

## AGENDA

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**Meeting:** Strategic Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park,  
Chippenham, SN15 1ER  
**Date:** Wednesday 25 September 2013  
**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@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>PARTY SPOKESMEN</b>	25 September	1300	Brookfield Room, Monkton Park

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**Membership:**

Cllr Glenis Ansell	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Anthony Trotman
Cllr Andrew Davis (Chairman)	Cllr Nick Watts
Cllr Jose Green (Vice Chairman)	Cllr Fred Westmoreland
Cllr Charles Howard	Cllr Graham Wright
Cllr Bill Moss	

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**Substitutes:**

Cllr Trevor Carbin	Cllr George Jeans
Cllr Ernie Clark	Cllr Gordon King
Cllr Stewart Dobson	Cllr Howard Marshall
Cllr Mary Douglas	Cllr Paul Oatway
Cllr Dennis Drewett	Cllr Ian West
Cllr Russell Hawker	Cllr Philip Whalley

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## **PART I**

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

**1 Apologies for Absence**

To receive any apologies or substitutions for the meeting.

**2 Declarations of Interest**

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

**3 Chairman's Announcements**

To receive any announcements through the Chair.

**4 Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 18 September 2013. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

5 **(ITEM WITHDRAWN) N/11/02920/WCM: Hills Waste - Waste Recovery Facility, Lower Compton Waste Management Facility, Lower Compton, Calne** *(Pages 1 - 66)***(ITEM WITHDRAWN)**

6 **E/2013/0083/OUT: Land at Coate Bridge, Adjacent to Windsor Drive, Devizes** *(Pages 67 - 86)*

7 **Date of Next Meeting**

To note the date of the next scheduled meeting of the Committee on 23 October 2013.

## **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**

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# Agenda Item 5

## WILTSHIRE COUNCIL

### REPORT TO THE STRATEGIC PLANNING COMMITTEE

25 SEPTEMBER 2013

<b>Date of Meeting</b>	25 September 2013		
<b>Application Number</b>	N/11/02920/WCM		
<b>Site Address</b>	Lower Compton Waste Management Facility, Lower Compton, Calne		
<b>Proposal</b>	<p>Construct, operate and permanently retain a waste recovery facility at Lower Compton Waste Management Facility, Lower Compton, Calne, Wiltshire, SN11 8RB. The proposed Waste Recovery Facility includes the:</p> <ul style="list-style-type: none"><li>- Extension and permanent retention of the existing municipal waste materials recovery facility, and the provision of a new municipal Waste Transfer Station;</li><li>- Construction and operation of a new permanent industrial and commercial Waste Materials Recovery Facility and Waste Transfer Station;</li><li>- Construction and operation of a new low grade green waste open air Windrow Composting Facility;</li><li>- Infilling of the current compost leachate attenuation pond and provision of new compost leachate and surface water attenuation measures;</li><li>- Relocation and continued operation of the existing waste wood recycling facility;</li><li>- Provision of a new weighbridge and permanent retention of the existing weighbridges, associated offices and ancillary infrastructure;</li><li>- Reconfiguration of site infrastructure, including the improvement and widening of the site access road and associated works;</li><li>- Works for the provision of landscaping and planting including the removal of existing trees and provision of new trees.</li></ul>		
<b>Applicant</b>	Hills Waste Solutions Ltd		
<b>Town/Parish Council</b>	Cherhill / Compton Bassett / Calne Without / Calne		
<b>Electoral Division</b>	Calne South and Cherhill	<b>Unitary Member:</b>	Councillor Alan Hill
<b>Grid Ref</b>	402202 170806		
<b>Type of application</b>	County Matter		
<b>Case Officer</b>	Jason Day	01225 770315 jason.day@wiltshire.gov.uk	

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

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being for a strategic waste management facility.

## **Purpose of Report**

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

## **Report summary**

2. The main issues in the consideration of this application are considered to be:
  - Approach to the Environmental Impact Assessment;
  - The Principle of the development;
  - Landscape and Visual Impact;
  - Traffic and Access
  - Air Quality and Odour
  - Noise and Vibration.
3. The application has generated 214 letters of objection from individuals and 1 in support. Additional letters of objection have been submitted in response to publicity of further environmental information.
4. Cherhill Parish Council, Compton Bassett Parish Council, Calne Without Parish Council and Calne Town Council all object to the application.

## **Site Description**

5. The existing Lower Compton Waste Management Facility is located approximately 1km to the east of Calne and approximately 1km north of the A4. Immediately to the south of the site entrance lies the residential area of Lower Compton. Located 950m to the south east is the village of Cherhill, and Quemerford is located approximately 950m to the south west. The village of Compton Bassett is located approximately 1.6km to the north east of the facility.
6. The application site is situated within the south-east corner of the wider Lower Compton Waste Management Facility and covers approximately 8.75 hectares.
7. Vehicular access to the site is via the C15 road, which is served directly from the A4 from the east and the A3102 and the A4 from the west. The site entrance is accessed via a three-arm mini roundabout on the C15, approximately 700m north of a junction with the A4 between Cherhill and Calne.
8. To the north of the application site is the mineral extraction and waste landfill area known as Old Camp Farm. Beyond this to the north is the mineral extraction and landfill extension site known as Low Lane. The western edge of the wider Lower Compton Waste Management Facility adjoins Sands Farm mineral extraction and landfill site operated by Aggregate Industries and Viridor Waste Management.
9. To the east and south of the site runs a screening bank, which extends north, adjacent to the Old Camp Farm site. To the east of the screening bank lies grazed agricultural land in the ownership of the applicant, which in turn is bound by the C15.
10. The C15 also represents part of the western boundary of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Beyond the road within the AONB lies agricultural pasture land and a wooded minor ridgeline. Part of the northern area of this land is designated as Compton Bassett Park, with the north eastern section also lying within the Compton Bassett village Conservation Area. The AONB also extends to the south of the site, at a distance of approximately 1km from the site.
11. A site location plan is attached at **Appendix 1**.

## Relevant Planning History

12. The wider Lower Compton Site has a planning history that dates back to the early 1970s; the original permission for sand extraction being granted in 1972. Since Hills acquired the Compton Bassett quarry and landfill from the former Wiltshire County Council in 1996, the nature and extent of the application site and wider Lower Compton Waste Management Facility has steadily grown and been subject to a number of planning applications concerning mineral extraction and waste management operations. Some are time limited through their specific permission, whereas others have no time limitations.
13. At present the application site is used for a range of waste management activities and contains the following elements:

Facility / Operation		Planning Permission	Description
A B	Materials Recovery Facility (MRF) Landscaping Bund	N.06.07018	Environmental improvements and the provision of a Materials Recovery Facility. Temporary permission requires the Bund and MRF to be removed and the land restored by 31 December 2016.
C	Waste Wood / Inert Industrial and Commercial Waste Recycling and Transfer Facility	N.00.2627	Waste Recycling and Transfer Facility to be discontinued and the land restored by February 2014
D	Composting Facility	N/09/01498/WCM	Not subject to any time limiting conditions or otherwise linked to the restoration of the landfills or cessation of other operations.
F	Weighbridge complex	N/09/01499/WCM	As above
H & G	Old Camp Farm and Compton Bassett Mineral Extraction	N/09/01497/WCM	Permission requires the extraction of minerals to cease by 24 May 2018 and landfill to be complete by 24 May 2022.
P	Container Storage and Parking Area	N.05.07042	Hills consider that these operations will need to cease at this location by 31st December 2017 to allow for the implementation and completion of mineral extraction by 24 May 2018.
I	Low Lane Mineral Extraction and Landfill operations	N.06.07009	Permission requires extraction of minerals from this site to cease by 31 December 2013, and the deposit of waste to cease no later than 31 December 2018, with restoration of the site then required within 12 months of the completion of landfilling.
J	Concrete Batching Plant	N.00.1771	Permission requires this operation to cease by 21 February 2042, or upon the cessation of the winning and working of mineral at the site, whichever is the sooner, i.e. by 2022 as part of Old Camp Farm and Compton Bassett mineral extraction operations.
N	Honeyball Household Recycling Centre	N.06.07003	Not subject to any time limiting conditions or otherwise linked to the restoration of the landfills or cessation of other operations.

14. A plan showing these areas is attached at **Appendix 2**.

## Proposal

15. Hills Waste Solutions Ltd (the Applicant) is applying for planning permission for the development of a Waste Recovery Facility (WRF) at its Lower Compton Waste Management Facility, near Calne.
16. The proposals would provide a total waste recovery capacity for the management of approximately 235,000 tonnes per annum of non-hazardous wastes from municipal, and industrial and commercial sources.
17. Hills currently hold a contract with Wiltshire Council to manage all municipal waste generated in the County. The contract covers provision of landfill, waste transfer stations, materials recovery facilities, composting facilities and household recycling centres, and bring-site operations, together with kerbside collection of dry recycling.
18. There are a number of elements that make up the proposed development; the proposals comprise of:-

**a) The extension and permanent retention of the existing municipal waste Materials Recovery Facility (MRF), and the provision of a municipal Waste Transfer Station (WTS). Combined, the two facilities would process approximately 120,000tpa;**

The existing MRF would be extended northwards to increase the industrial floorspace by a further 3777m<sup>2</sup> to a total industrial floorspace of 5761m<sup>2</sup>. The existing office space provided over three floors at the southern end of the MRF building will be retained in its current configuration. The total floorspace of the MRF and WTS will be 6,090m<sup>2</sup>.

The height of the building would remain at 8.5 metres to its eaves, whilst its width would retain that of the current building of 41m for the main processing hall, widening to 46m for the offices and the transfer station drive through which forms part of the extension.

The extension would be constructed of the same materials including a steel frame structure, clad with steel and painted dark green. The roof would be constructed of the same plastic-coated steel sheeting materials used on the existing building, coloured to match that existing on the current MRF.

The internal layout would include a one-way access route through the centre of the building with the entrance positioned on the northern elevation. Two exit points are proposed; one on the western elevation and the other on the southern elevation.

The MRF operation is expected to operate up to a capacity of 45,000tpa, receiving, sorting, bulking and exporting collected recyclable materials sourced from municipal waste arisings in Wiltshire. The building will principally house mechanical and manual waste sorting systems. Municipal waste for sorting will be deposited in the northern end of the extended building. Once sorted bulked materials will be exported to appropriate off-site reprocessing facilities for recovery or recycling.

It is expected that the extended municipal MRF operation will be particularly efficient, due to the high level of pre-sorting of materials that takes place via kerbside collections, bring sites and HRCs prior to receipt at the MRF. However, it is anticipated that a proportion of the materials handled, up to 5% of the total process capacity, will not be suitable for recovery, for example through cross contamination with other waste materials. These materials, equating up to approximately 2,500tpa will be landfilled at the adjacent Lower Compton landfill facilities or, when these are fully restored, exported for disposal at a suitably licensed facility.



The Municipal WTS operation will receive approximately 75,000tpa of collected municipal wastes from Wiltshire which will be sorted and bulked to service three key operations:

- (i) the export of green waste for off-site high grade composting at Parkgate Farm, Purton;
- (ii) the export of processed municipal waste to provide feedstock for the Westbury Mechanical Biological Treatment facility (consented but still to be constructed), and
- (iii) the export of residual municipal wastes suitable for recovery under contract to the Lakeside Energy from Waste recovery facility in Slough.

Any green or residual municipal wastes handled by the combined MRF / WTS that are not suitable for recovery and export will be bulked up for disposal at the adjacent operational landfill facility, although this tonnage is expected to be very low.

It is envisaged that this facility will continue to employ the existing members of staff, and will also provide employment for an additional 8 members of staff.

Material storage areas are proposed to the west and east of the proposed municipal MRF / WTS building. The existing parking to the south east of the MRF, adjacent to the office area will be retained. Provision for new car parking will also be made to the west of the Municipal MRF/WTS for 49 spaces.

**b) The construction of a new permanent Industrial and Commercial Waste Materials Recovery and Transfer Facility, handling a combined throughput of 85,000 tpa;**

The new industrial and commercial MRF / WTS building is proposed to be located to the north of the municipal MRF / WTS. The building has been designed to have a staggered mono-pitch roof, which will be 11.5 metres high to its eaves on the Western mono-pitch and 8.5m to eaves on the Eastern monopitch. The building will provide an approximate industrial floorspace of 3385m<sup>2</sup>. The building will also include an integral 3 storey office and mess facility with an approximate combined floorspace of 467m<sup>2</sup>. The total floorspace to be provided by the industrial and commercial MRF / WTS building will be 3,852m<sup>2</sup>.

The building would be constructed of the same materials as the municipal MRF / WTS, comprising of a steel frame structure, clad with steel and painted dark green. The roof would also be constructed of plastic coated steel sheeting materials used on the existing municipal MRF building, coloured to match.

The building will principally house mechanical and manual waste sorting systems. Industrial and commercial wastes handled by the MRF / WTS would be subjected to a series of screens and shredders to remove any inert fractions and any bulky and oversized materials. The remaining materials would then be subject to further sorting to remove further recoverable materials, such as metals, wood and cardboard. The final materials will then be shredded to produce a solid refuse derived fuel product. Other products from this process will include recovered materials such as metal, wood and cardboards, and inert materials such as soils and hardcore. A fourth by product from the process will be the residual waste fraction.

Recovered wastes in the form of solid refuse derived fuel will be bulked up, baled, wrapped and exported for treatment off site at suitably licensed waste recovery facilities. Other recovered materials will also be bulked up for export and further recovery. As with the municipal MRF / WTS, any residual wastes that cannot be recovered will, for the duration of on-site landfilling operations, be disposed of at the adjacent landfill facilities. Upon closure of the landfill, such wastes would be exported for disposal at a suitably licensed facility.

To the east of the building will be a storage yard and baled product loading area. In addition to the car parking provisions associated with the municipal MRF / WTS, a further 21 car parking spaces will be located directly to the west of the industrial and commercial MRF / WTS building.

The industrial and commercial MRF / WTS will provide employment for up to 11 additional staff.

**c) The provision of a new low grade open air windrow composting facility handling a throughput of up to 15,000tpa of green waste received by the municipal MRF;**

Land to the north of the industrial and commercial MRF / WTS will accommodate a small scale low grade open air windrow composting operation, which will handle up to 15,000tpa of green waste sourced from municipal collections and transferred from the extended municipal MRF / WTS building.

This facility is being provided primarily for the purposes of producing material for use within the restoration layers of the adjacent operations taking place within the wider Lower Compton waste management facility. Once landfill operations at Lower Compton have ceased, this facility will also cease operations, and its tonnage will be diverted for composting as part of the wider green waste throughput.

The low grade composting operations will be located onto retained sections of the existing composting pad in the north of the application site, which will include some amendments to incorporate suitable surface and dirty water drainage provisions. In particular, attenuation measures will be provided in the south west corner of the composting pad to accommodate the required volume of leachate forecast to be produced by the compost operation. This attenuation will either comprise a surface level attenuation pond or a below ground storage tank. The existing compost leachate attenuation pond located within the application site will be drained, infilled and levelled for use as car parking.

The composting operation will require the use of an elevated compost turner and a loading shovel and will employ existing staff associated with current composting operations.

**d) The infilling of the current compost leachate attenuation pond and provision of new compost leachate attenuation measures. Low grade compost produced will be used within the restoration layers for the adjacent landfill operations;**

**e) The relocation and continued operation of the existing wood chip recycling facility, at an approximate throughput of 15,000tpa;**

At present, a waste recycling and transfer facility operates on the site handling 25,000tpa of inert industrial and commercial wastes and waste wood. This material is most frequently delivered in skips.

The proposals seek to relocate and permanently retain the woodchip recycling element of this facility to the north of the proposed industrial and commercial MRF / WTS building, alongside the proposed low grade MSW green waste composting operation.

The handling of inert type material will take place within the new industrial and commercial MRF / WTS building as part of the overall estimated 135,000tpa throughput for that facility.

The relocated woodchip recycling facility will continue to process approximately 15,000tpa of wood waste materials. The operations will comprise a wood chipper and typically one loading shovel for handling both inputs and recycled products.

**f) Reconfiguration of site infrastructure (haul roads, weighbridges, circulatory flows):**

All vehicles associated with the proposed development will gain entry to the Lower Compton site from the current access adjoining a mini-roundabout with the C15. The main access point from the mini-roundabout will be improved through minor adjustments. This will enable vehicles to negotiate this bend and improve driver visibility in both entry and exit directions.

Other improvements to the site access road include the widening of the access from its point adjacent to the southern entrance to the existing HRC through to a new exit point from the extended municipal MRF / WTS building. This widening will be sufficient to accommodate a third vehicle lane. As such, there will be two lanes at the sites' main entrance, which shall widen to incorporate a second vehicle entrance lane travelling north into the main waste management site. Implementation of this work will require revisions to the layout of the site access and to the bund in this area.

General site circulation shall remain similar to existing with certain improvements to accommodate vehicle circulation required within the waste recovery facilities, and to improve the management of vehicle queuing from all waste operations on site. With two lanes providing access for waste deliveries into the site, waste recovery loads will be initially marshalled alongside deliveries to the landfill facilities. The existing weighbridges and office will be retained, with the current outbound weighbridge configured to process inbound vehicles as well. A new weighbridge will be provided as part of the new exit from the municipal MRF / WTS.

At present there are 110 car parking spaces provided within the Lower Compton Waste Management Facility. Whilst some of these spaces will be lost through the development of the WRF the proposals do include for the replacement of car parking such that once fully implemented there will be 120 car parking spaces available, including 6 designated parking spaces for disabled members of staff and visitors.

The site access, haul road improvements, weighbridge relocation, additional exits and weighbridge and new entrance lane will enable the efficient management and marshalling of all waste delivery and export traffic. It will allow for waste traffic to access the site without any conflict with mineral operations being undertaken on site and will provide an important means of alleviating vehicle queuing adjacent to the public HRC. It will also allow for the existing fleet vehicle operations and parking situated to the north of the HRC to operate more efficiently without conflict with public vehicles or with waste deliveries into the site. The existing speed hump located on the site access road will be removed in the interests of controlling amenity impacts.

