, dormice and badgers) together with farmland birds. In addition there needs to be an assessment of the impact the proposals would have on the habitats and species, on the immediate surrounding area and on the wider landscape area including the adjacent County Wildlife Site. The location of any ponds in the locality and a methodology for investigating their suitability for great crested newts would need to be included.

The application is therefore deficient with regard to its consideration of ecological matters and does not accord with Policy WDC8 which seeks to ensure that sufficient information is provided in terms of an assessment of the potential effects of development on areas of biodiversity and/or geological interest.

### Traffic Impact

The current proposal is to import 70,000 cubic metres of inert waste over a period of 24 months with an average of 12 vehicles per day. It is noted that the volume of waste to be imported has increased from 40,000 cubic metres in the withdrawn application to 70,000 cubic metres in the current application and that the timescale and numbers of lorry loads has increased accordingly (i.e. 18 months to 24 months and the number of vehicles from 9 to 12 per day).

Although there is wide support for the proposals from residents of Leigh Delamere (who appear willing to endure the adverse environmental impacts associated with vehicles arriving, discharging their loads and leaving the site on a daily basis for a period of 24 months) the Grittleton Parish Council has lodged an objection to the proposals on the grounds of concerns relating to traffic impact on the wider rural community outside of Leigh Delamere. In addition to the number of lorry movements and the timescale involved, the Parish is concerned for the safety of its residents and their children and is also concerned regarding possible damage to local roads.

The highway network in the area is one of narrow roads which generally will not allow two large vehicles to pass easily. In addition, because of the location of Leigh Delamere and the proposed access to the site, traffic will, of necessity, have to pass through nearby villages to get there. Although

consultation on the application has been restricted to Grittleton Parish Council, (being the parish within which the proposal lies) the following villages could be affected depending on which direction the inert material would come from, i.e. Leigh Delamere, Hullavington, Stanton St Quintin, Kingston St Michael, Grittleton, Yatton Keynell and Sevington. This assumes that lorries would use 'A' class roads as far as possible and not take short cuts to get to the site. Policy WCS2 relating to future waste site locations emphasises the importance of ensuring that new waste management development utilises the most appropriate haulage routes within and around the plan area. In the case of Leigh Delamere the haulage routes which would need to be used to gain access to the site are not considered to be appropriate.

The Local Highway Authority (LHA) recommends that the application be refused on grounds of the road network being inadequate in terms of width, alignment and junctions to accommodate the increase in traffic from the development and that it would also set a precedent for future proposals. This is consistent with the recommendation made in relation to the proposals considered in 2005 when permission was refused for a bund in the same location but requiring less material to be imported. The concerns regarding traffic impact have not been addressed and therefore it is considered that a refusal on traffic grounds still stands and can be substantiated. No substantial benefit from constructing the bund has been put forward to outweigh these concerns.