**g) The provision of landscaping and planting, the removal of 19 trees and provision of 190 new trees.**

Consideration has been given to the provision of a landscaping scheme that will allow for the development to be implemented with minimum impact upon its surroundings and will fully integrate with the ongoing restoration of the adjacent landfill facilities.

The landscape proposals will make full use of the existing landscape screening bund to the east of the current operations. This bund will be retained and enhanced to ensure that the proposed built development is screened and integrated into the surrounding environment. In particular, a new tree belt with under-storey planting will be implemented on this bund to allow for sufficient vegetation growth to screen views into the site from the south east and east. It will also provide an improved landscape setting to the North Wessex Downs AONB.

A combination of tree and shrub planting is also proposed within the application site to reinforce the existing planting and to replace planting that will be removed to facilitate the proposed development.

## **Operations to be removed**

The existing 'high-grade' green waste composting operations are planned to be removed from the Lower Compton site following the implementation of composting operations at Hills Parkgate Farm waste management facility near Purton. The Purton facility is consented to handle up to 25,000tpa of green waste. Once the Purton facility is operational and high grade composting at Lower Compton ceases operation, the remaining hardstanding at the application site will be prepared for the implementation of the proposed development.

19. The proposed layout and elevation plans are attached as **Appendices 3 to 5**.
20. The application comprises a planning supporting statement and a number of technical reports, including:
  - Design and Access Statement
  - Statement of Community Involvement
  - Transport Assessment
  - Ecological Impact Assessment
  - Arboricultural Impact Assessment and Tree Survey
  - Flood Risk Assessment and Surface Waste Drainage Strategy
  - Generic and Preliminary Land Quality Risk Assessments
  - Planning Drawings.

## **Environmental Impact Assessment**

21. The application is accompanied by an Environmental Statement (ES) which reports the results of an Environmental Impact Assessment (EIA) undertaken of the proposed development, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
22. The 1999 EIA Regulations have been replaced by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. However, the 1999 EIA Regulations remain relevant to this application as it was lodged/received by the Council before the commencement of the 2011 Regulations.
23. The assessments and findings of the ES are summarised below:
  - Need for the Proposals
  - Alternatives Considered
  - Transport and Access
  - Air Quality and Odour
  - Noise and Vibration
  - Landscape and Visual Impact Assessment

## **Application timeline**

24. The planning application was originally submitted in August 2011, accompanied an Environmental Statement (ES).
25. Following publicity and consultation on the submitted application, the Council concluded that the ES lacked all the details required to make a proper assessment of the proposal and so issued in February 2012 a formal request, under Regulation 19 of the EIA Regulations, for further information, including among other matters a revised Transport Assessment, to include an origin/destination survey, to fully understand the likely traffic impacts and a revised assessment considering the likely effects on air quality in Calne as a result of the proposal.
26. The further information, referred to as the 'Regulation 19 response', was submitted by the Applicant in October 2012.

27. Following consultation on that Regulation 19 Response, the Council made further comments and queries. As a result of these further comments and continued discussions between Council officers and Hills a further document was, for convenience and ease of reference, was submitted in May 2013 to provide a comprehensive response to all matters raised by the Council. This document, the 'Replacement Regulation 19 Response' replaces the October 2012 document in its entirety.
28. In response to the latest series of comments and questions, Hills have reduced the capacity of the proposed industrial and commercial waste treatment element of the proposed development to 85,000 tpa (a reduction of 50,000 tpa from the capacity level originally sought). The proposed development, however, remains physically the same as originally submitted in 2011.

### **Proposed Draft Head of Term for Possible Legal Agreement**

29. Hills Waste Solutions Limited propose the following as part of their submissions for planning permission for the development of the proposed Waste Recovery Facility:
- i. Appropriate contributions towards the making and implementing Traffic Regulation Order to introduce a reduced speed limit along the C15;
  - ii. Annual report to Wiltshire Council of the Companies performance in training for drivers through SAFED (Safe and Fuel Efficient Driving);
  - iii. Annual reporting to Wiltshire Council of the Companies performance as part of the 'Well Driven?' scheme;
  - iv. Implementation of upgraded pedestrian access along the site access road for the Waste Recovery Facility in agreement with Wiltshire Highways, and
  - v. A financial contribution of £10,000 towards funding real time automatic monitoring equipment to measure nitrogen dioxide concentrations as part of Air Quality Action Planning for Calne Air Quality Management Area. (The Applicant has subsequently confirmed that it is willing to amend the Draft Heads of Terms to enable any agreed and appropriate financial contribution to be used for Air Quality Action Planning in Calne rather than solely for real time monitoring).

### **Planning Policy**

30. The following Development Plan documents are considered to be most relevant to the proposal:

Wiltshire & Swindon Waste Core Strategy Development Plan Document July 2009

Policy WCS1: The Need for Additional Waste Management Capacity and Self Sufficiency

Policy WCS2: Future Waste Site Locations

Policy WCS3: Preferred Locations of Waste Management Facilities by Type and the Provision of Flexibility

Policy WCS5: The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management

Wiltshire and Swindon Waste Development Control Policies Development Plan Document Adopted September 2009

Policy WDC1: Key criteria for ensuring sustainable waste management development

Policy WDC2: Managing the impact of waste management

Policy WDC3: Water Environment

Policy WDC7: Conserving Landscape Character

Policy WDC8: Biodiversity and Geological Interest

Policy WDC10: Restoration of Waste Management Sites  
Policy WDC11: Sustainable Transportation of Waste

Wiltshire and Swindon Waste Site Allocations Local Plan February 2013

WSA1: Presumption in Favour of Sustainable Development  
Inset map: N3 - Hills Resource Recovery Centre, Compton Bassett  
Table 2.3: Hills Resource Recovery Centre, Compton Bassett

North Wiltshire Local Plan 2011  
Policy NE18:

Wiltshire Core Strategy (WCS) - Pre-Submission Document (February 2012)

Core Policy 8: Calne Community Area  
Core Policy 55: Air Quality.

### Other

Wiltshire Municipal Waste Management Strategy (2012), which reviews and updates the Joint Wiltshire Municipal Waste Management Strategy from 2006.

Air Quality Strategy for Wiltshire 2011 - 2015

Wiltshire Local Transport Plan (LTP3)

Wiltshire Local Transport Plan 2011- 2026 Freight Strategy

Wiltshire Council draft Air Quality Supplementary Planning Guidance

### National Guidance

National Planning Policy Framework (March 2012)

Planning Policy Statement 10 – Planning for Sustainable Waste Management (revised March 2011)

## **Consultations**

31. As noted in paragraphs 24 – 27 above, in addition to the originally submitted planning application further information has been provided on two further occasions. The following comments were received from statutory consultees and within the Council in respect of each consultation:

### *First consultation*

32. **Local Member, Councillor Alan Hill;** no comments submitted.
33. **Cherhill Parish Council** - strongly object on the following grounds:-
- Against current planning policies this proposal has not considered any alternative locations for this new facility or justified the need for this development at Lower Compton. Transport, waste and environmental policies have also been ignored in developing this proposal.
  - This new facility is extremely large, some three times the size of the existing building and significantly taller. This will have a negative visual impact on an area of AONB

- Any previous applications from Hills for the Lower Compton site have all had an end date attached with the land being returned back to nature. This new application will make the facility permanent allowing ongoing industrial use even after Hills might choose to vacate the site. Existing problems from the site will become permanent and the quality of life for local residents will continue to deteriorate.
- the Wiltshire HGV Route Network map clearly identifies the A4 as a local lorry route not a strategic route. Greater delays from HGV's on the A4 will increase air pollution above government limits in Calne and the impact from increased numbers of HGV movements will have a detrimental effect to the health and safety of all pedestrians and cyclists.
- Wiltshire Councils draft air quality strategy 2011 indicates that there are two areas being considered as Air Quality Management Areas - these are Curzon street and New road in Calne suggesting that the air pollution already exceeds EU standards for air quality. The 81 extra HGV movements a day through New Road will only serve to push air pollution further into dangerous limits.
- The HGV route map shows that the Lower Compton site is the least preferable position for this type of new facility and its associated transport movements. The Hills Waste Transfer Station at Stanton St Quinton owned in part by Wiltshire Council could be utilised, driven with sale of land to Hills. This site is on a strategic lorry route and close to M4 junction 17.

34. **Compton Bassett Parish Council** - believe the planning application should not be approved because of the following points:

- The size of the proposed MRF facility is very large, and out of keeping with the rural environment, and is close to an AONB, and a conservation area. The proposed location at Lower Compton violates the criteria for the location of a large regional MRF facility of strategic importance.
- The proposed MRF facility is capable of processing an enormous amount of waste, and is capable of processing the waste from more than the whole of Wiltshire, which is in contradiction to the principle that local waste be managed locally enshrined in government guidance.
- If the “new MRF facility” were to operate close to its regional economic potential, then waste would have to be transported into Wiltshire from adjacent counties, such as Hampshire and Berkshire, and further afield.
- Proposed MRF will have a regional significance which is not adequately addressed by the proposal. The regional significance should be addressed in the context of the available local and regional sites in relation to Wiltshire’s strategic HGV network or the region’s transport network, including the M4 and appropriate rail connections.
- The Traffic Survey commissioned by Hills Waste Solutions Ltd is not based upon a rigorous analysis of the likely movements but on Hill’s “indication” of the final increase plus an assertion that this “indication” is accurate because of “their knowledge of the business”. The Hills traffic projections suggest that around 54,000 lorry movements will be required for the new MRF facility compared to the 57,000 lorry movements in 2010 related to the existing 36,000 facility. The transport assessment produced by PFA consulting is thus based upon Hills traffic projections which appear to be incorrect and potentially misleading for a regional sized MRF facility.
- The available air quality monitoring data for nitrogen dioxide indicates significant breaches of both the EU Directives and the regulations for the purpose of local air quality management in England at Calne (3 sites) and Marlborough (2 sites). Further air quality measurements are required to establish whether there are other air quality violations which might require the current traffic levels in Calne and Marlborough to be decreased. Since Hills are demonstrably responsible for the majority of HGV movements through Calne, no

planning permissions for any facilities, which could potentially increase vehicle movements, should be granted.

- The rationale for choosing the Lower Compton site appear to have been guided by selection criteria carefully chosen to ensure that Lower Compton site was the optimum choice. Overall, the Lower Compton site is not the optimum location for a regional sized MRF facility and there is no strategic need to position it in a rural location in Lower Compton as it is not close to any significant point of waste production and it does not have adequate transport facilities.
- The local community have in the past been given guarantees that the waste processing and landfill is a “necessary evil”, but that the operation has an end date after which the land would return to effectively green fields. The proposal for an extensive permanent facility contradicts those previous assurances, and suggests that previous statements on the closure of the facility, and restoration of the area were disingenuous.
- If Hills were to be unsuccessful in their bid to continue waste management for Wiltshire when the contract comes up for renewal, they may be forced to look further afield for waste product, potentially increasing the number of inherently undesirable vehicle miles to achieve a commercial aim.

35. **Calne Without Parish Council** – considers the application should be refused on the following grounds:

- Air quality - Calne already has two of Wiltshire’s worst air pollution areas;
- Traffic – the applicant’s own figure of 10.24% does not add up to an eight-fold increase in materials, even if the size of HGVs increase;
- Congestion – substantial additional traffic will add to existing problems;
- Safety – Lower Compton has a number of existing accident and safety concerns;
- Alternative sites – the A4 is not a strategic lorry route; better sites for a distribution/transport hub of this size are available.
- Local economy – the proposal will create only seventeen low skilled jobs. The potential damage to the Calne area from traffic risks investment going elsewhere and damaging the local economy.
- Present site restoration – under the current permissions the majority of the site was to be returned to agricultural or use in 2016, with the balance by 2022. The current proposal will ensure that this site will become a permanent site; the impact the final decision will affect the community for generations.

36. **Calne Town Council** - in summary the Town Council objects on the following main grounds:

- The proposal, which is for a major strategic development on an unallocated site, constitutes a significant departure from the current development plan.
- Granting permission for the proposed development would be premature and prejudice the outcome of the Wiltshire Council’s emerging Waste Site Allocations Development Plan Document (DPD).
- The proposed development would result in a material increase in traffic generation by heavy goods vehicles (HGVs), causing unacceptable harm to air quality and the living conditions of local residents, and significant adverse impacts on the town’s environment, conservation area and listed buildings.



- The proposed development would have an unacceptable visual impact, especially in views from the North Wessex Downs AONB.
- More appropriately located and less harmful alternative sites for such a facility exist elsewhere. As a strategic waste management development, the proposal should be located off a strategic lorry route, not serviced by an overburdened local lorry route.

37. **Environment Agency** – no objection to the proposal, but recommend that if permission is granted a planning condition is imposed requiring a surface water drainage scheme for the site to be approved prior to commencement of development. Advise that the planned activities will require an Environmental Permit from the Environment Agency, which will be required before the proposed waste processing and recycling can take place.

38. **Natural England** – makes the following comments:

Landscape impacts

We note that the application is within the setting of the North Wessex Downs AONB, and due to the scale and nature of the development has the potential to have a significant negative impact on this AONB. However, due to the lie of the land and the proposed mitigation measures, we advise that the impact on the setting of the AONB is acceptable other than with regard to point 3 below, provided suitable conditions necessary to ensure that the mitigation proposals are implemented are included.

It is difficult to readily gauge from the Landscape and Visual Impact Assessment what the lighting impacts are and to what degree they have been minimised. We advise that this is carefully considered, and suitable conditions applied to minimise this impact as necessary.

There is one further mitigation measure which we advise should be considered in terms of reducing the visual impact of the development. In order to further attenuate the impacts, and enhance the character of the AONB, the scope to restore (coppice/lay/gap up) the hedge running along the western side of the C15 should be explored with the applicant. To judge from photos in appendix 2 of the EIA, (e.g. viewpoint 25) parts of this hedge are in poor condition.

Finally, we advise that heed is taken of the views expressed by the planning adviser at the North Wessex Downs AONB.

Biodiversity impacts

The development, as proposed, appears to deliver a net gain to biodiversity, and there appear to be no significant missed opportunities. As such we advise that these proposals are in line with PPS9.

39. **English Heritage** – no comments received.

40. **North Wessex Downs AONB officer** – raises no objection, but recommends that if permission is granted then specific planning conditions are imposed to secure the mitigation measures as proposed [specifically external building colour, building ridge height, landscaping, controls over noise levels and external lighting]. Comments that the site lies outside but close to the edge of this nationally protected landscape and notes the application recognises there are locations within the AONB where parts of new site/building will be visible. To further reduce the impact of any visual or character change the above conditions requested. In particular, although some lighting details have been provided, it would appear that some lighting units could be mounted up to 8m in height. To reduce the affect of night glow from this site on the dark skies of the AONB beyond, additional information should be provided by planning condition to ensure all lighting is angled downwards, suitably cowled to prevent light overspill and dark sky compliant.

41. **County Archaeologist** – confirmed at Scoping that the proposed development is unlikely to impact on any surviving archaeological features.

42. **County Ecologist** - comments that the Ecological Impact Assessment is extremely thorough and provides an objective assessment of the proposal's impact on biodiversity. Concurs with the conclusion that the proposed works would not result in any significant adverse impact on any statutory or non-statutory designated sites within the local area, or populations of protected wildlife species. Advises that bat foraging and commuting lines will be retained, disturbance to breeding birds will be minimal and loss of habitat will be confined species of low ecological value. Although the proposal includes the removal of 18 trees, this is mitigated by the planting of 190 additional trees. Considers the change in traffic volumes estimated to be an increase of 10% unlikely to result in increased impact on biodiversity through noise, dust or pollution. The proposed lighting plan will ensure that light levels are kept to an acceptable limit in the wider countryside. Advises the proposals have the potential to result in a slight positive impact for local biodiversity through the proposed tree and hedge planting and provision of new wildflower grassland areas which will provide enhancement in line with targets in the Wiltshire Biodiversity Action Plan. However, considers further details of a sustainable drainage scheme are required and recommends that a Construction Environmental Management Plan and a (post-construction) Ecological Management Plan be secured as a condition of any permission granted for the proposal to ensure that proposed measures to avoid any harm to potential biodiversity interests are contained with an agreed document.
43. **Landscape Officer** – comments that having reviewed the relevant section of the ES, considers overall there will be no significant changes to the landscape baseline given the context of the site. Highlights to the following key notes arising from the LVIA:
- Some trees will need to be removed to create an improved access to the site. This will open up views into the site but will not alter the existing landscape character. Substantial tree planting is proposed and will mitigate for the loss of these trees.
  - Generally views from North Wessex Downs AONB and PRoW are partial, glimpsed or truncated. They are predominantly long distant and the site is visible as a small part of a large panorama.
  - There is no inter-visibility with the Compton Basset Conservation Area.
  - The existing setting of the AONB and Compton Bassett Park is a disturbed and working landscape due to the activities of mineral extraction, landfill and waste recycling. The construction of the proposed MRF and WTS will increase the built form on site but the siting and design of the proposed buildings will ensure there will be a negligible impact upon the designated landscape setting. Over all there will be an improvement to the setting of the AONB and the Park once the new planting to the bund has established.
  - There will be an overall increase in the lighting on site especially during the construction stage. The dark skies of the AONB will be affected albeit in a small local area. The lighting company has designed the lighting to best practice and to minimise light pollution.
- Confirms the level of content and the specification illustrated on planting plan is satisfactory.
44. **Highways Authority** – advises that whilst the approach in the Transport Assessment is generally in line with published guidance there are clear flaws in the data collection. Given the nature of this application, and the local concerns relating to this, the only way that a valid comparison can be made is for all counts to be undertaken during the same period and for comparisons to be made on identical time periods. The reason given for not undertaking the requested O/D survey, that movements from Hills will change, is not valid if the nature of those changes is known as these can be factored into the assessments. Even if the changes are unknown the survey would give a more accurate picture of HGV movements in Calne than the traffic counts used in the assessments. As such cannot view the base figures used with the degree of confidence needed to assess and agree the TA at present and thus the effects of the proposed development cannot as yet be considered to be acceptable.
45. **Environmental Health Officer (Public Protection)** - no adverse comments regarding the noise impact.