## **10 Recommendation**

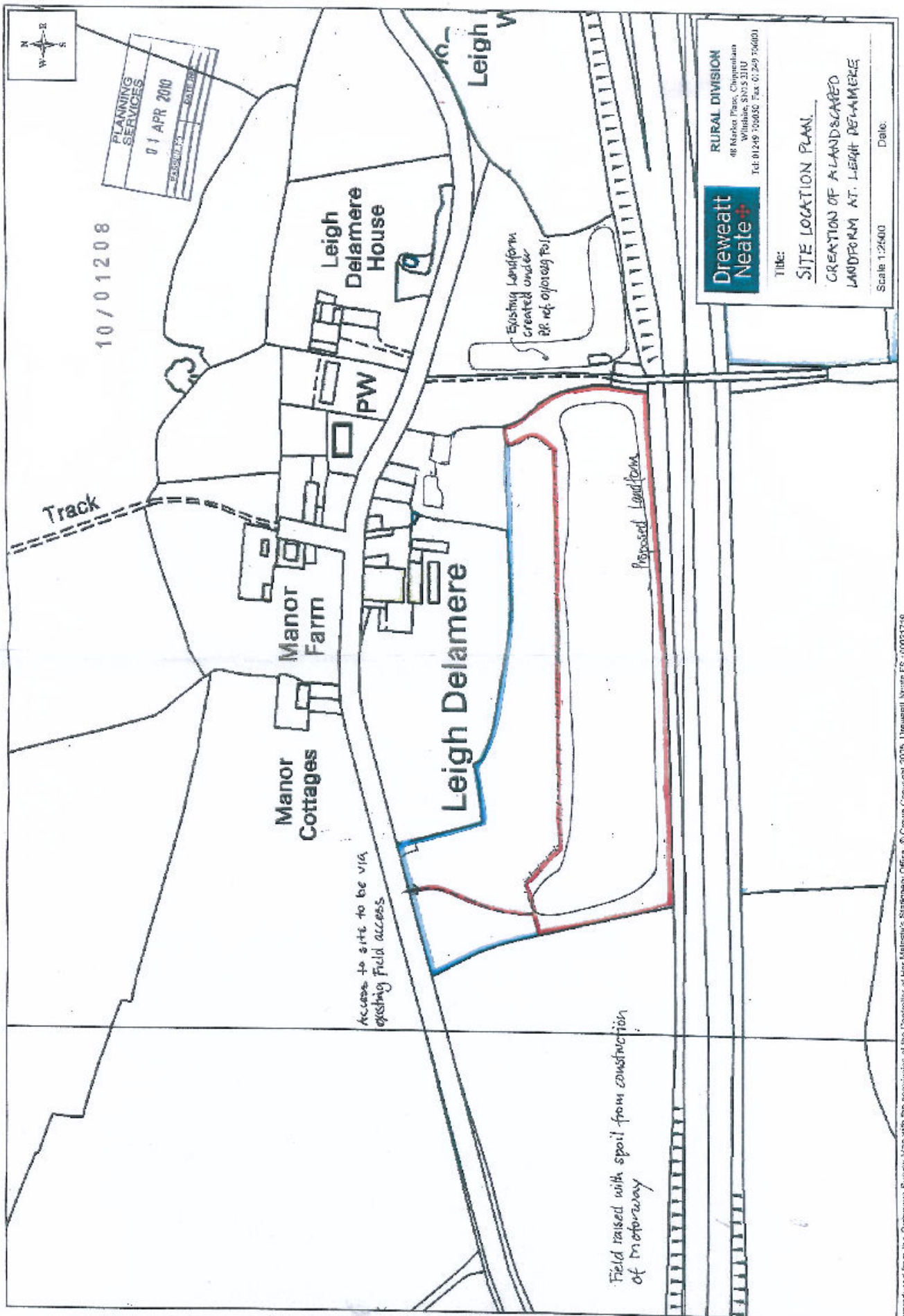
That permission be REFUSED

### **For the following reason(s):**

1. The development is for the disposal of waste outside any preferred location identified in the Wiltshire and Swindon Waste Core Strategy 2006 – 2026 and it has not been demonstrated by the applicant to be in accordance with all relevant provisions of the strategy, objectives and policies of Waste Development Plan Documents. It has not been demonstrated that the quantity of waste to be used is necessary to achieve the desired purpose and benefit. Accordingly, the development is contrary to Policy WCS3 of the Waste Core Strategy and Policy WDC13 of the Wiltshire and Swindon Waste Development Control Policies DPD.
2. The proposed bund is an alien feature and imposing structure in this agricultural landscape and is considered to be an intrusion and of detriment to the setting of Leigh Delamere village, a designated Conservation Area, contrary to the provisions of Policies WDC2, WDC7 and WDC9 of the Wiltshire and Swindon Waste Development Control Policies DPD and Policies HE1 and NE15 of the North Wiltshire Local Plan 2011 and the advice of PPS5. The proposals would set a dangerous precedent for similar proposals further along the M4 Motorway corridor which would be detrimental to landscape character.
3. The traffic generated from this proposal would use roads which by virtue of their function in the highway network and their inadequate width, alignment and junctions, are considered unsuitable to accommodate the type of vehicles and increase in traffic associated with this development. The proposals are contrary to Policies WDC2 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies DPD and Policy T2 of the North Wiltshire Local Plan 2011.
4. The application is not accompanied by an objective assessment of the potential effects of the development on areas of biodiversity and is therefore considered to be deficient and contrary to Policy WDC8 of the Wiltshire and Swindon Waste Development Control Policies DPD and Policy NE11 of the North Wiltshire Local Plan 2011.