46. **Environmental Health Officer (Land Quality / Contaminated Land)** - notes the submitted report contains a comprehensive assessment of the site, which concludes that the levels of contamination identified pose no significant risk to people, water, livestock, controlled waters or any other receptors. Advises that on the basis of the information provided there is no reason to object to the proposal in terms of land contamination.
47. **Environmental Health Officer (Air Quality)** – has a number of concerns regarding the transport assessment, which in turn has implications for the air quality assessment. No actual lorry survey has been undertaken and errors in the HGV numbers have been identified in the report. As these figures have consequently been utilised for the air quality assessment, the modelled figures are likely to be incorrect. Based on the information provided is unable to make any comments until specific traffic information has been updated and the air quality assessment has been amended accordingly. Recommends further information is required.

*Second consultation*

48. **Cherhill Parish Council** – continue to object:
- Concerned that the revised ES does not provide an objective and clear analysis of the environmental impact of the scheme and the implication the scheme has a 10% impact is not credible.
  - Consider the scheme contravenes the Waste Core Strategy as even if all of the I&C waste were to originate within Wiltshire it would not meet the requirement for a regional solution with waste facilities located close to industrial and commercial hotspots.
  - The scheme will generate a substantial increase in the largest HGV traffic; we do not have the infrastructure to adequately cater for existing traffic levels let alone an increase.
  - The application to extend the life of the concrete plant at Sands Farm has already caused much concern. Our community is expecting the Lower Compton site to return to amenity / agricultural land from 2016 to 2022 as the various permissions expire.
49. **Compton Bassett Parish Council** – continues to object, for the following reasons:
- The application proposal is for a very large new MRF/WTS waste facility (with a capacity large enough for the whole of the South West Region) in a rural location. The current facility imports only 20% of its commercial waste from outside Wiltshire and which, in future, will import/export around 590,000 te of waste per year compared to 320,000 te at present. The Lower Compton site is wholly unsuitable for these activities with inadequate transport connections. In addition, Lower Compton is not a designated site for a MRF/WTS facility, the location contravenes the Wiltshire & Swindon Core Waste Strategy 2006-2026 and would unnecessarily and significantly increase Wiltshire's waste transport miles, waste transport carbon emissions and waste transport costs to the Wiltshire taxpayer.
  - Hills revised Environmental Statements are misleading, badly flawed and not fit for purpose. The Environmental Statement does not contain sufficient information to allow the Environmental Impact of the new facility to be properly assessed as no origin-destination data for HGV traffic are provided for the new facility, no account has been taken of the increased payload tonnage, noise and vibration effects of the HGVs (for example the largest 23te articulated HGVs will increase from around 5,000 to 20,000 per year which have double the emissions of smaller HGVs), no account has been taken of the cumulative traffic effects of other planning applications, no assessment has been carried out for the Marlborough and Devizes AQMAs and alternative sites which Wiltshire Council have designated as suitable for MRF/WTS facilities have not been properly assessed.
  - The fourfold increase in numbers of larger 23te HGVs from 5,000 to 20,000 per year will have a significant detrimental effect on the air quality in Calne and Marlborough which are

both already significantly above the Statutory Limit for Nitrogen Dioxide and which will shortly become air quality management areas (AQMAs). The planning application is premature in this respect .

- The existing temporary permissions will expire in 2016 and 2022 when the land will return to “greenfield status”. The site closure will greatly improve the environment and the adjacent Area of Outstanding Natural Beauty and will reduce Hills’ HGV emissions in the local area by around 90%.

50. **Calne Without Parish Council** – has the following key objections:

- The Lower Compton location is not compliant with the Waste Core Strategy, which recommends smaller facilities close to points of waste production. The site is not close to the SSCTs. The size of the site would constitute a strategic facility but is not on a strategic HGV route. The Lower Compton site is not listed as suitable for a MRF/WTS.
- Locating the proposed facility at one site in Lower Compton rather than at several smaller facilities would give rise to one million additional waste miles per year. This would significantly increase the cost of waste recovery to the Wiltshire taxpayer – estimated at £8million.
- The existing temporary permission expires in 2016 and landfill is scheduled to finish by 2022. The application is for a permanent facility.
- The proposals would significantly increase Wiltshire’s waste transport CO2 emissions due to the additional mileage travelled.
- The proposals would significantly increase Nitrogen Dioxide emissions in the proposed Calne Air Quality Management Area.
- The Calne and Marlborough AQMA policies have yet to be finalised so it would be premature to grant permission.
- The application shows a small increase in the number of lorries, but the size of the lorries used will have to increase. Traffic data shows a 400% increase in the largest 23 tonne articulated HGVs.
- The Lower Compton site borders the North Wessex Downs Area of Outstanding Natural Beauty and is only 3 miles from the World Heritage Site of Avebury.
- There has been no consideration made to increased dangers of the Lower Compton junction on the A4, which has already been the location of accidents.
- Hills’ revised ES and Air Quality Assessment raise serious questions as to whether they are fit for purpose as they appear to rely on a selective choice of data. They do not contain an origin-destination survey.

51. **Calne Town Council** – notwithstanding the revised Environmental Statement, in summary the town council objects on the following main grounds:

- The proposal, which is for a permanent strategic waste management development to replace and expand existing, mainly temporary, operations, would result in a material increase in traffic generation by heavy goods vehicles, causing unacceptable harm to air quality and the living conditions of local residents, and significant adverse impacts on the town’s environment, conservation area and listed buildings.
- The proposed development would have an unacceptable visual impact, especially in views from the North Wessex Downs AONB.

- More appropriately located and less harmful alternative sites for such a regionally significant facility exist elsewhere. As a strategic waste management development, which would both import and export substantial quantities of waste from/to areas outside the county, the proposed development should be located off a strategic lorry route, and not serviced by an overburdened local lorry route.

52. **Environment Agency** – nothing further to add to previous response. Please refer to previous letter for recommended conditions and informatives.
53. **Natural England** – no further comment on the application, however, recommend that the North Wessex Downs AONB are consulted over any implications to the designated landscape of the AONB.
54. **North Wessex Downs AONB officer** – no further comments received.
55. **County Ecologist** - no further comments received.
56. **Landscape Officer** - no further comments received.
57. **Highways Authority** – raises no objection. Comments that the Transport Assessment dated October 2012 addresses issues raised by the Council in its Regulation 19 response to the ES in February 2012. The completion of an origin and destination survey has been secured on behalf of the applicant, and the updated TA reviews the findings of the original TA on the basis of the further information, and addresses issues raised. The main findings of the TA can be summarised as follows:
- The planning proposal is generally in accordance with contemporary transport planning policy for Wiltshire.
  - The site will have good access to an identified Wiltshire HGV Local Lorry Route.
  - The proposed extension of operations at the site will result in additional HGVs on the local road network.
  - The additional traffic (light and heavy) on the A4 will represent, at worst, an increase of 0.8% over 2011 traffic flows over a 12 hour day.
  - The increase in the number of HGVs on the A4 will, at worst, be 6.4% over a 12 hour day.
  - Some 30% (135 HGVs) of the existing HGV traffic using the site travels via the A4 (west) (74) or the A3102 (north) (61) during a 12 hour day. 26 additional HGVs are predicted on the routes combined.
  - Curzon Street HGV traffic would increase by 2.6%, and London Road by 5% as a result of the proposals, during a 12 hour day, with similar increases in the morning peak hour. No HGV impact is forecast in the evening peak period.
  - Construction traffic will not have a material consequence.

The application does not propose a link to allow the site traffic to access the A3102 (north) via the Aggregate Industry site access road (Abberd Lane), or vice versa. Land required for the provision of a link road is not within the applicant's control.

It is noted that Hills are a leading participant in the B4069 HGV Voluntary Agreement.

In the professional judgement of officers, the degree of additional traffic, and especially HGV traffic, does not justify a refusal of planning permission; no significant adverse impacts are anticipated in environmental terms.

The TA proposes a speed restriction be applied to the C15 site access road between the A4 and the site access. Measured speeds on this stretch of road show that 85th percentile speeds are circa 42-45 mph, north/south respectively. It is questionable whether a speed restriction is justified in the circumstances, especially given the nature of the road and its lack of direct frontage development. Members may wish to decide whether or not they require a contribution to be made by the applicant and included as a voluntary contribution in a planning agreement; it is advised the requirement would not necessarily meet the tests of CIL Reg 122.

The proposal to improve internal access is welcomed; these improvements will not materially impact on the C15, or the small roundabout access, but works affecting the roundabout are proposed.

It is noted that most employees are local; pedestrian access to the site for the nearby residential development (including Spreckley Road and adjacent development) is poorly facilitated at present. It is considered that an upgrade of local pedestrian routes to serve the site are both required and necessary, especially if the basic principles of sustainable transport for the site are to be addressed.

An updated travel plan for the site is required; whilst this will likely have little impact in relation to the movement of lorries to and from the site, it should be used to influence the travel behaviour of the circa 165 staff employed at the site on a weekday.

Recommend the application be approved subject to the following conditions:

Prior to the development hereby permitted being commenced, details of improvements to the local footway and footpath network, together with a programme for implementing the improvements, shall be submitted for approval by the local planning authority, and the improvements shall be implemented in accordance with the approved details and implementation programme.

Reason: In order to encourage sustainable travel to and from the site.

Prior to the development hereby permitted being commenced, a travel plan shall be submitted to and approved in writing by the local planning authority. The approved travel plan shall be implemented in respect of all parts of the site, including existing uses not proposed to be changed as a result of the permission, in accordance with the timescales approved.

Reason: In order to encourage sustainable travel to and from the site.

Prior to the development hereby permitted being commenced details of the proposed alterations to the access road, including its connection with the C15 Lower Compton Road roundabout, shall be submitted for approval by the local planning authority; the approved alteration works shall be implemented in accordance with those approved details prior to any other development on the site.

Reason: In order to secure improved site access to satisfactorily accommodate the additional traffic associated with the proposal.

58. **Environmental Health Officer (Public Protection)** - no further comments received.

59. **Environmental Health Officer (Land Quality / Contaminated Land)** – no further comments received.

60. **Environmental Health Officer (Air Quality)** - notes the data presented in the Origin and Destination Study and at paragraph 3.8 which states:

*'Out of the 1101 HGV's passing through the cordon during the 12 hour period, 228 were travelling from Lower Compton facility and 215 were travelling to the Lower Compton facility. A total of 443 HGV through movements (40% of all HGV through movements) were therefore associated with the Lower Compton facility, and 658 HGV through movements (60% of all through movements) were entirely independent of the site.'*

This illustrates that the applicants are a significant contributor of HGV movements in the locality.

Examining this figure in more detail paragraph 3.19 states:

*'In summary, the total number of HGV's travelling through Calne via the A4 London Road over the 12 hour day is 247 associated with the Lower Compton facility (paragraph 3.18) and 251 independent of the Lower Compton facility (paragraph 3.19), giving a total of 498 HGV's. Therefore of the total through movements of HGV's along the A4 London Road over a 12 hour day, 50% are associated with the Lower Compton facility. (247/498 x 100 = 50%)*

Whilst the statistics provided in relation to the A3102 north and A4 west are noted, it is considered that paragraph 3.19, which also includes the A3102 south, is more representative as the zone of exceedence in New Road is immediately adjacent to the roundabout leading into Silver Street (A3102 South) and so paragraph 3.19 should be reflected in the main findings of the report.

Notes the air quality assessment provides predictions for a number of scenarios with and without the scheme and with and without national emission factors; in all scenarios an exceedence of the annual average nitrogen dioxide objective is illustrated.

Advises that once AQMA is in place the Council has, following further assessments over next 12 months, to produce an Air Quality Action Plan. This is to demonstrate to Government that Wiltshire Council is working towards improving air quality in the town. The Origin and Destination study provided indicates that Hills Waste is a significant contributor to vehicle movements within the locality, and the mitigation put forward for provision of eco-driver training will not alone have a significant impact on nitrogen dioxide levels in the town. The Council/EHO will therefore be looking to Hills to participate actively in air quality action planning in the town and with respect to this application. It is suggested that this could include, through S106 agreement, funding for real time automatic air quality monitoring equipment.

### *Third consultation*

61. **Cherhill Parish Council** - express serious concerns and object. Whilst welcome the proposed reduction in Industrial & Commercial volumes this does not address the core concerns outlined in our previous letter and our grounds for objection remain largely unchanged. Our objections fall into three categories:-
- The environmental impact;
  - The permanency of the proposal;
  - Its failure to satisfy the Wiltshire Core Waste Strategy.
62. **Calne Without Parish Council** - our previous objections remain in place as we still believe it is inappropriate facility for a rural location like Lower Compton. Specific objections to the revised application are as follows:
- Hills revised planning application and the revised Environmental Statement: Replacement Regulation 19 response is not fit for purpose;
  - The application does not contain sufficient information to allow the Environmental Impact of the new facility to be properly assessed;
  - There is still no consideration of the impact of lorries turning in and out of the junction of the A4 on the approach road through Lower Compton;
  - If the scheme were not to be consented then the site would return to greenfield status and there would be a huge reduction in the number of HGV emissions which would bring Calne's air quality back to within legal limits;
  - Closure of the Lower Compton site in 2022 will greatly improve the environment adjacent to an Area of Outstanding Natural Beauty.

63. **Compton Bassett Parish Council** - object on the following grounds:

- Hills' revised application (May 2013) for a very large new MRF/WTS waste facility (with a capacity large enough for the whole of the South West Region) is inappropriate in a rural location such as Lower Compton.
- Specifically, Hills revised planning application and the revised Environmental Statement: Replacement Regulation 19 response is flawed, misleading, deficient and not fit for purpose.
- The planning application would increase the numbers of larger 23te HGVs (compared to the "greenfield position") which will have a significant detrimental effect on the air quality in Calne and Marlborough which are both already significantly above the Statutory Limit for Nitrogen Dioxide. Leading Counsel has advised that any approval of such a planning application would be "contrary to EU law" and, in any event, it would amount to "a highly material consideration against the grant of planning permission for the proposed development".
- The planning application claims a marginal reduction in HGVs of 1.5% compared to current HGV levels if the scheme were to be consented, which is not sufficient to improve the Calne air quality to within legal limits at the 4 separate locations which currently exceed 40 mg/m<sup>3</sup>. However, if the scheme were not to be consented and Hills activities at Lower Compton cease, in line with the expiry of the temporary permissions in 2022, then Hills "greenfield status" HGV emissions would reduce by around 90% which is sufficient to improve the Calne air quality to within legal limits.
- Closure of the Lower Compton site in 2022 will greatly improve the environment adjacent to an Area of Outstanding Natural Beauty.

64. **Environment Agency** - nothing further to add to previous response. Please refer to previous letter for our recommended conditions and informatives.

65. **County Ecologist** – advises that as there are no significant changes to the layout or size of the proposed scheme, previous comments remain valid and nothing further to add.

66. **Highways Authority** – raises no objection. Having reviewed the Updated Transport Assessment [Replacement Regulation 19 Response], concludes that the changes proposed (i.e. reduction in annual waste for recovery etc) do not result in a materially different outcome from the previous TA, and the Highway Authority's recommendations remain as per its previous response.

67. **Environmental Health Officer (Air Quality)** – confirms that the revised April 2013 Air Quality Assessment and the revised Transport Assessment May 2013 have been assessed. Notes that in respect of the Air Quality Assessment the report concludes the proposal will not cause any additional exceedences of the air quality objectives or further exacerbate existing exceedences (paragraph 7.4). Wiltshire Council accepts this, however cannot accept the following sentence: *'The proposals would, in fact, marginally reduce existing exceedences of the annual mean nitrogen dioxide along New Road in Calne, where properties are close to the carriageway, and the gradient of the carriageway increases emissions.'* Table 12 shows the predicted impacts on annual mean nitrogen dioxide concentrations in 2017. The reduction being referred to in this sentence is 0.1µg/m<sup>3</sup> which is a modelled value. Modelling work has been undertaken to predict future air quality objectives, however the model is dependent upon the traffic data that has been input, which itself will have inherent uncertainties associated with them. (As discussed in paragraphs 5.8 to 5.11 of the air quality assessment).

The final sentence of paragraph 7.5 is also not accepted: *'There would though be a marginal improvement in air quality within the AQMA'* for the same reasons stated above.

Therefore conclude that mitigation is required.



Mitigation is discussed in Chapter 6 of the Air Quality Assessment.

Advise (that measures set out in paragraph) 6.3 is justified, however (paragraph) 6.5 states that Hills can only control a small proportion of the total vehicles arising from this proposal. In light of this the mitigation proposals put forward are not strong enough.

Would expect the measures put forward by Hills to be secured in section 106 conditions. For example the reduced traffic movement due to the reduced capacity of 85,000tpa be secured by agreement. Evidence of better driving, reduced fuel/mileage etc

Air Quality Action Planning - the Origin and Destination study provided indicates that Hills Waste is currently a significant contributor to vehicle movements within the locality. Following the declaration of an Air Quality Management Area in the town in January 2013 Wiltshire Council have to produce an Air Quality Action Plan. This will contain actions which demonstrate to DEFRA we are working towards improving the air quality in the town. We would therefore look to Hills to participate actively in air quality action planning process in the town.

Recommendation = accept the air quality assessment except for the final sentences of paragraphs 7.4 and 7.5 stating that the development will marginally improve air quality within the air quality management area. See above comments regarding mitigation.