<b>Appendices:</b>	Site Location Plan
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<b>Background Documents Used in the Preparation of this Report:</b>	
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RURAL DIVISION  
46 Market Place, Chippenham  
Wiltshire, SN15 2JD  
Tel: 01249 706630 Fax: 01249 744001



TITLE: SITE LOCATION PLAN  
CREATION OF A LANDSCAPED  
LANDFORM AT LEIGH DELAMERE  
Scale 1:2500  
Date:

PLANNING SERVICES  
01 APR 2010  
DATE

10/01208

Track

Manor Cottages  
Manor Farm  
Leigh Delamere House  
PW

Leigh Delamere

Access to site to be via  
existing field access

Existing Landform  
created under  
pp. of operating P.O.

Proposed Landform

Field raised with spoil from construction  
of motorway

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## WILTSHIRE COUNCIL

### REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	7 JULY 2010		
<b>Application Number</b>	W/10/01161/WCM		
<b>Site Address</b>	Land At Quartermaster Road West Wilts Trading Estate Heywood Wiltshire		
<b>Proposal</b>	Temporary change of use for a three year period for an End-of-Life Vehicle (ELV) depot		
<b>Applicant</b>	Mr Jonathan Taylor		
<b>Town/Parish Council</b>	Heywood		
<b>Electoral Division</b>	Ethandune	<b>Unitary Member:</b>	Julie Swabey
<b>Grid Ref</b>	389647 150654		
<b>Type of application</b>	County Matter		
<b>Case Officer</b>	Mr Greg Lester	01225 770344 Ext 5191 greg.lester@wiltshire.gov.uk	

#### Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this application be determined by Committee due to:

- \* Environmental/highway impact
- \* Number of issues that on basis of limited information makes proposal unacceptable
- \* Danger of Pollution to River Biss
- \* Security of Site
- \* Fire Risk

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

#### 2. Main Issues

The main issues to consider are:

- \* Impact on Character of the Area
- \* Impact on Residential Amenity
- \* Impact on Water Environment
- \* Landscape Impact
- \* Highways Impact
- \* Impact on the Historic Environment

### **3. Site Description**

The site is the former Celcon Concrete products site located on the West Wiltshire Trading Estate and occupies a plot served by parallel roads. The site benefits from extensive tree, shrub and hedge planting, with views into the site generally only possible from the entrance gates on Headquarters Road and Quartermaster Road. Views from Quartermaster Road are less well screened, although some viewpoints are more restricted due to tree planting in various locations. The south-western boundary benefits from a good degree of screen planting and is not located on a thoroughfare.

The site itself has two buildings located in close proximity to each other that appear to be in a good state of repair. The building to the northwest of the site, located against the sites boundary with Headquarters Road, would be used for de-pollution and removal of parts from vehicles. This building is clad in metal profile sheet that is olive green in colour. The building located to the south east of the proposed de-pollution building is built from block work and is to be used as site offices. The building to be used for the de-pollution of End-of-Life Vehicles (ELV) is at a lower level than the remainder of the site and is bunded to three sides internally. The buildings are served by a concrete surface that also extends to the entire site area of the proposal. Drainage gulleys and inspection chambers were visible on the site, with the site benefiting from an interceptor.

The site is surrounded by commercial and industrial uses mainly falling within the B1/B8 use classes, although there is a night club and public house nearby.

No residential properties are located within 250 metres of the site.

### **4. Relevant Planning History**

None relevant to current proposal.

### **5. Proposal**

The proposal seeks a temporary three year change of use for an End-of-Life Vehicle (ELV) de-pollution depot with associated storage of vehicles both before and after the de-pollution process.

Vehicles to be de-polluted would be brought to the site and stored on a sealed concrete surface served by drainage gulleys leading to an interceptor. The vehicles would then be de-polluted in an existing building located to the north east of the site located adjacent to the storage area.

The de-pollution process involves the vehicles being drained of all fluids that are classed as hazardous waste and would include oil, petrol/diesel, brake fluid, anti-freeze etc. Vehicle airbags and seat belt pre-tensioners are also regarded as hazardous waste and would be dealt with in-situ within the vehicle using a detonation device rendering them non-hazardous. Batteries would also be removed as part of the process.

All liquids and batteries would be stored within the de-pollution building, which is located at a lower level than the rest of the site, thus reducing the likelihood of an escape of hazardous substances. The building itself has no drainage system and any spillages would be dealt with using spill kits which generally consist of absorbent granules.

All liquids stored within the building would be within tanks/drums and would be collected by a registered waste carrier for subsequent disposal.

Once de-polluted the vehicles would be removed from the building and stored on the concrete surface. The vehicles will be retained on site until such time as they are deemed no longer useful for spare parts. In the event that a part is required on a vehicle, it will be taken back into the building where the part(s) would be removed and the vehicle subsequently returned to its location in the yard. Final disposal of the vehicle will be by crushing at the Company's site in Devizes.