## **Publicity**

68. The application was advertised in the local press and by site notice(s). A neighbour notification exercise has also been undertaken. Likewise, the subsequent submissions of the Regulation 19 further information have been publicised. As a result of these three rounds of publicity, the following representations have been received. For each round of publicity, the representations can be considered in 3 broad groupings:
- a) Comments from neighbouring parish councils, other bodies and interest groups;
  - b) Technical and legal submissions made on behalf of an Objector Group; and
  - c) Individual letters of objection and support;
69. The following comments were received from a) neighbouring parish councils, other bodies and interest groups in response to publicity of the originally submitted planning application and the two subsequent submissions of further information.

### *First publicity*

70. **Lyneham & Bradenstoke Parish Council** - object to the application:
- The main reason for the objection is the potential for massive increase in HGV movements through Lyneham village if this application is permitted.
  - Understand the need for recycling and that Wiltshire needs to meet its targets, but do not believe that this site is an appropriate place for this development.
  - HGV access to and from the M4 for 'Local Lorry Traffic' is shown on the Wiltshire HGV Route Network map as being via the A350/A4 from Junction 17 and via the A346/A4 from Junction 15. However, HGVs carrying 'out of area' waste for processing at Compton Bassett and Calne regularly travel through Lyneham village to get there.
  - Also understand that part of the proposals involve garden waste being taken to Purton from Compton Bassett for processing. This will also increase HGV traffic through Calne, Hilmarton, Goatacre, Lyneham, Wootton Bassett, Hook and Greatfield, again using a route that is not identified for 'Local Lorry Traffic'.
  - Surely the most sensible option is to place this Waste Transfer Station close to the M4 away from any villages and closest to where the waste is to enter/leave the county.
  - Furthermore, the landfill site at Compton Bassett is, apparently, estimated to be filled completely by 2016, and would then be landscaped, making it a Greenfield site once more. However, if this application is permitted, the site would continue to be Brownfield, in the

middle of the countryside, for ever more. Have suffered long enough in the expectation that this operation will cease in the foreseeable future.

71. **Royal Wootton Bassett Town Council** – comment that in light of correspondence from Lyneham & Bradenstoke Parish Council the Town Council discussed the application. Although the town council decided against returning any objections, concerns were raised over issues contained in Wiltshire Council's Waste Core Strategy and with ensuring that the Wiltshire HGV route network is adhered to.
72. **Sutton Benger Parish Council** - objects to expansion of the Lower Compton site on the grounds that there is potential for an increase in HGV movements on the B4069 through Sutton Benger village. Heavy traffic currently uses the B4122/B4069 route, rather than the recommended HGV Route Network which has a detrimental effect on quality of life. Furthermore, concerned that suggestions have been put forward that expansion of the Stanton St Quinton recycling centre, which is situated in the parish of Sutton Benger, would be a viable alternative to the Lower Compton site.
73. **Calne and Blackland Parochial Church Council** – object to proposals on grounds that:
- There can be no doubt that a permanent facility that will be three times the size of the existing facility will result in a significant increase in the volume of heavy lorries using local roads;
  - Calne has already suffered from economic decline over a number of years and creating a permanent waste recovery facility would hinder rather than assist Calne's redevelopment. Hills contribution to the local economy is negligible;
  - The Parish and Town Council's have already rejected the proposal;
  - There is an alternative site at Stanton St. Quinton which has more adequate road access being close to an intersection of the M4 and A350.
74. **Calne Civic Society** – express opposition to the application. Comment that for some time the people of Calne have had to tolerate a thousand lorry movements a day through their town so that the whole of Wiltshire's waste can be accommodated and sorted at Lower Compton. The idea that this will become a growing and permanent feature of Calne is intolerable. Road safety is severely compromised by heavy vehicles continually on the move on this road in the middle of a busy town. The traffic reduces the quality of life and puts a blight on the town, discouraging incomers and further growth. Stanton St Quinton is away from habitation, close to the M4 with easy access from all of Wiltshire.
75. **Calne Chamber of Commerce** – comment that its natural inclination is to support business activity in the Calne community, but the pursuit of profit should not be at any expense. Believe the price the local community will have to pay to allow Hills to maximise its profits is a price too high to pay. Considers the infrastructure does not exist to allow the transportation of waste to the site without damaging the local community. Consider arguments made on economic grounds for Hills to obtain planning consent to be spurious: for Hills to invest in new land elsewhere is reasonable; increased travel distances equals an increase in cost and environmental damage. Distance alone does not increase cost, speed and road networks allow greater distances to be driven without extra cost; whilst Hills may employ additional staff, the damage that their business will do to the community will persuade other businesses not to establish themselves in the Calne area. Strongly urges Wiltshire Council to refuse any application to extend the waste management operations.
76. **1<sup>st</sup> Calne Scout Group** – object to the planning application:
- while believe it is important to encourage more recycling, also believe this should be done locally and on a small scale.
  - The application is for a waste recovery facility that would be seven times larger than the current facility.
  - Concerned about traffic – Calne already suffers from more than 750 HGV movements through the town due to the Lower Compton site every day.
  - The estimated increase of 10.24% seems very conservative.

- Inevitably this will have an impact on road safety of young people using routes, particularly to/from school which are adjacent to the A4.
- Understand official figures show that Calne currently has the worst air quality in Wiltshire.
- The A4 is only a Local Lorry Route, it is not a strategic HGV route.
- Proposals would put back economic recovery in Calne.
- The current facility at Lower Compton is due to be restored to agricultural land by 2022, if no sooner – however if this application is granted the facility will be made permanent.

77. **CPRE Wiltshire** - objects to the application on grounds of:

1) prematurity: the Waste Site Allocations for Wiltshire and Swindon has not yet been finalised;  
2) the site is not appropriate because:

- adequate mitigation is not possible for the permanent impacts on the adjacent higher ground of the AONB;
- there is conflict with policies WDC2 and WDC9 in particular heavy traffic through Calne town centre;
- conflict with WDC11 as many of extra vehicles would travel through the town, some from a long distance.

The Waste Sites Allocation lists other sites that may be more appropriate for the volumes of traffic and have fewer constraints.

78. **CPRE North Wilts and Swindon Group** - ask that the application is refused. Provide a comprehensive critique of the proposals raising concerns in relation to:

- Visual impact
- Air pollution
- Highways and transport
- Policies
- Alternative sites
- Prematurity
- Contrary to PPS10, Waste Core Strategy and Wiltshire Transport Plan.

#### *Second publicity*

79. **Christian Malford Parish Council** – already has grave concerns about excessive use of the B4069 by heavy goods vehicles through its village travelling to/from the Hills facility at Lower Compton. These concerns are considerably heightened by the proposals contained in the application.

80. **Hilmarton Parish Council** – object:

- a 400% increase in traffic would have a detrimental effect on vibration, congestion and road safety in towns and villages across Wiltshire.
- Proposals would significantly increase Wiltshire's waste transport CO2 emissions
- The parish council is cognisant of the commercial benefits of a site of this nature may bring to Wiltshire but are very clear the environmental and community impacts outweigh any of these.

81. **Melksham Town Council** – understands the development as proposed has the potential to become one of the largest waste recovery facilities in the UK. Against this backdrop, understands that there would be a significant increase in traffic movements, involving 23 tonne articulated vehicles which for the size of this vehicle would increase fourfold to 20,000 movements per annum. Considers the scale of this development would generate a potential for a significant increase in HGV movements through Melksham exacerbating current traffic problems and having an adverse impact on quality of life and road safety. Object to the development as proposed and urge Wiltshire Council to resist the application in the context of its scale and location.

82. **Calne and Blackland Parochial Church Council** – object on grounds of:

- large capacity of the facility.
- Increase in size of lorries.

- Detrimental impact on air quality.
  - Site lies next to the North Wessex Downs AONB.
  - The existing temporary permission expires in 2016.
83. **Calne Civic Society** – objects to this application, and supports the objections made by Calne Town Council. In particular the Society objects to the applicants apparent disregard for Wiltshire and Swindon’s Waste Core Strategy as regards the most appropriate haulage routes within and around the plan area and the intention the site should handle waste from areas outside the County.
84. **St Mary’s School Calne** – object to the expansion and permanent retention of the waste facility at Lower Compton. Considers the application threatens to deteriorate the local environment in terms of air quality, congestion, noise, vibrations and the general quality of life.
85. **CPRE Wiltshire** – comments on this submission as follows:
- The evidence presented by Hills with regard to the environmental effects of the proposal on the town of Calne, and the roads used for the process of transporting waste to and from the site, is full of anomalies and lacks substantial credible data.
  - The suggested reduction in lorry numbers through the town of Calne appears to be achieved by the use of fewer 5-12 te capacity vehicles and an increase in the number of 23 te capacity bulk artics. The effect of this will be to increase the noise and vibration and decrease public safety and amenity.
  - The wish of local people, retailers and the town council to make the town centre/A4 into a safer cycling and walking area and road is well known and forms part of work in progress. The proposals work directly against these wishes and aspirations.
  - Lower Compton is 13km from one SSCT, Chippenham. It is not possible for it to be within the recommended 16km of any others if the HGV/Primary Route network is used.
  - The A4 is a Local Lorry route and the A3102 not a lorry route, as shown on the Wiltshire Freight Map.
  - In the Waste Site Allocations document Lower Compton is not referred to as a possible Waste Transfer Station site. We believe this to be with good reason. No other waste site in Wiltshire has, as its principle access route, a road through a market town centre.
86. **North Wiltshire Friends of the Earth** – object on following grounds:
- The size of the new facility constitutes a strategic regional facility, and not a local county facility. This application is therefore in violation of the 2006-2026 Wiltshire and Swindon Waste Core Strategy and, if it is to proceed, requires an amendment to the Core Strategy which, in turn, requires a public inquiry.
  - It is wholly unacceptable that a small community like Lower Compton, and a town like Calne which lies on the main transport route, should be required to bear the brunt of a regional waste management facility.
  - In order to control the scale of waste management lorry movements (already one per minute through Calne), it is proposed to increase the size of the lorries. As a result, there will be a 400% increase in the movement of 23 tonne lorries.
  - Calne and Marlborough are already experience adverse air quality, with some measurements being significantly above the statutory limit on nitrogen dioxide, and these towns will shortly become Air Quality Management Areas (AQMA). This planning application is in direct conflict with the air quality objectives of these AQMAs.
  - It is very likely that a regional waste management facility, of the scale proposed in this planning application, will significantly and irreparably damage both the AONB and the World Heritage Site and their value for the tourist industry and residents.
  - The Wiltshire and Swindon Waste Core Strategy 2006-2026 grants planning consent for the waste management site at Lower Compton until 2016, this planning application is however for a permanent facility. It is therefore in contravention of the planning principles of the Wiltshire and Swindon Waste Core Strategy, and to proceed must be subject to a public inquiry.
  - The new commercial and industrial waste facility at Lower Compton will, after sorting, produce a solid recovered fuel (SRF) for burning in incinerators and power generation. This fuel (SRF) only has value as a fuel (sufficient calorific value) if it contains waste plastics. The burning of

plastic is a fossil fuel, producing significant emissions of carbon dioxide, and other pollutants which must be removed from the atmospheric emissions and disposed of in a hazardous waste site which also has adverse environmental implications of its own.

### *Third publicity*

87. **CPRE Wiltshire** - maintain the same objections to this application as previously stated.

### **Objector Group**

88. The following comments were received from b) an objector group named '**Wiltshire Waste Alliance**', in response to publicity of the originally submitted planning application and the two subsequent submissions of further information.

### *First publicity*

89. Representations have been received, in the form of 'technical' submissions and a legal opinion on behalf of a group of residents going by the name of 'Wiltshire Waste Alliance' who are opposed to the proposed development.

90. On the technical side, these are formed by a series of arguments presented by Dr Peter Alberry against the submissions made by the Applicant in its application documents. In summary, the points raised are:

- The proposed "new MRF facility" would be one of the largest in the UK, and the proposed location at Lower Compton violates the criteria for the location of a large supra-regional MRF facility of strategic importance.
- The proposed "new MRF facility" is capable of processing the combined waste outputs of Wales and Scotland (2007 data) and is capable of processing the waste from more than the whole of Wiltshire.
- If the "new MRF facility" were to operate close to its regional economic potential, then waste is likely to be transported into Wiltshire from Hampshire, Berkshire, Wales and the Midlands.
- Hills' selection process and consideration process for the proposed location of the "new MRF facility" which has supra-regional significance is flawed in the context of the available local, regional and supra-regional sites in relation to the area required for such a facility and in relation to Wiltshire's strategic HGV network and the region's transport network, including the M4 and appropriate rail connections.
- The Traffic Survey commissioned by Hills Waste Solutions Ltd is based on traffic projections provided solely by Hills which are unsubstantiated and which do not agree with their own independently verified weighbridge data for 2010. The Hills traffic projections suggest that around 54,000 lorry movements will be required for the 255,000 tpa "new MRF facility" compared to the ~57,000 lorry movements in 2010 related to the existing 36,000 tpa facility. At face value Hills traffic projections appear to be incorrect and potentially misleading for a supra-regional sized MRF facility.
- The available air quality monitoring data for nitrogen dioxide indicates significant breaches of both the EU Directives and the regulations for the purpose of local air quality management in England at Calne (3 sites) and Marlborough (2 sites). Further air quality measurements are required to establish whether there are other air quality violations which might require the current traffic levels in Calne and Marlborough to be decreased.
- Overall, the Lower Compton site is not the optimum location for a supraregional sized "new MRF facility" and that there is no strategic need to position it in a rural location in Lower

Compton as it is not close to any significant point of waste production and it does not have adequate transport facilities.

- The “responsible and prudent” planning action ought to be to act on the basis of the “precautionary principle”, whereby significant areas of doubt or lack of critical information (such as the lack of traffic and air quality data) should be resolved before a responsible strategic decision can be reached with confidence and with the support of the Wiltshire community.
- It is recommended that the Hills’ planning application should be rejected on the strategic grounds outlined in this report, as it does not comply with Wiltshire’s Planning and Policy framework for the optimum location of a strategic, regional MRF facility for the benefit of the whole of Wiltshire and surrounding counties.

91. On the legal side, Mr Gregory Jones QC has provided an opinion on the three following points:

(a) What is the correct baseline for the Environmental Impact Assessment?

Having regard to the temporary nature of the existing planning permission, any assessment in terms of any EIA must be on the basis of the site in its restored condition. The purpose of an environmental impact assessment is to assess the likely significant environmental impacts if a proposed development were to proceed. That must be assessed against a baseline as to what the likely situation would be if the development were not to proceed. It would be wrong and also unlawful for an environmental impact assessment to be carried out in the present case upon the basis of a comparison of the existing situation with the proposed situation should the development proceed. In particular, any assessment of matters such as HGV movements and air quality must be based upon a comparison of the situation post-2016 with the cessation of use, the removal of the buildings etc and the carrying out of the restoration condition, with the HGV movements and air quality impacts should the planning application be granted.

(b) What is the correct baseline for the overall assessment of the planning merits of the application?

The same approach should also apply in the assessment of the overall planning merits of the application. The decision maker must address his/her mind to the likely situation which might exist if he/she did not grant planning permission for the proposed development and compare it with the situation if he/she did grant planning permission for the proposed development. In the present case, if permission is not granted the likely scenario is that the existing temporary planning permissions would expire, the uses would cease, the buildings removed and the land would have to be restored to green field. It is against that background that the decision maker must make his assessment. The reason given for the restoration condition viz “in the interests of the satisfactory restoration of the site” makes clear that there was no intention of the development being permanent.

(c) What approach should the local planning authority take to development which would have an adverse impact on the nitrogen dioxide levels that already exceed the mean annual objective of the Ambient Air Quality Directive (Directive 2008/50/EC)?

The local planning authority is an emanation of the state as such it is bound by the terms of article 4(3) of the TEU. The Treaty imposes an overarching obligation on public authorities of member states to refrain from action which “could” jeopardise the attainment of the Union's objectives. In the present case, the objectives of securing the nitrogen dioxide standards could be jeopardised by granting planning permission for a development which would materially contribute to continuing breach of EU emissions targets. Accordingly, there is a powerful case to say that it would be contrary to EU law for a local planning authority to grant planning permission for a development which would adversely impact upon the UK’s ability to meet its nitrogen dioxide targets for the area. But, in any event, even if this were not so, it would nonetheless amount to a highly material consideration against the grant of planning permission for the proposed development.

### *Second publicity*

92. On the technical side, a further series of arguments have been presented by Dr Peter Alberry against the submissions made by the Applicant in its application documents. In summary, these are:
- Counsel's advice implies that the correct baseline for the consideration of the merits of the Hills' planning application is the "greenfield position" which may also define the legal base line for air quality relative to the lawful EU limit for NO<sub>x</sub> of 40 µg/m<sup>3</sup>.
  - a further detailed analysis of the "greenfield position" (carefully referenced to Hills' own data) shows that any planning consent for Hills' new MRF/WTS facility would move the Calne AQMA air quality from a "lawful greenfield position" to an "unlawful new MRF/WTS position". It is believed that any planning consent itself would be "contrary to EU law" (as advised by Leading Counsel) and, in any event, "a highly material consideration against the grant of planning permission for the proposed development".
  - Also concerned that Hills' Regulation 19 responses have incorrectly represented the HGV traffic data both at the Lower Compton site and in Calne where significantly higher levels of HGVs have been used than would obtain for the Lower Compton "greenfield position" and with minimal HGV reductions (15 HGVs per day) on New Road in Calne,
  - The use of incorrect HGV data ("with and without the scheme") means that Hills' air quality assessment gives a highly misleading and incorrect assessment of the effect of the improvement in the Calne air quality if the new MRF/WTS facility were not to be consented.
93. On the legal side, Mr Gregory Jones QC has provided a second opinion focussing on three main points:
- The contention that the application is contrary to the development plan, national policy and EU waste planning policy and there are no overriding material considerations which would outweigh the development plan;
  - Granting planning permission for this application would contribute to the UK Government's breach of the EU Air Quality Directive; and
  - The application is not accompanied by an EIA in accordance with the requirements of the EIA Directive and Regulations. To grant planning permission would be unlawful.