Vehicles will be stored at ground level only on site and racking will not be used. A temporary Heras fence will be erected inside the existing perimeter fence and boundary planting of the site for the duration of the operation.

The proposal would not involve direct retail sales to members of the public from the site.

In addition to the requirement for planning permission, the site will require an environmental permit from the Environment Agency, which sets certain standards to ensure that ELV's are stored and treated in a way that does not harm the environment and that parts are recycled, stored and disposed of appropriately.

## **6. Planning Policy**

The following Development Plan policies are considered relevant to the determination of this planning application:

Policies DP1, C5, HE2, W1 and W4 of the Wiltshire and Swindon Structure Plan 2016 (SP)

Policies WCS1, WCS3 and WCS5 of the Wiltshire and Swindon Waste Core Strategy Development Plan Document (WCS)

Policies WDC1, WDC2, WDC3 and WDC9 of the Wiltshire and Swindon Waste Development Control Policies Development Plan Document (DCP)

## **7. Consultations**

### Heywood Parish Council

Object to the proposal – Limited information provided in application. Three main reasons for objection:

- 1) Pollution; is drainage on the West Wiltshire Trading Estate adequate? This could lead to a pollution threat in the River Biss.
- 2) Suitability of interim fence is questionable. Site could potentially be an attractive (hazardous) site for thieves and youngsters.
- 3) Little consideration given to catch pits/bunding with which to contain flammable/polluting liquids produced during the process, or account taken of any other possible fire or health and safety risks.

### Local Highway Authority

No objection

### Environment Agency

No objection

### Wiltshire Council Assistant Archaeologist

No adverse comments – refer to English Heritage for comments regarding adjacent Scheduled Ancient Monument

### English Heritage

No objections, subject to a condition providing a buffer to the Scheduled Ancient Monument to the South/Southwest of the site.

### Wiltshire Council Principal Ecologist

No adverse comments

### Wiltshire Council Landscape Officer

No adverse comments

## 8. Publicity

The application was advertised by site notice/press notice /neighbour notification. No objections have been received.

Expiry date: 4 June 2010

## 9. Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

### Impact on Character of the Area and Landscape

Policy WDC2 of the Waste Development Control Policies DPD states that development will be permitted where it avoids negative impacts to amenity, visual aspects, noise and light emissions, vibration and transportation of waste amongst others.

The site is located within a long established trading estate and is surrounded by similar industrial uses and processes. A car auction and storage complex is located to the opposite side of Quartermaster road, with distribution facilities being to the east of the site.

The West Wiltshire Trading Estate site was previously allocated within the Wiltshire and Swindon Waste Local Plan for such use, and is also included in the emerging Waste Site Allocations Development Plan Document as a suitable site for waste transfer, material recovery and recycling. Whilst this document has not yet been adopted, it is considered to carry substantial weight in the decision process due to its advanced stage of preparation. Advice contained within Planning Policy Statement 10: Planning for Sustainable Waste Development (PPS10) directs Planning Authorities to consider new waste management facilities favourably when consistent with PPS 10 and the authority's Waste Core Strategy in the absence of a site allocation document. In this case Policy WCS3 of the WCS places the type of use applied for as best suited for industrial/employment land.

Given the existing uses on the trading estate, the proposed use is not considered to be out of character with the area and is therefore considered to be in compliance with Policy WDC2 of the DCP.

The site benefits from extensive tree, shrub and hedge planting to all boundaries, with the exception of the boundary to the south east corner, which consists primarily of hedge planting. Glimpse views are available into the site through the entrance gates, however, it is not considered that the view of stored cars at ground level would be significantly different to the view presented by a car park, and as such is not considered to cause detrimental harm to the visual amenity of the area.

The remaining boundaries are extensively screened and only limited glimpses are available through gaps in the planting. However, slightly more extensive views of the site are available through the entrance gates located off Headquarters Road. Despite this, it is considered the proposed use and the appearance of cars stored on the site will not have a detrimental impact on the landscape character of the wider area.

The proposed fencing, whilst of an industrial nature, is not considered to be out of keeping with the character of the area. Given the temporary requirement of the site, it is considered unreasonable to impose a condition to erect a permanent fence for a limited period. It is also considered that the proposed fence will provide increased security over the existing low fence/hedge combination that currently encloses the site, and has a number of noticeable breaches, as it will be markedly higher and also incorporates an anti-climb design to deter trespass on the site. The interim fencing measures are therefore considered acceptable.