### *Third publicity*

94. On the technical side, a further series of arguments have been presented by Dr Peter Alberry. In summary, these are:

Hills' revised application for a very large new MR/WTS waste facility (with a capacity large enough for the whole of the South West Region) is inappropriate in a rural location such as Lower Compton.

Specifically, Hills revised planning application and the revised Environmental Statement: Replacement Regulation 19 response is flawed, misleading, deficient and not fit for purpose.

- a. it violates the Wiltshire and Swindon Core Waste Strategy 2006-2026;
- b. it does not demonstrate Wiltshire's need for the facilities on a permanent basis;
- c. it violates the "principle of proximity" for waste arisings and treatment and does not provide a "sustainable" transport solution;
- d. it does not represent the best practicable environmental option (BPEO) nor the best practicable available technology not entailing excessive cost (BATNEEC);

- e. it does not contain sufficient information to allow the Environmental Impact of the new facility to be properly assessed:
    - i. no origin-destination data for HGV traffic are provided;
    - ii. the HGV data for Calne are misleading and incorrect in that it is claimed that the number of HGVs passing through Calne would only decrease by 2 in 2022 in the event that the application were to be refused and Hills' activities at Lower Compton ceased (despite the fact that 50% of the HGVs (240 per day) which passed through Calne in 2010/2011 were Hills HGVs which were associated with Lower Compton);
    - iii. Hills' site access traffic data used in the Air Quality Assessment increases from 498 in 2015 to 593 in 2027, if the scheme were to be consented, a 20% increase. If the scheme were not consented the Air Quality Assessment uses Hills' site access traffic of 504 in 2015 and 599 in 2027, a 19% increase, despite the fact that all Hills' MRF/landfill activities at Lower Compton would have ceased by 2022 which would result in a 90% decrease in HGVs. Hence, the Air Quality Assessment is badly flawed and highly misleading;
    - iv. HGV emissions on Curzon Street have not been modelled;
    - v. the environmental impacts on the Devizes and Marlborough AQMAs are not considered;
    - vi. no effect has been taken account of the cumulative traffic effects of other applications.
  - f. the Air Quality Assessment assumes that the HGVs passing through Calne would hardly change in the absence of the new scheme, even when Hills activities at Lower Compton cease in 2022. It is hardly surprising that the Air Quality assessment incorrectly predicts a minimal effect of the new scheme on air quality in Calne;
  - g. no account has been taken of the increased payload tonnage, noise and vibration effects of the HGVs (for example the largest 23te articulated HGVs have double the emissions of smaller HGVs and will run at a frequency of around one every 10-15 minutes) passing close to 5 schools in Calne;
  - h. based on the foregoing, there cannot be a high level of confidence in Hills' traffic assessment and the robustness of their Environmental Statement;
  - i. Hills Air Quality Assessment shows that Calne air quality at the Kings Head, New Road will remain above legal limits if the scheme is consented;
  - j. alternative sites which Wiltshire Council have designated as suitable for MRF/WTS facilities have not been properly assessed, and there is no assessment of local sites which would conform to the "local waste" solutions required by the Wiltshire and Swindon Waste Core Strategy 2006-2026 and as required by EU legislation;
  - k. Hills' selection of the Lower Compton site cannot be justified on the basis of proximity to the existing landfill; and
  - l. overall, the flawed and misleading HGV data, as detailed above and as used in the Air Quality Assessment for the Lower Compton "greenfield position", invalidates the Air Quality Assessment which, together with the other material considerations listed above renders the Environmental Statement not fit for purpose due to numerous serious deficiencies. On this basis alone, the planning application should not be approved.
3. The planning application would increase the numbers of larger 23te HGVs (compared to the "greenfield position") which will have a significant detrimental effect on the air quality in Calne and Marlborough which are both already significantly above the Statutory Limit for Nitrogen Dioxide. Leading Counsel has advised that any approval of such a planning application would be "contrary to EU law" and, in any event, it would amount to "a highly material consideration against the grant of planning permission for the proposed development".
  4. The planning application claims a marginal reduction in HGVs of 1.5% compared to current HGV levels if the scheme were to be consented, which is not sufficient to improve the Calne air quality to within legal limits at the 4 separate locations which currently exceed 40 mg/m<sup>3</sup>. However, if the scheme were not to be consented and Hills activities at Lower Compton cease, in line with the expiry of the temporary permissions in 2022, then Hills "greenfield status" HGV emissions would reduce by around 90% which is sufficient to improve the Calne air quality to within legal limits.



5. Closure of the Lower Compton site in 2022 will greatly improve the environment adjacent to an Area of Outstanding Natural Beauty.
95. The application was advertised in the local press and by site notice(s). A neighbour notification exercise has also been undertaken. Likewise, the subsequent submissions of the Regulation 19 further information have been publicised. As a result of these three rounds of publicity, the following numbers of individual letters have been received raising the following issues:

*First publicity*

96. 214 letters of objection were received. In summary, the key relevant points raised are:

- The amount of traffic passing through the town is already unacceptable.
- The town of Calne cannot take more heavy vehicles.
- Traffic on the A4 has got worse in recent years.
- The current waste lorries are loud, smelly and don't drive at the required speed limit.
- It is already dangerous driving past the Lower Compton/A4 junction with HGVs pulling out into the flow of traffic.
- Proposed building is big enough to receive waste from other counties
- The proposed MRF would be one of the largest in the country and capable of processing the combined outputs of Wales and Scotland and the waste from more than Wiltshire.
- If waste is to be transported from far and wide to a central point then it would be better to transport it to a centre close to a main transport route such as M4.
- The traffic survey is based on figures provided solely by Hills which are unsubstantiated and do not agree with their own weighbridge data.
- The available air quality monitoring data for nitrogen dioxide indicates significant breaches of both EU Directives and the regulations for the purpose of local air quality management.
- Further air quality measurements are required to establish whether there are other air quality violations which might require current traffic levels to be decreased.
- The proposal does not comply with Wiltshire's waste policy framework for the optimum location of a strategic, regional facility for the benefit of the whole of Wiltshire and surrounding counties.
- The amount of noise, dirt and pollution coming from the A4 now due to the high number of HGVs on their way to Lower Compton waste site is already too much.
- Locally it has always been understood that when full the landfill would revert to farm land
- This kind of facility must be located near a motorway junction or on a strategic lorry route.
- Calne is a small market town already suffering economic decline and the expanded waste facility will bring no benefit to businesses in Calne and serve to make the town an attractive place to shop.
- Granting permission would be premature as Wiltshire's waste site allocations plan is in draft form.
- The development will have an unacceptable visual impact, especially as it is on the edge of an area of outstanding natural beauty.
- The proposal will result in a significant increase in the volume of heavy lorries.
- The traffic consultants suggest the increase in HGV movements would be 10.24%, yet their own calculations show the amount of waste being dealt with will increase from 36,000 tpa to 290,000tpa; an eight fold increase.
- The only way to achieve only a 10% increase is to increase the size of the lorries.
- Why use the current access via the A4; a route using the A3102 Calne bypass with a new access road across the Viridor land to the north of the Lower Compton site would be far less disruptive.
- The traffic survey commissioned by Hills is not based on rigorous analysis but Hills indication of the final increase plus an assertion that this is accurate because of their knowledge of the business.
- The A4 west passes through residential areas, schools and a bottleneck at the junction with the A3102.

- Residents of Lower Compton and the surrounding villages have tolerated increases in traffic as the site has grown knowing the site would close in 2022. It is a bitter flow to find that there are plans for it to be superseded by a new and larger facility for years to come.
- Whilst described as an extension, the new building will be nearly three times the size of the existing building.
- The site is adjacent to an Area of Outstanding Natural Beauty; the present building is visible from nearby land. Any new building will be a blot on the landscape.
- Two areas of Calne already breach the EU guidelines on air quality; these will be further exacerbated by the increase in traffic through the town.
- The increase in traffic imposes a health and safety risk on local residents; the route passes two schools.
- There is no evidence that there is a requirement to further increase capacity to provide disposal facilities for Wiltshire Council.
- The proposed facility is regional in scale and waste would be brought in from as far afield as Wales and the Midlands for processing before being sent back out across the UK.
- A permanent facility would dramatically affect the character of the area and impact on people's lives.
- The lives of residents will be permanently blighted by the increase in traffic.
- This rural location is not suitable for an industrial use, if this is to be permanent then the proposed activities should be on an industrial site.
- The parish and town councils are all opposed to the proposal.
- Hills HGV drivers have no respect for anyone else on the road and cause road damage.
- Calne has already suffered from economic decline and this proposal will hinder any recovery.
- Hills contribution to the local economy is negligible and should this application be successful the increase in local jobs will be negligible.
- There is an alternative site at Stanton St Quinton close to the M4 and A350 which is a strategic lorry route.
- A combination of both Viridor and Hills vehicular movements currently total just short of 1,000 per day – the effect on the quality of life for the residents of Calne has been severely degraded, resulting in congestion, noise and air pollution.
- The proposed closure of the existing landfill site within the next ten years has given the community a cut off date by which time this intrusive activity will cease.
- The council should review its waste policy. If the existing landfill site and transfer station did not already exist in Calne, there would be no question of this site ever being considered.
- Air quality along the A4 already exceeds safe EU guidelines.
- Lower Compton is not well placed for the Strategically Significant Towns (Chippenham and Swindon).
- A four stage filter has been applied to assess the alternative sites, in part placing weight on the distances from transport networks, settlements and disposal facilities (notwithstanding the fact that as waste is moved up the waste hierarchy the importance of disposal reduces). The filter process does not make any value judgement about the suitability of the main transport routes involved and unduly appears to determine that an integrated waste recovery facility must include facilities to dispose of residues.
- The proposed facility is very large and sized above that which will be required for Wiltshire, thus implying that waste will need to be imported from other counties.

97. One letter of support was received, stating the existing site is ideally located and has low environmental impact. Hills should be supported in their plans to cope with the ever increasing problems of waste disposal.

#### *Second publicity*

98. 68 letters of objection were received. These all raised the same issues as in paragraph 96 above.

99. In addition, 60 pro-forma style letters of objection were received raising the following points:

- The application proposal is for a very large new MRF/WTS waste facility (with a capacity large enough for the whole of the South West Region) in a rural location. The Lower Compton site is wholly unsuitable for these activities with inadequate transport connections.
- Hills revised Environmental Statements are misleading, badly flawed and not fit for purpose. The Environmental Statement does not contain sufficient information to allow the Environmental Impact of the new facility to be properly assessed as no origin-destination data for HGV traffic are provided for the new facility, no account has been taken of the increased payload tonnage, noise and vibration effects of the HGVs.
- The increased numbers of larger 23te HGVs will have a significant detrimental effect on the air quality in Calne and Marlborough which are both already significantly above the Statutory Limit for Nitrogen Dioxide and which will shortly become air quality management areas (AQMAs). The planning application is premature in this respect and has not provided any assessment of the effects in the Marlborough AQMA.
- The site lies next to the North Wessex Downs AOB and is only three miles from the Avebury Wold Heritage Site. A permanent facility would irreparably damage the quality of the AONB and its value for the tourist business and well as residents.
- The existing temporary permissions will expire in 2016 and 2022 when the land will return to “greenfield status”. The site closure will greatly improve the environment and the adjacent Area of Outstanding Natural Beauty and will reduce Hills’ HGV emissions in the local area by around 90%.

### *Third publicity*

100. 2 letters of objection were received, raising similar points to those listed above.
101. A further 10 pro-forma style letters were received, raising the same points as listed in paragraph 94 above.

### **Planning Considerations**

102. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The relevant policy considerations from the development plan are set out in above.
103. The adopted Wiltshire and Swindon Waste Core Strategy sets out the strategic direction and context for waste planning in Wiltshire and Swindon until 2026. The Waste Site Allocations Local Plan presents a positive and flexible framework of sites to accommodate future waste management uses and facilities across Wiltshire and Swindon for the period up to 2026. The Waste Development Control Policies DPD sets out generic development control policies designed to assist with the process of determining planning applications for sustainable waste management development.
104. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies and how these are expected to be applied. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development. It states that:
  - Proposed development that accords with the development plan should be approved without delay;
  - Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

- policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and
      - Proposed develop that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
105. The NPPF does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. The Waste Planning Policy Statement (PPS10: Planning for Sustainable Waste Management) remains in place until the National Waste Management Plan is published. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in the NPPF so far as relevant.
106. Government guidance on waste management set out in PPS10 is to move the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.
107. The EIA Regulations require that before determining any EIA application, the local planning authority must take into consideration the information contained in the Environmental Statement (ES) (including any further information), any comments made by the consultation bodies, and any representations from members of the public about environmental issues.
108. The main land use planning considerations considered relevant in relation to this planning application are:
- Approach to the Environmental Impact Assessment;
  - The Principle of the development;
  - Landscape and Visual Impact;
  - Traffic and Access
  - Air Quality and Odour
  - Noise and Vibration.

#### Approach to the Environmental Impact Assessment

109. It is noted in the ES that the identification and assessment of environmental effects in respect of these proposals is not as straightforward as is commonly the case given that the site of the proposed development is surrounded by three associated current or future quarry and landfill areas. There are also various operations that currently occur at the Site. Some are time limited through their specific permission, whereas others have no specific time limitations. All of the operations at the Site potentially have implications for the future baseline environment against which the effects of the proposed development should be considered. The approach the Applicant has taken is to assess the development against the position that is considered to otherwise occur at the site at certain future dates.
110. As recorded above at paragraph xx, the legal opinion provided to the 'Wiltshire Waste Alliance' by Mr G Jones QC suggests that it would be wrong and also unlawful for an environmental impact assessment to be carried out in the present case upon the basis of a comparison of the existing situation with the proposed situation should the development proceed. In particular, any assessment of matters such as HGV movements and air quality, must be based upon a comparison of the situation post-2016 (with the cessation of use, the removal of the buildings etc and the carrying out of the restoration condition) with the HGV movements and air quality impacts should the planning application be granted.
110. In response to the legal issues raised, the Council has obtained Counsels Opinion from Mr David Manley QC. Mr Manley's advice is that the approach taken to the baseline by the Applicant is sound and he does not accept that a 2017 baseline is appropriate for two broad reasons:

(1) It is quite artificial i.e. the Applicant wants to have the development up and running by 2015 i.e. during the life of the extant temporary consent. In those circumstances commonsense dictates that the “as is” provides a sound baseline; and

(2) 2017 is 5 years away (at the time of application submission). The Regulation 19 Response addresses the uncertainties attendant upon seeking to use a 2017 baseline. There might well be other significant uncertainties.

**Principle of the development**

111. The proposed development is multifaceted, involving significant changes to the existing waste operation at Lower Compton that is based around the original landfill but now including several other activities. There are a series of components that make up the proposed development, notably the inclusion of the proposal for the permanent retention of the current and proposed use, buildings and site infrastructure beyond the currently temporary permissions.

112. It is considered that the ‘in principle’ acceptability of the proposal hinges on three key points:

- a) Does the development, as proposed, address an identified shortfall in waste management capacity in Wiltshire i.e. is it necessary/is there a need;
- b) The acceptability of the site for the proposed development; and
- c) Is the retention of the facility on a permanent basis appropriate.

**That there is a demonstrated need for the facility**

113. PPS10 sets out a plan-led approach to facilitate the delivery of sufficient waste management facilities in appropriate locations. Need is a matter to be addressed under the Development Plan; policies WCS1, WCS2, WCS3 and WCS5 of the Waste Core Strategy, collectively, require the need for a proposed development to be considered. Policies WCS1 and WCS2 set out the need for additional waste management capacity and the broad locations for future waste management facilities. In line with these, policy WCS3 sets out the specific capacity requirements for municipal, industrial and commercial and inert waste that will need to be provided for over the plan period to 2026.

114. The capacity projections set out in Policy WCS3 were updated during preparation of the Waste Site Allocations Local Plan. The Local Plan was adopted in February 2013 and shows at Table 1.3, as reproduced below, the revised ‘capacity gap’ figures to be delivered over the plan period.

**Table 1.3 Overall remaining capacity to be delivered by the Waste Site Allocations Local Plan**

Waste stream	Capacity to be delivered
Municipal	<ul style="list-style-type: none"> <li>• -6,000 tonnes per annum (tpa) of treatment capacity for municipal waste management for Wiltshire and Swindon</li> <li>• A HRC and a MRF for the management of Wiltshire’s municipal waste</li> <li>• Suitable municipal waste management facilities in Swindon to continue achieving the target of 50% recycling and to meet the objectives of the Swindon Municipal Waste Strategy.</li> </ul>
Industrial and Commercial	<ul style="list-style-type: none"> <li>• 363,204 cubic metres of void space capacity for the management of industrial and commercial waste</li> <li>• 123,000 tpa of treatment capacity for industrial and commercial waste management for Wiltshire and Swindon</li> <li>• 58,462 tpa of recycling capacity for industrial and commercial waste management for Wiltshire and Swindon.</li> </ul>
Inert	<ul style="list-style-type: none"> <li>• 0 cubic metres of void space capacity for the management of inert waste</li> <li>• 0 tpa of transfer capacity for the management of inert waste in Wiltshire and Swindon.</li> </ul>

115. In some circumstances (municipal treatment and inert waste landfill and recycling) Wiltshire and Swindon have more than met the forecast capacity requirements set out in the adopted Waste Core Strategy for the period 2006 to 2026.
116. However, it is also important to note that in order to be flexible and responsive to a constantly changing market, the Waste Site Allocations Local Plan provides room for a range of existing waste management uses and sites to grow, as markets change. It is stated in the Local Plan that by making provision for a higher number of strategic recovery, recycling or treatment sites than is nominally required will provide opportunity to divert more waste from landfill, thus driving more waste up the management hierarchy.
117. The Waste Core Strategy encourages waste to be driven up the waste hierarchy in line with PPS10. The overall aim is to reduce the amount of waste being disposed of at landfill and to increase recycling and the re-use of material.
118. In line with the Development Plan requirements, the Applicant has identified and provided an assessment of the need which the proposals would meet. In summary, this is two-fold. First, it is suggested there is a requirement to provide upgraded and additional capacity for the management of municipal waste to meet contractual arrangements between Hills and Wiltshire Council as part of the Wiltshire Municipal Waste Contract. Second, that there is a requirement identified in relevant planning policy for new capacity for the recovery and treatment of municipal and industrial and commercial wastes in order to divert waste from landfill.
119. To address concerns raised by officers in relation to the implications of the operation of the proposed development for the Calne Air Quality Management Area (AQMA), the Applicant proposes to reduce the capacity of the Industrial and Commercial MRF from 135,000 tpa to 85,000 tpa (a reduction of 50,000 tpa). This change reduces the total waste management capacity of the proposed development to 235,000 tpa (135,000 tpa municipal sources plus 100,000 tpa I&C sources).
120. Objectors comment that the proposed development is for 'a very large' MRF/WTS waste facility, suggesting that the capacity is large enough for the whole of the South West Region and as such is inappropriate. However, records show that in the period 2009/10 Wiltshire and Swindon produced 341,768 tonnes of municipal solid waste. The national figures for I&C waste generation in 2009 can be broken down to the regional level. This shows South West England generated 3.7 million tonnes industrial and commercial waste. Of this amount, 452,513 tonnes was generated in Wiltshire and Swindon. Clearly, the proposed development is not providing a facility to serve the whole of the South West Region as suggested.

#### Municipal Waste Requirements

121. The Applicant sets out the requirement to provide additional municipal waste management capacity, both generally to work towards the waste hierarchy and specifically to meet the contractual arrangements it has with Wiltshire Council as part of the Wiltshire Municipal Waste Contract. It is considered by the Applicant that decisions taken by the Council to increase its services through fortnightly household waste and garden waste collections, 'black box' recycling, and plastic bottles and cardboard collections requires the associated development of, and investment in, infrastructure and capacity to deliver such responses.

#### Component 1: Municipal Materials Recovery Facility (MRF)

122. The need for additional municipal MRF recovery capacity is said to result from the contractual requirements within the Wiltshire Municipal Waste Contract and the associated Joint Municipal Waste Management Strategy.
123. The Council's Waste Management Service has advised the planning application is not being submitted by the Applicant as a requirement of its contract with Wiltshire Council, but that

Wiltshire's waste may be managed differently as a result of the proposed development, at least until the Council's contract for both recycling and landfill ends in 2016.

124. The Joint Municipal Waste Management Strategy (JMWMS) was adopted by the former County Council and four District Councils in 2006, and sets out Wiltshire Council's approach to managing municipal waste in Wiltshire. The principles within the JMWMS guide the development of waste collection and disposal services and forms part of the evidence base to support adopted waste planning policies across Wiltshire and Swindon. At the time that the JMWMS was written the most pressing driver for local authorities was the Landfill Allowance Trading Scheme (LATS) which aimed to greatly reduce the landfilling of biodegradable municipal waste.
125. Since adoption of the Strategy, the annual increases in Landfill Tax have made this a more pressing driver for landfill diversion than LATS (now discontinued). A key priority of the Council's Business Plan 2011 - 15 is to divert waste from landfill, with the target to reduce landfilled waste to less than 25% of the total collected by 2014. Implementing the changes to the waste and recycling collection service will enable the Council to increase its household waste recycling rates to over 50%, significantly improving performance.
126. The existing municipal MRF at Lower Compton, first approved in 1997 to manage approximately 10,000 tonnes per annum of waste comprising glass, paper and tins/cans, currently operates at a capacity of 36,000 tpa (equivalent to 95% of its maximum design capacity, i.e. 38,000 tpa). An additional temporary facility at Porte Marsh Industrial Estate in Calne, handling/bulking-up 12,000 tpa of plastic bottles and cardboard collections, was granted planning permission in August 2011. The Porte Marsh facility (which expires on 31 October 2014) was granted in order to support the implementation of Wiltshire Council's new waste collection service at that time and until such time as other long-term facilities could be provided.
127. The proposed development would provide a total of 45,000 tpa of waste treatment and recycling capacity, receiving, sorting, bulking and exporting collected recyclable materials sourced from municipal waste arisings in Wiltshire. Upgraded mechanical and manual waste sorting systems would be housed within the building. This would ensure that the municipal waste management capacity presently available at the existing Lower Compton municipal MRF and the Porte Marsh municipal MRF continues to be available on a permanent basis.
128. As noted above, Policy WCS3 of the Waste Core Strategy identifies the need for a MRF for the management of Wiltshire's municipal waste over the plan period to 2026. This 'capacity gap' which the Waste Site Allocations Local Plan needs to address is based on a comparison against the estimated operational capacities of existing waste management facilities across the plan area. Without the Lower Compton and Porte Marsh facilities there would be a need to provide 45,000tpa of municipal MRF capacity elsewhere.
129. The Wiltshire Municipal Waste Management Strategy (MWMS), approved in November 2012, reports the progress made in providing the associated built capacity for municipal waste treatment since the JMWMS was adopted. This notes that significant progress has been made in providing capacity and that this is likely to meet most forecast needs to 2020, subject to:- i) changes in the rate of growth of MSW, ii) changes in statutory requirements [e.g. introduction of landfill bans] and iii) the outcome of outstanding planning applications. In relation to point iii), it is stated that by 2007/08 the existing MRF was handling about 40,000 tonnes of the main recyclates and it is noted that a planning application has been made to extend the MRF and other built facilities at Lower Compton [i.e. the application that is subject of this report], to handle further increased tonnages of dry recyclates arising from the changes to collections. It is further noted that Hills Waste has obtained planning consent for a new waste transfer station (WTS) at Amesbury, which provides capacity to store and bulk dry recyclates and garden waste, therefore providing some MRF capacity to serve the south of the county. The MWMS reports that if the planning application for Lower Compton is permitted, Wiltshire's overall MRF needs are likely to be met, at least until the end of the current contract in 2016.

130. Officers consider that the need for this component of the proposed development has been demonstrated. It would form part of a sustainable transport system within Wiltshire, enabling the bulking up of sorted and pre-treated wastes and their diversion from landfill to recovery through treatment processes at facilities both in and out of the County. This accords with the strategic objectives and policy of the Waste Core Strategy and Policy WDC11 of the Waste Development Control Policies DPD, and is consistent with the sustainable transportation of municipal waste approach that is being sought by Wiltshire Council through the implementation of the Municipal Waste Management Strategy 2012.

#### Component 2: Municipal Waste Transfer Station

131. A new municipal WTS is proposed to facilitate the bulking up and transfer of 75,000tpa of residual waste and green waste from household collections with Wiltshire. It is proposed that waste would be brought to the site, sorted and then bulked up for transfer to service three key operations:
- (i) the export of green waste for off-site high grade composting at Parkgate Farm, Purton;
  - (ii) the export of processed municipal waste to provide feedstock for the Westbury Mechanical Biological Treatment (MBT) facility, and
  - (iii) the export of residual municipal wastes suitable for recovery under contract to the Lakeside Energy from Waste recovery facility in Slough.
132. The JMWMS stipulated the need for a number of new facilities to meet LATS targets until 2021. The MWMS reports that the forecast need for substantial secondary recovery has been largely secured, with long-term contracts signed with the operators of the Lakeside Energy from Waste Facility in Slough to receive 50,000 tpa of Wiltshire's municipal waste and the Mechanical Biological Treatment (MBT) facility built at Westbury to recover approximately 60,000 tpa of Wiltshire's municipal waste. These contracts run until 2035 and 2038 respectively. To deal with pressure on available space at Lower Compton and the forecast increase in garden waste tonnage due to the Council's new collection service, the Council and Hills have worked together to open an additional composting pad at Parkgate Farm, Purton. As noted above, the MWMS reports the progress made in providing the associated built capacity for municipal waste treatment since the JMWMS was adopted. This confirms that arrangements have been agreed for the bulk transfer of garden waste tipped at Lower Compton to Parkgate Farm
133. Both the Westbury and Parkgate Farm facilities will be reliant upon deliveries of municipal wastes, both from collection vehicles on localised rounds, and also from bulked-up transfer of materials from collection rounds located further away from that facility. All deliveries to the Slough facility will require the bulking up of waste materials prior to export to ensure that each load delivered is as efficient as possible. The municipal WTS element of the proposed development would be a key part of the network of facilities which deal with municipal waste in Wiltshire and Swindon. It would provide a facility to sort, bulk and transfer wastes destined for the operations and facilities at Westbury, Purton and Slough. Without the WTS, there will be a need for additional unnecessary vehicle miles and carbon emissions because smaller loads in smaller vehicles will need to make direct deliveries to these operations and facilities.
134. Officers consider that the need for this component has been demonstrated. It would form part of a sustainable transport system within Wiltshire, enabling the bulking up of sorted and pre-treated wastes and their diversion from landfill to recovery through treatment processes at facilities both in and out of the County. This accords with the strategic objectives and policy of the Waste Core Strategy and Policy WDC11 of the Waste Development Control Policies DPD, and is consistent with the sustainable transportation of municipal waste approach that is being sought by Wiltshire Council through the implementation of the Municipal Waste Management Strategy 2012.



### Component 3: Municipal Green Waste Composting

135. The proposed development would retain 15,000 tpa of the current 30,000 tpa green waste composting capacity at Lower Compton. This would be a low grade facility used to produce restoration material for the adjacent landfill operations, rather than the currently consented municipal green waste composting activity.
136. The Applicant explains that, in partnership with Wiltshire Council, Hills have recently opened a new facility at Parkgate Farm near Purton which provides 25,000 tpa of high grade municipal green waste composting capacity. This change to composting capacity reflects the need to make the best use of consented composting capacity in Wiltshire and to enable further waste recovery capacity to be provided at appropriate sites. To better manage the amount of collected green waste, and to enable the proposed development to come forward, the Parkgate Farm facility is proposed to become the main composting site in the County. Green waste generated in the south of the County is received and bulked at the new Amesbury facility prior to transfer for on farm composting at Grately (a site a site located just over the County boundary in Hampshire, between Amesbury and Andover). It is explained that all of these facilities would together continue and make better use of the consented green waste capacity network available in Wiltshire.
137. Accordingly, a network of facilities would be available that will reduce unnecessary movements where possible. The proposed Lower Compton facility and the Parkgate Farm facility would, in tandem, ensure that vehicle miles and carbon emission are minimised.
138. Officers consider that the need for this component has been demonstrated. It would form part of a sustainable transport system within Wiltshire, enabling the bulking up of sorted and pre-treated wastes and their diversion from landfill to recovery through treatment processes at facilities both in and out of the County. This accords with the strategic objectives and policy of the Waste Core Strategy and Policy WDC11 of the Waste Development Control Policies DPD, and is consistent with the sustainable transportation of municipal waste approach that is being sought by Wiltshire Council through the implementation of the Municipal Waste Management Strategy 2012.

### Industrial and Commercial (I&C) Waste Requirements

139. The proposed development includes a new permanent Industrial and Commercial MRF and WTS, which would enable I&C waste to be sorted and recovered within a fully enclosed building, using modern plant and machinery. The use of new plant and equipment within a purpose designed building would enable the facility to treat a greater quantity of I&C waste more efficiently than the current outdoor Waste Transfer and Recycling Facility. The I&C MRF and WTS is also expected to process a large proportion of the current landfill inputs, rather than focus on the current skip based material. I & C wastes would be subjected to a series of screens and shredders to produce a solid refuse derived fuel product. This would be bulked up, baled, wrapped and exported for treatment off-site at other waste recovery facilities, for example for use in facilities for the production of energy/electricity.
140. As noted above, the capacity of the I&C MRF and WTS has been reduced from 135,000 tpa down to 85,000 tpa. The 85,000 tpa of I&C waste MRF and WTS capacity that will be provided by the proposed development will incorporate and upgrade the existing 25,000 tpa of I&C waste treatment, recycling and transfer currently undertaken at the site. The net effect is that, whilst the I&C MRF and WTS facility will be entirely new and thereby provide modern and up to date capacity to handle 85,000 tpa, the additional I&C waste treatment capacity it provides will be 60,000 tpa.
141. Policy WCS3 of the Waste Core Strategy identifies the need to deliver 123,000 tpa of I&C waste treatment capacity and 58,462 tpa of I&C waste recycling capacity (a total of 181,462

tpa) over the plan period to 2026. This component would therefore play an important role in diverting I&C waste from landfill, but approximately 120,000 tpa of I&C waste management capacity would remain to be provided for at other sites across the Plan Area.

142. In relation to origin of the waste, PPS10 states that when proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.
143. Officers consider that the need for this component has been demonstrated. The waste management capacity that would be provided by the proposed development is consistent with policy WCS3 of the Waste Core Strategy which sets out the capacity requirements for industrial and commercial waste that will need to be provided for over the plan period to 2026.

#### Conclusion in relation to need

144. The proposed development would both retain and expand the existing municipal MRF capacity at Lower Compton to service the changes brought about by the harmonised service of waste and recycling collection undertaken by Wiltshire Council. The municipal WTS element of the proposed development would be a key part of the network of facilities which deal with municipal waste in Wiltshire and Swindon. It would provide a facility to sort, bulk and transfer wastes destined for the operations and facilities at Westbury, Purton and Slough. The changes to the composting operation would facilitate effective and efficient use of the consented green waste capacity network available in Wiltshire. It is considered the new I&C capacity would play an important role in diverting I&C waste from landfill in accordance with the objectives of the Waste Core Strategy and PPS10. Officers consider that the need for the development / capacity has been satisfactorily demonstrated, and in accordance with policies WCS1, WCS2, WCS3 and WCS5 of the Waste Core Strategy.

#### Location

145. The Waste Core Strategy forms the strategic direction for future waste management in Wiltshire and Swindon for the period 2006 – 2026. The Waste Core Strategy contains a number of policies that steer where future development will be directed, these are:
- Strategic facilities to be located as close as practicable and within 16km of Swindon, Chippenham, Trowbridge and Salisbury (policy WCS2);
  - Only local scale sites to be located in AONBs and in the immediate vicinity to the New Forest National Park; and
  - Policy WCS3 contains a detailed matrix setting out where the councils consider each facility type can be located within the areas set out in the bullets points above.
146. In February 2013, the Council adopted the Waste Site Allocations Local Plan which presents a framework of 35 strategic and local scale sites offering a range of potential waste uses to flexibly meet the capacity requirements of Wiltshire and Swindon up to 2026. Following extensive assessment and appraisal work, these sites are considered to represent the best and most deliverable options for future waste management development.
147. Since 2005, a total of 113 potential waste sites have been considered for inclusion in the Waste Site Allocations Local Plan. The site at Lower Compton/Hills Resource Recovery Centre has featured in all ten of the site appraisal and consultation stages at which the allocations were assessed / consulted on.
148. In principle the councils will be supportive of applications for appropriate waste management facilities within the locations set out in the Local Plan, although any proposals that come forward on the sites will be subject to a detailed planning application process.
149. PPS10 states that applicants for planning permission to develop waste management facilities should expect expeditious and sympathetic handling of planning applications on sites and in

locations identified in development plan documents, where their proposals reflect the planning strategy for waste management and policies set out in the development plan.