### Impact on Residential Amenity

The nearest residential properties are located in excess of 250-metres from the boundary of the proposed site. The process building is located on the opposite side of the site to the nearest residential area, therefore, in practice this distance will be greater. Due to the existing use of the area as a trading estate and the large distance between residential occupiers and the site it is not considered that the proposed temporary change of use will cause demonstrable harm to residential amenity.

With regard to the risk of fire, the site will operate under the conditions of an Environmental Permit issued and monitored by the Environment Agency to ensure that hazardous substances are stored in a safe manner.

### Impact on Water Environment

Policy WDC3 of the DCP states that development will be permitted where it can be demonstrated that provision has been made to protect the water environment. A Flood Risk Assessment (FRA) accompanied the application which confirms that the site is not at risk from flooding.

Whilst the proposal involves the removal of hazardous substances from vehicles, this will be carried out within the northern most building on site that is located at a lower level than the remainder of the site and is bunded on three sides, with the entrance being accessed via a gentle slope down. It is considered that by removing and storing the hazardous substances within the buildings, the risk to contamination of the water environment is avoided. This will also provide security to the stored hazardous substances prior to subsequent collection and disposal. Furthermore, the site benefits from a fully sealed concrete surface that is served by drainage gulleys and an interceptor and demonstrates the site has adequate drainage to deal with the proposed use. However, it is considered appropriate to recommend a planning condition for the submission of a detailed drainage scheme to ensure that the system is implemented and maintained during the course of the development. It is considered that these measures will considerably reduce the potential for pollutants to enter any controlled waters. Furthermore, the Environment Agency raised no objections to the scheme.

### Impact on Highway Safety

The site is served by two existing accesses, with the access from Headquarters Road to be used as the primary site access. The visibility from the site access is good and leads to a wide surfaced estate road. It is considered that the application will not add a significant number of vehicles to the trading estate as a whole and would therefore not have a prejudicial impact on highway safety. Furthermore, the Local Highway Authority raised no objections on highway safety or capacity grounds.

### Impact on Scheduled Ancient Monument

Policy HE2 of the SP and Policy WDC9 of the DCP make a presumption in favour of the preservation of Scheduled Ancient Monuments (SAM). This accords with Government guidance contained within Planning Policy Statement 5: Planning for the Historic Environment (PPS5). Development for the management of waste will be permitted where it can be demonstrated that the proposal would preserve the setting of a cultural asset.

The SAM in this case is a moat located to the west of the south/south-western portion of the site. It is surrounded on all sides by industrial and commercial premises and has no green space linking it to the wider countryside beyond the trading estate. It is considered that whilst the setting of the SAM has already been significantly compromised by the existing developments, there is an opportunity to create a buffer to prevent vehicles being stored immediately adjacent to the SAM. English Heritage has recommended that a buffer strip be created in this part of the site to prevent the setting of the moat being further compromised. A buffer strip of 2.5 metres which would be kept clear of all vehicles, parts, associated machinery and be kept clear of any form of storage or waste products is considered to make a notable improvement on the current situation where objects could be stored against the boundary and to preserve the setting of the SAM at this location.

The proposal is therefore considered to accord with the relevant policy documents and Government guidance.

### Recommendation

The proposal is considered to comply with the policies of the development plan document and there are no material considerations to indicate that permission should be refused. The application is therefore considered acceptable and is recommended for approval for a limited period of three years.

**Recommendation: Approval**

### **For the following reason(s):**

The development will facilitate the de-pollution of end-of-life vehicles aiding the prevention of waste from vehicles and the re-use and recycling of their components. The development is considered to be in accordance with the Development Plan and would not have adverse effects on the local environment or local communities. Policies relevant to this decision are Policies DP1, C5, HE2, W1 and W4 of the Wiltshire and Swindon Structure Plan 2016, Policies WCS1, WCS3 and WCS5 of the Wiltshire and Swindon Waste Core Strategy Development Plan Document and Policies WDC1, WDC2, WDC3 and WDC9 of the Wiltshire and Swindon Waste Development Control Policies Development Plan Document.

### **Subject to the following condition(s):**

- 1 The use hereby permitted shall be discontinued and all associated vehicles and components removed from the land on or before 31st July 2013.