### Scale

150. A number of objections to the proposed development are made on the basis that a large, centralised facility should not be provided at the Lower Compton site. Whilst it is understood that waste is imported to Lower Compton for landfilling, it is suggested the waste management capacity proposed for the Lower Compton site should instead be dispersed across a number of smaller recycling centres located much closer to the points of origin.
151. However, it is important to note that the area of land within the existing Lower Compton waste management facility and that is subject to this application is allocated in the Waste Site Allocations Local Plan as a 'strategic' scale site. The Waste Core Strategy distinguishes 'strategic' waste management facilities as large and/or more specialist facilities that will operate at a broad spatial scale and manage high tonnages of waste, and/or more specialist wastes. The Waste Site Allocations Local Plan states strategic-scale sites are generally considered to include (but not exclusively):
- Large-scale waste treatment facilities - e.g. energy from waste, mechanical biological treatment (MBT), pyrolysis, gasification, anaerobic digestion and in-vessel composting;
  - Strategic materials recovery facilities (MRFs) - e.g. collecting, separating, sorting and bulking a significant quantity and wide range of waste materials prior to transfer (includes waste from black box collections) received from a wide area - e.g. an amalgamation of municipal waste collection rounds serving a number of towns across Wiltshire and Swindon;
  - Strategic-scale composting facilities - e.g. on large waste management sites receiving inputs from a wide area;
  - Landfill/landraise facilities.
152. It is explained at paragraph 5.7 of the Waste Core Strategy that strategic facilities are expected to serve either large areas within, or the entire Plan area (county and borough). Additionally, they may also serve areas of Wiltshire and Swindon and surrounding local authorities in a more sub-regional context. The Waste Core Strategy recognises that the management of waste is not easily reconciled on geo-political boundaries.
153. The existing facilities at the Lower Compton site operate in a strategic manner by virtue of scale and geographic catchment. Therefore, the definition of scale applied to the site allocation reflects the current operational context. This point is illustrated in the information provided by the Applicant in the 'Replacement Regulation 19 response'. This shows that:
154. Based on data from 2011/12, the municipal waste imported to the existing facilities at the site was from the following areas:
- North Hub 33% (the former North Wiltshire District area)
  - East Hub 19% (the former Kennet District area)
  - West Hub 36% (the former West Wiltshire District area)
  - South Hub 12% (the former Salisbury District area)
155. In relation to Industrial and Commercial waste imported to the site, figures from 2012 show the following pattern:
- Wiltshire 21%
  - South West Region 29% (excluding Wiltshire)
  - South East Region 18%
  - Other areas 2%
  - Unknown origin 30%

### Proposed use

156. Objectors have further suggested the proposals are contrary to the Waste Site Allocations Local Plan because the Local Plan only identifies the site at Lower Compton as having the potential for accommodating “Waste Treatment (excluding energy from waste)” uses. It is suggested the proposed development is a ‘Materials Recovery Facility/Waste Transfer Station’ which whilst listed as a potential use for other strategic sites is not listed for Lower Compton.
157. Officers involved with the preparation of the Waste Site Allocations Local Plan advise that the allocation for ‘waste treatment’ at the Lower Compton site is based upon the outcome of the Councils’ site selection and site appraisal methodology, published in August 2009. The methodology was designed to identify a range of sites for waste management uses. During the appraisal process, the Lower Compton Waste Recovery Facility was identified as an operational waste facility incorporating non-hazardous landfill, composting, HRC, MRF/WTS and the sorting of skip waste (comprising IWR/T and LR). For this reason, the waste options already operating at the site were not subject to the appraisal process as it was not deemed necessary or suitable to appraise a waste use which had already been the subject of a planning application process. The appraisal process identified the site as potentially suitable for accommodating a waste treatment facility, excluding energy from waste (due to the significant infrastructure required). The Local Plan does not prescribe uses for each of the allocated sites; it does not constrain a site to a specific use or preclude other uses being considered.
158. The adopted waste policy framework does not specifically prescribe technological solutions for the management of waste and therefore the term ‘waste treatment’ encompasses a range of facilities including:
- Mechanical biological treatment (MBT)
  - Anaerobic digestion (AD)
  - Energy from waste (EfW)
  - Combined heat and power (CHP)
159. This allows for greater flexibility because the plan has to provide sufficient waste management capacity until 2026 and technologies are continuously advancing. The proposed development will receive wastes, mechanically and biologically treat them through screening, sorting, processing, separation (to remove pollutants and recoverable materials) and bulking prior to their export for use, further processing, or disposal. This solution accords with the definition of waste treatment provided in the Waste Directive (2008/98/EC) which explains that ‘treatment’ should be interpreted as meaning “*recovery or disposal operations, including preparation prior to recovery or disposal*”.

### Alternatives

160. Objectors contend that more appropriately located and ‘less harmful’ alternative sites for such a facility exist elsewhere, in particular one close to the M4 at Stanton St Quintin. However, there is no Development Plan policy requirement for applicants to demonstrate that the site of a proposed development is better than any possible alternative site. The EIA Regulations require only that an outline of the main alternatives studied by the developer and an indication of the main reasons for the developers choice, taking into account the environmental effects be included in an ES.
161. The requirement set out in Policy WCS3 of the Waste Core Strategy for strategic sites to be supported by an independent sustainability appraisal / strategic environmental assessment that includes a full consideration of suitable alternative sites, especially of those contained in the site allocations plan, only applies to proposals put forward outside of the preferred locations. In other words, as the Lower Compton site is allocated in the Waste Site Allocations

Local Plan as a strategic site there is no requirement to justify consideration as an exception to the Waste Core Strategy and site selection methodology.

162. The ES does report the considerations that the Applicant has given to other possible sites where the waste capacity and requirements it has identified could potentially be provided. Following a staged analysis of identification of long and short list of alternatives sites and comparison of the short listed sites and the proposed development site, four alternative site locations for the provision of the proposed WRF were identified for further comparison; namely the Lower Compton site (the application site), Hampton Business Park, Melksham, Land East of HRC / WTS, Stanton St Quintin and Land West of HRC / WTS, Stanton St Quintin.
163. All four sites are presented in the Waste Site Allocations Local Plan as strategic scale sites offering a range of potential waste uses to flexibly meet the capacity requirements of Wiltshire and Swindon up to 2026. The potential use/s listed for each are:

Lower Compton	Waste Treatment (excluding energy from waste).
Land East of HRC/WTS, Stanton St Quintin	Materials Recovery Facility/Waste Transfer Station, Local Recycling and Waste Treatment.
Land West of HRC/WTS, Stanton St Quintin	Materials Recovery Facility/Waste Transfer Station, Local Recycling, Inert Waste Recycling/Transfer and Waste Treatment.
Hampton Business Park, Melksham	Materials Recovery Facility/Waste Transfer Station, Local Recycling and Waste Treatment.

164. The Applicant has given consideration to the sites location in proximity to the advisory highway network and links to the operations at Westbury MBT facility, Parkgate Farm composting and the Slough EfW facility, as well as proximity to a disposal facility:

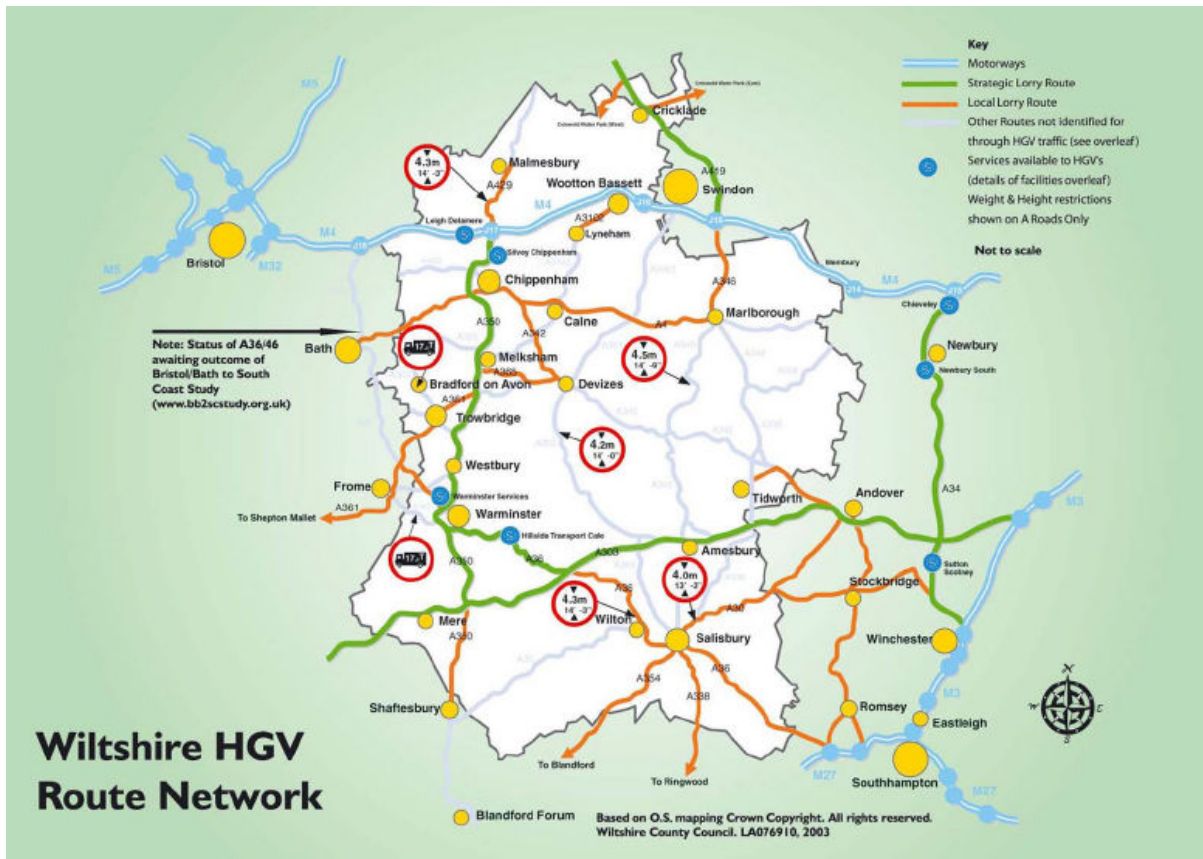
Site	Criteria			
	Proximity to SSCTs i. Chippenham ii. Trowbridge iii. Salisbury iv. Swindon	Proximity to Wiltshire HGV Route / Primary Route Network	Proximity to disposal facility	Proximity to: i. Westbury MBT ii. Parkgate Farm Composting iii. Lakeside EfW
Lower Compton within Chippenham SSCT	i. 8 miles ii. 17 miles iii. 32 miles iv. 17 miles	< 1 mile	0 miles	i. 20 miles ii. 17 miles iii. 77 miles
Stanton St Quintin (both sites) within Chippenham SSCT	i. 5 miles ii. 18 miles iii. 40 miles iv. 17 miles	< 1 mile	12 miles (Lower Compton)	i. 21 miles ii. 17 miles iii. 77 miles
Hampton Business Park within Chippenham and Trowbridge SSCT	i. 8.5 miles ii. 5 miles iii. 30 miles iv. 29 miles	< 1 mile	12 miles (Lower Compton)	i. 9 miles ii. 30 miles iii. 90 miles

165. The Applicant considers the site at Hampton Business Park, as well as the two Stanton St Quintin sites, to have similar advantages to the Lower Compton site, but where one site performs more strongly, the other site is able to 'gain ground' on a subsequent issue of interest. It is furthermore contended, that for all of the similarities, there are no particular grounds on which it can be said that any of the alternative sites at Hampton or Stanton St Quintin would provide a means by which the identified need for the proposed WRF capacity can be provided more consistently with development plan policy than the proposed development of the Lower Compton site.

166. The key area of difference identified by the Applicant is the established nature of the Lower Compton site and in particular the ability for linkages with existing waste management facilities on site, especially for disposal. However, as objectors have commented, this claimed benefit is somewhat weakened by the statements made by the Applicant that once the adjacent landfill facilities are fully restored the residual waste from the recovery facilities and the green waste imported for the low grade compost (which is intended to be used on site for landfill restoration) will be exported for disposal at a suitably licensed facility. However, this would not occur until 2022, or 2045 if based on the Applicant's assumption that permission may need to be subsequently obtained to extend the time period for the landfill operations to be completed in order to achieve the consented landforms (i.e. due to a reduction in waste going into landfill).

Link to the HGV route network

167. Objectors have queried the planning application documents which state that the Lower Compton site has suitable links to the Wiltshire HGV Route Network and imply that the site benefits from being located on a strategic route. It is suggested the nearest Strategic HGV route is 10 miles away, and that Lower Compton is the only site identified in the Waste Site Allocations Local Plan as a strategic waste site not to be located on or very near a strategic HGV route.
168. The Transport Assessment that accompanies the planning application (considered further below) notes that the Lower Compton Waste Management Facility is located north of the A4 between Calne and Cherhill. The A4 from Marlborough to Calne and Chippenham is identified as a Local Lorry Route in the Wiltshire HGV Route Network, and also forms a Principal Route within Wiltshire's Strategic Transport Network.
169. The Wiltshire LTP Freight Strategy was published in March 2011 as an aid to implement the lorry route networks, shown below in the freight map reproduced below. The freight map is used to guide new minerals and waste development. The Wiltshire HGV Route Network sets out the most appropriate routes for HGVs to use, making the distinction between 'strategic' and 'local' lorry routes. The Development Control Policies documents for minerals and waste require sites to be in close proximity to the network, offering direct access or have good links to the HGV network/Primary Route Network. It is stated that the adverse impacts of waste management transportation, including those upon residential amenity, will be minimised if waste development is located in close proximity to this network.



170. Policy WDC11 of the Waste Development Control Policies DPD (sustainable transportation of waste) states: "Waste management development will be permitted where it is demonstrated that the proposals facilitate sustainable transport by (where they are relevant to the development):
- Minimising transportation distances
  - Maximising the use of rail or water to transport waste where practicable
  - Minimising the production of carbon emissions
  - **Ensuring a proposal has direct access or suitable links with the Wiltshire HGV Route Network or Primary Route Network**
  - Establishing waste site transport plans
  - Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway network.
171. The policy does not stipulate that site must have links to the Strategic Lorry Route. The allocation of a site in the Waste Site Allocations Local Plan as a 'strategic' scale site should not be confused with 'strategic' lorry route, or be taken to imply that strategic 'sites' must be located on strategic 'routes'.

#### Conclusion in relation to location

172. The proposed development is located on a site that has been allocated for strategic waste development in the Waste Site Allocations Local Plan, consistent with Policy WCS2 and Policy WCS3 of the Waste Core Strategy which encourages the use of site allocations and current waste sites for the development of MRF and WTS capacity.

#### Permanency

171. The existing waste management operation at Lower Compton is based around the original landfill operation, itself a process for reclaiming the completed mineral extraction areas to a condition suitable for the permitted after-use. The site is in a semi-rural location adjoining the North Wessex Downs Area of Outstanding Natural Beauty. The current and permitted mineral extraction and landfill operations are time limited, but this proposal is for a permanent use.

172. The application as originally submitted did not set out any specific reasons to justify what circumstances exist for the retention of the existing and proposed facilities on a permanent basis. There was casual reference in the Supporting Statement to the effect the proposed WRF development was consistent with guidance contained in PPS10 with regards to the provision of permanent waste management capacity capable of meeting the requirements of the development plan for the following 10 year period and beyond. However, the word 'permanent' does not in fact appear in the paragraph of PPS10 referred to.
173. In subsequent discussions with the Applicant officers have further explored the reasons to justify the retention of the proposed WRF at this location on a permanent basis and/or beyond the life of the landfill. In response, the Applicant comments the allocation profile for the Lower Compton site in the Waste Sites Allocation Local Plan does not make any reference to a requirement for development of the site for strategic waste treatment purposes to be either directly time limited, or to be time limited to match the cessation dates associated with adjacent waste management operations. It is contended that if strategic waste development at the Lower Compton site were only acceptable for a temporary period of time, it has to be assumed that this would have been made clear in the allocation profile of the site.
174. The Applicant further argues that the proposed development that is contained within the application documentation (including the justification for it) has been undertaken on the basis of the facility being permanent. In this respect, reference is made to guidance provided in extent Circular 11/95: Use of conditions in planning permission. This guidance sets out three main factors, as follows, to be taken into account in deciding whether a temporary permission is appropriate: *'First, it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the provisions of the development plan. Next, it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent. Lastly, the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area.'* (Paragraph 109, Circular 11/95).
175. However, as stated at Paragraph 7 of Circular 11/95, the Circular does not include specific advice on policy on the use of planning conditions for the specialist subject of minerals workings or for most developments relating to waste management. At the time of its publication, advice on conditions applicable to mineral developments was contained in the series of Minerals Planning Guidance Notes (MPGs) and on waste management development control in PPG 23: Planning and Pollution Control (England only).
176. MPG2 (Applications, permissions and conditions) explained that conditions could be imposed requiring the removal of any buildings or works or the discontinuance of any use of land for which permission is granted at the end of a specified period, and for the reinstatement of the land at the end of that period. It advised requirements for the reinstatement of land following minerals development should be framed with the possible future use of the restored land in mind. PPG23 stated that where planning permission is given for landfill, local planning authorities may in particular wish to impose conditions or obligations, as appropriate, on matters such as: the timescale of operation and any phasing for land use purposes.
177. Both MPG2 and PPS23 have been superseded, with the NPPF and PPS10 providing the latest statements of government guidance on such matters. The NPPF states that when determining applications appropriate conditions should be applied to provide for restoration and aftercare at the earliest opportunity and to be carried out to high environmental standards. PPS10 states that it will be appropriate to use planning conditions to control aspects of development such as the timescale of the operations.



178. As will be noted from the representations received in response to the application, there are clear community expectations that the Lower Compton site will close as and when current temporary permissions expire, and that they will no longer endure the environmental impacts associated with the mineral extraction/waste management operations at the site.
179. Officers recognise the general advice stated in Circular 11/95 that the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area. However, that is not the issue of concern here. The issue applicable to the consideration of this application is whether or not the grant of a permanent permission would be compatible with the approved final restoration scheme(s) for the primary mineral extraction and landfill activities (i.e. temporary land uses, required to be restored to a beneficial after use of agricultural land). The Lower Compton site is located outside of the development boundaries of both Calne and Cherhill, and is therefore located in the defined countryside. It is a question of whether or not the proposed industrial-style operations and buildings have a place located within an agricultural land use, once quarrying/landfill has ceased.
180. At present the application site is used for a range of waste management activities, including a Municipal Materials Recovery Facility (MRF) and site offices and a landscape screening bund (time limited to 2016). In addition, there is a waste wood and industrial and commercial waste recycling and transfer facility, green waste composting facility, vehicle parking areas that serve the wider site and haul roads and weighbridge area. The permissions for these activities are not subject to any specific condition making the permission temporary, but it is plain from the application documents (incorporated into the permission) that these facilities were to operate in association with the wider mineral extraction and restoration by landfill operations. The mineral site restoration/landfill activities are temporary uses of the land, currently consented to end in 2022.
181. The municipal MRF and landscaped bund were first granted planning permission in March 1997. The permission was granted subject to 12 conditions. Planning Condition Number 3 requires the use of the MRF and screening bund to be discontinued on or before 31 December 2016, removed and the land restored within 6 months. The effect of this condition was to make the permission temporary and effectively limits the lifetime of the planning permission. The end date of 2016 corresponds with the estimated end date for the completion of landfill operations at that time, which itself coincides with the end date of the municipal waste management contract.
182. The reason given for the imposition of the condition is “in the interests of the satisfactory restoration of the site”. Such a reason is consistent with the wider site being a mineral extraction site being restored by means of landfilling – a temporary use of land, albeit one that can last for several decades. It is clear the reasons for and function of condition was to secure the removal of the use, buildings and infrastructure following cessation of the restoration of the mineral extraction sites. The waste management activities are clearly connected the temporary use of the adjacent landfill operations, which in turn are located here due to the favourable geological conditions rather than for any other particular planning or locational merit. The purpose of the landscape bund was to screen from view the landfill operation. The bund is required to be removed when the landfill operation ends; it was never intended as a permanent feature.
183. Policy WDC10 (restoration of waste management sites) of the Waste Development Control Policies DPD recognises that what constitutes an appropriate reinstatement of a former waste facility is largely determined by the nature and location of the land in question and its surrounding environment. In the case of landfill operations, and any on-site ancillary developments, such as material recycling plant and equipment, it is always necessary to consider the proposed after-use and the measures that will be needed to achieve the highest possible standards of restoration. It is also noted that other facilities, especially those requiring significant built infrastructure such as waste treatment facilities, will need to be decommissioned at the end of their operation. This may require demolition of buildings and equipment, and decontamination of sites.