REASON: In the interests of amenity, in order to secure the restoration of the land upon the cessation of the temporary use hereby permitted.

POLICY: WDC1 and WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD 2009.

- 2 No development shall commence on site until details of surface water drainage from impermeable parking areas and hardstandings for vehicles associated with the development to oil interceptor(s) has been submitted to and approved in writing by the Waste Planning Authority. The development shall not be first brought into use until the oil interceptor(s) has/have been installed in accordance with the approved details. Thereafter the oil interceptor(s) shall be maintained in accordance with the approved details. Roof water shall not pass through the interceptor(s).

REASON: To minimise the risk of pollution of the water environment.

POLICY: WDC1 and WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD 2009.

- 3 The de-pollution and removal of parts from vehicles shall only take place within the designated de-pollution building. No vehicle parts, materials or hazardous substances shall be stored outside the de-pollution building at any time.

REASON: In order to safeguard the water environment and in the interest of amenity

POLICY: WDC1 and WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD 2009.

- 4 Vehicles shall be stored at ground level only and shall not be stored by stacking/racking at any time.

REASON: In the interest of visual amenity.

POLICY: WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD 2009.

- 5 The security fencing to serve the site shall be set away from the boundary of the Scheduled Ancient Monument (Scheduled Monument No. 12048) to the south/southwest of the site by 2.5 metres whilst the site is occupied in accordance with this planning approval. No vehicles, parts, machinery or waste products shall be stored within this 2.5 metre strip at any time.

REASON: In order to preserve the setting of the Scheduled Ancient Monument.

POLICY: WDC9 of the Wiltshire and Swindon Waste Development Control Policies DPD 2009.

- 6 No flattening or crushing of vehicle shells shall be undertaken on site.

REASON: In order to avoid the level of noise generated in the interest of amenity

POLICY: WDC1 and WDC2 of the Wiltshire and Swindon Waste Development Control Policies DPD 2009.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

#### **RELEVANT APPLICATION PLANS**

Drawing : DRCL/WEST/SPLP 2 received on 10.06.2010

# Devizes Reclamation Co Ltd, Westbury Yard, West Wilts Trading Estate, Westbury Site Plan for temporary change of use to ELV-ATF

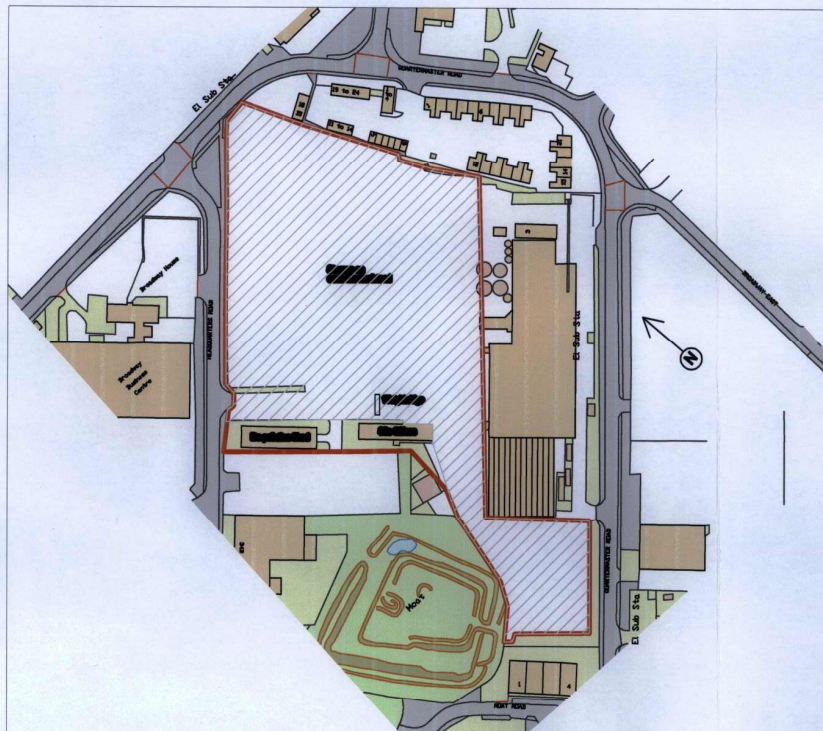
Ref:DRCL/WEST/SPLP

Date: April 2010

Paper Size: A3

## Site Plan

Scale: 1:2500



## Location Plan

Scale: 1:2750