184. Policy WDC10 states that proposals for waste management development will be permitted where provision has been made for the appropriate restoration and reinstatement of that site as part of the cessation of waste management activities, where this is appropriate to the development.
185. The wider Lower Compton site is to be restored to an agricultural after-use. The adjoining quarry/landfill at Sands Farm is also to be restored to agricultural use, but also providing some public access. However the site lies within a rural landscape adjacent to a nationally important landscape. Although the area has been disturbed over many years by both mineral extraction and waste activities, the site is not considered suitable for large scale, industrial-type permanent facilities. As such the application fails to address the requirements of Policy WDC10 of the Waste Development Control Policies DPD.
186. Whilst the Applicant's concern that the proposed permanent development will require significant investment to enable its construction, commissioning and operation and should not be time limited is understood, and will no doubt be a factor in selecting a suitable site for investment, it is considered that the reasons for a temporary permission for the existing MRF equally apply to this application for the proposed Waste Recovery Facility.

#### Conclusion in relation to permanency

187. The existing waste management facilities are time limited for the stated reason of achieving the satisfactory restoration of the site. It is considered inappropriate to grant permanent permission given the location of the site and the temporary nature of the existing land uses and the context of the approved restoration scheme. Provision of a temporary facility in phase with the mineral site reclamation / landfill operation may be acceptable, and where the criteria set out in Policy WDC10 is met, e.g. where an after use will provide benefit to the local community including agriculture, and/or enhance biodiversity interest, landscape quality etc.
188. As provision has not been made for the appropriate restoration and reinstatement of that site as part of the cessation of waste management activities, it is considered the application is contrary to the requirements of Policy WDC10 of the Waste Development Control Policies DPD.

#### Conclusions in relation to principle of development

189. Officers consider that the need for this component has been demonstrated. The waste management capacity that would be provided by the proposed development is consistent with policy WCS3 of the Waste Core Strategy which sets out the capacity requirements for industrial and commercial waste that will need to be provided for over the plan period to 2026
190. The proposed development is located on a site that has been allocated for strategic waste development in the Waste Site Allocations Local Plan, consistent with Policy WCS2 and Policy WCS3 of the Waste Core Strategy which encourages the use of site allocations and current waste sites for the development of MRF and WTS capacity.
191. Although the area has been disturbed over many years by both mineral extraction and waste activities, the site is not considered suitable for large scale, industrial-type permanent facilities. As such the application fails to address the requirements of Policy WDC10 of the Waste Development Control Policies DPD.

## **Landscape and Visual Impact**

192. Whilst the application site lies outside of any designated landscape area, the North Wessex Downs Area of Outstanding Natural Beauty (AONB) lies to the east of the C15 road corridor, to the east of the application site. Compton Bassett Park is located to the west of the C15 and the villages of Compton Bassett and Cherhill are also designated as a Conservation Area.
193. Policy WDC7 (Conserving Landscape Character) of the Waste Development Control Policies DPD requires that proposals for waste management development include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to the following designated areas: ...The North Wessex Downs Area of Outstanding Natural Beauty. It is stated that proposals for waste management development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape.
194. The Lower Compton Site is allocated in the Waste Site Allocations Local Plan. The Plan includes a Site Profile which lists a requirement for any application in respect of the site for a landscape and visual impact assessment to determine the impacts on local residences and the nearby North Wessex Downs Landscape, townscape and visual Area of Outstanding Natural Beauty (AONB). It is stated any landscape and visual impacts from a waste treatment facility will need to be mitigated through sensitive site planning and screen planting
195. A Landscape and Visual Impact Assessment (LVIA) has been carried out of the proposed development. The methodology employed in carrying out the landscape and visual assessment of the proposed development site, is drawn from the Landscape Institute and the Institute of Environmental Management and Assessment's "Guidelines for Landscape and Visual Impact Assessment".
196. The LVIA records that the application site lies within a valley floor landscape and is visually and physically contained from the wider landscape to the north and west by the local ridgelines. Land uses locally include the working and currently disturbed landscapes associated with the former mineral and landfill areas to the north and west, with a predominantly pastoral agricultural landscape beyond to the north, east and south. The agricultural landscape is interspersed by woodland blocks, tree belts and farmsteads. The settlement of Calne dominates the landscape to the west. The A4 is the main east to west road corridor through the area, with footpaths and bridleways criss-crossing the local landscape.
197. In summary, the LVIA considers the views from the immediate environs to the Application site then from both the local and wider landscape. This states that views of the application site are limited to views from the local landscape to the north-east, east and south. These include views from residential properties, road corridors and public rights of way. The visual assessment has identified a range of views from truncated to fully open in close proximity to the site; partial views where the site and the existing building is visible between or glimpsed through intervening vegetation or as part of a long distance view and wider panorama.
198. In respect of the wider landscape, it is recorded that there is intervisibility between the designated landscape of the AONB and edges of Compton Bassett Park and the application site. Views from the AONB are predominately elevated and long distance, where glimpsed views of the elements within the application site are visible in the context of a wider panorama, which includes both landscape and built form. This landscape setting is currently formed by the disturbed and working landscape associated with the former mineral and current landfill and recycling operations associated with both the operations at Lower Compton and beyond at Sands Farm. There is no intervisibility between the application site and the Conservation Area of Compton Bassett. Views of the application site from the public rights of way within the AONB vary between partial, glimpsed views and truncated.

199. The LVIA considers the effects of the proposal to extend the existing MRF building at the same height and provide a slightly taller, separate Industrial and Commercial MRF and WTS to the north. It is noted the proposed redevelopment within the application site whilst increasing the extent of built form to the north, will not encroach further to the east. The combined landscape effects will result in a negligible effect on the landscape settings to the designated landscape. There would be no change in the existing setting to Compton Bassett, Cherhill and Calne Conservation Areas as a result of the proposed development
200. A native tree and shrub planting belt is proposed along the east facing bund slope to minimise views of both the existing and proposed buildings in the long term. Native tree and shrub planting is also proposed within the core of the application site, to reinforce and continue the pattern and layout of tree and shrub planting internally. A total of 19 trees are proposed to be removed across the site (this includes mature, young and recently planted trees) to facilitate the proposed buildings; the widening of the new access road; and for sound arboriculture reasons. A minimum of 190 trees are proposed to be planted within the application area.
201. The assessment of the visual effects during the construction period considers the worst case scenario of winter vegetation / emerging spring leaf cover. Where views of the existing MRF building have been identified, filtered through the winter vegetation, these views will diminish over the summer months. Effects during the year 1 of operation on the landscape receptors would be temporary, ranging from either no change / negligible to minor negative and major positive. Effects on the visual receptors would range from negligible to moderate adverse. Effects at year 10, considering the maturing of the landscape proposals would result in a positive effect on those receptors affected by the proposed development.
202. In relation to mitigation, the LVIA reports that landscape proposals and mitigation measures have been developed as part of the iterative design process associated with the Lower Compton Waste Recycling Facility application area. Therefore, no further mitigation measures have been identified over and above those set out on the landscape proposals plan or associated with the working areas of Low Lane, Old Camp Farm and the Compton Bassett landfill.
203. The LVIA concludes that the development proposals have been prepared in consideration of current policies at the national, regional and local level and meets the requirements of maintaining the existing landscape character; minimising landscape and visual impacts through the evolution of the scheme design and through the reuse of the existing operational area; proposes significant areas of planting and thereby enhancing wildlife networks consistent with the immediate landscape setting to the site.
204. Concerns have been raised that the proposed development would have an unacceptable impact on the AONB. However, Natural England advises that, due to the lie of the land and the proposed mitigation measures, the impact on the setting of the AONB is acceptable subject to one further mitigation measure which it advises should be considered in terms of reducing the visual impact of the development. The North Wessex Downs AONB Planning Advisor notes the LVIA acknowledges there are locations within the AONB where parts of new site/building will be visible, but raises no objection subject to the imposition of conditions on any grant of permission to secure the mitigation measures as proposed. The Council's Landscape Officer also raises no concerns, adding that the level of content and the specification illustrated on the proposed planting plan is satisfactory.
205. The additional mitigation measure advised by Natural England is to restore (coppice/lay/gap up) the roadside hedge running along the western side of the C15 in order to further attenuate the impacts and enhance the character of the AONB. Parts of this hedge are in poor condition. Open views of the western part of the landscape bund and the upper elements of the MRF building occur from this location. The applicant owns/controls the land up to up the C15 and so this measure could be secured by a planning condition/obligation of any permission granted.

206. Concerns have been raised by interested persons that the existing MRF building is highly visible particularly at night due to lighting and that increasing the size of the facility will increase the range of lighting. There is concern that no satisfactory mitigation is possible as the site can be seen from the higher ground of the AONB. Both Natural England and the North Wessex Downs AONB Planning Advisor have considered the impact of lighting and raised no objections.
207. The Council's Landscape Officer considers the lighting scheme submitted with the application to comply with best practice. The scheme has been designed to be sympathetic to the AONB with all new lighting to be cut-off so no light is emitted skyward. The lighting would be mounted as low as possible on the building to still achieve the required illumination levels and minimise the number of columns.
208. The advice from the North Wessex Downs AONB Planning Advisor is that although some lighting details have been provided, it appears some lighting units could be mounted up to 8m in height, and so additional information should be provided by planning condition to ensure all lighting is angled downwards, suitably cowled to prevent light overspill and dark sky compliant. This would reduce the affect of night glow from this site on the dark skies of the AONB beyond.

#### Conclusion on Landscape

209. The application includes a LVIA which satisfactorily assesses the likely impacts of the development on landscape character and on the North Wessex AONB and includes appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. Officers consider the proposed development to accord with Policy WDC7 of the Waste Development Control Policies DPD.

#### Transport and Access

210. Policy WDC2 (managing the impact of waste development) of the Waste Development Control Policies DPD states that proposals for waste management development will be permitted where it can be demonstrated that the proposal firstly avoids, adequately mitigates against, or compensates for significant adverse impacts relating, among other things, to the transportation of waste. Policy WDC11 (sustainable transportation of waste) states that waste management development will be permitted where it is demonstrated that the proposals facilitate sustainable transport, and where appropriate planning applications will need to be accompanied by a Transport Assessment.
211. A Transport Assessment (TA) has been prepared in support of the planning application which examines the effect of the proposed development on the local transport network. This also forms the basis of the Transport and Access chapter of the ES and has been updated to take account of the Regulation 19 Requests, in particular the provision of origin - destination surveys to identify and assess the pattern of existing minerals and waste traffic movements in and around Calne.

#### Origin – destination survey

212. As part of the pre-application EIA scoping exercise, the Applicant was advised that information was required to determine the pattern of existing and future heavy goods vehicles (HGVs) movements in Calne, especially cross-town. The scoping opinion set out the local concern that a large proportion of the HGVs passing through the Town are associated with the Hills Waste Management Facility at Lower Compton.
213. As explained above, the Applicant has now carried out an origin and destination survey the aim of which was to collect information about the number of, and route taken by, HGVs associated with the Lower Compton facility. To put this information in context, data was also collected in relation to numbers and routes of other HGVs passing through the study area and not associated with the Lower Compton facility.

214. The survey results record the total two way percentages of HGV through movements associated with the Lower Compton facility and are summarised in Table MF1 of the Origin – destination survey, as reproduced below:

**Table MF1: Percentage of Lower Compton HGV through movements as a proportion of all HGV through movements**

	12 Hour	AM Peak	PM Peak
A4 east (Site 2)	43%	44%	38%
Blacklands (Site 3)	40%	25%	0%
A4 London Road	50%	28%	0%
A3102 south (Site 4)	36%	10%	0%
A4 Curzon Street / New Road	25%	15%	0%
A4 west (Site 5)	17%	4%	0%
A3102 north (Site 6)	11%	10%	0%

215. This shows that for the 12 hour day (06:00 – 18:00):

- of the total through movement of HGVs along the A4 London Road (includes movements between the site access and the A4 west, between the site access and the A3102 north and between the site access and the A3102 south) over a 12 hour day, 50% are associated with the Lower Compton facility
- of the total HGVs travelling through Calne via the A4 Curzon Street / New Road (includes movements between the site access and the A4 west and between the site access and the A3102 north) over a 12 hour day, 25% are associated with the Lower Compton facility.

216. In general, HGVs associated with the Lower Compton facility form a reducing percentage of the HGV through flow on a link with distance from the site, as the HGVs disperse over the road network.

#### Updated Transport Assessment (TA)

217. The updated TA sets out the existing and emerging transport planning policy at national and local level, existing transport conditions, the existing and proposed waste management operations and effect the proposed changes would have on the transport network, including construction traffic.

#### Existing transport conditions

218. The TA notes that the Lower Compton Waste Management Facility is located north of the A4 between Calne and Cherhill, approximately 12km from Chippenham. The A4 from Marlborough to Calne and Chippenham is identified as a Local Lorry Route in the Wiltshire HGV Route Network, and also forms a Principal Route within Wiltshire’s Strategic Transport Network. The Development Control Policies documents for minerals and waste require sites to be in close proximity to the network, offering direct access or have good links to the HGV network/Primary Route Network.

#### Existing traffic

219. Gate survey. To establish trip generation by the wider site at present, a ‘gate survey’ (employing video cameras) has been carried out (in June 2011) over a fourteen day period, which included Spring Bank Holiday Monday and the school half term holiday as well as five ‘normal’ working days. The results of the gate survey show that for an average weekday the Lower Compton facility (excluding the Honeyball HRC) generates an average of 899 two-way vehicle movements on a weekday, of which 533 are HGV movements. Of the 533 daily HGV movements, 99 are associated with the concrete batching plant and 434 are therefore associated with the existing Waste Management Facility.

220. Weighbridge records. The annual total number of loads associated with the Waste Management Facility at Lower Compton has been extracted by the Applicant from weighbridge records for the period from 2002 to 2010. The weighbridge records enable the base number of loads to be established by operation (compost, landfill, MRF etc). The total number of loads in 2010 was 49,568.

Predicted Change in Annual Loads

221. The weighbridge records also enable average tonnes per load to be estimated by waste type. Different types of vehicle are used for different operations; in general waste is brought in by a kerbside collection vehicle, consolidated on site, and then taken out for recycling etc in an articulated vehicle. These payloads per vehicle were applied to the tonnage by type of waste that the waste recovery facility is proposed to handle once fully operational, to enable an estimate of future loads to be made.
222. Since the original Transport Assessment was prepared, the decision has been taken to reduce the amount of commercial and industrial waste to be handled by the proposed facility from 135,000 tonnes per annum to 85,000 tonnes per annum, a reduction of 50,000 tonnes per annum from the original submission. The estimated number of loads per annum when the facility is fully operational in 2015 is now 48,828, compared with 49,568 loads in 2010.

The reduction in annual loads can be calculated as:

$$(49,568 - 48,828) / 49,568 \times 100 = 1.5\% \text{ reduction.}$$

In other words, the proposals are expected to be 98.5% of the 2010 HGV traffic volume associated with the waste management facility. This is the maximum level that the facility is expected to operate in the future.

Predicted Change in Trip Generation by the Waste Management Facility

223. The predicted reduction of 1.5% in traffic associated with the waste management facility has been applied to existing traffic generated by the waste management facility to estimate future traffic arisings from the proposed Waste Recovery Facility. The predicted change in daily traffic flows is summarised in Table 8.2 of the TA, as reproduced below:

**Table 8.2: Predicted Change in Daily Traffic Flows (Average Weekday)**

		Existing Waste Management Facility		With Proposed Waste Recovery Facility (minus 1.5%)		Decrease	
		Light	HGV	Light	HGV	Light	HGV
Average Weekday	Daily	366	434	361	427	-5	-7

Effect on the Transport Network

**Effect on the A4 at Lower Compton**

224. The daily effect on the A4 has been assessed and the predicted changes in daily trips on the A4 west and east of the C15 are set out in Table 8.5 of the TA, as reproduced below:

**Table 8.5: Daily Effect on A4, 2011 Base Year Traffic Levels**

	A4 West of C15			A4 East of C15		
	Light	HGV	Total	Light	HGV	Total
Existing	6737	514	7251	5551	217	5768
Predicted Reduction	-4	-4	-8	-2	-2	-4
Total	6733	510	7243	5549	215	5764
% Change	-0.06%	-0.8%	-0.1%	-0.04%	-0.9%	-0.07%

225. PICADY assessments of the operation of the C15/A4 junction have been undertaken without the proposed development in 2011 and show that there is sufficient spare capacity both at present and to allow for future growth in background traffic. As the proposals are expected to result in no increase in peak hour traffic (and with a slight decrease in the AM peak) compared with the existing development, no assessment has been carried out of junction capacity with development either at the C15/A4 junction or further afield along the A4.

**Effect on Traffic in Calne**

226. The TA acknowledges the scoping responses received from Wiltshire Council setting out the local belief that a large proportion of the HGVs passing through Calne are associated with the Hills Waste Management Facility and asking for an origin and destination survey of relevant vehicles to be undertaken. This has been undertaken and includes an analysis of HGV through movements on Curzon Street/New Road and on London Road. The results are shown in Table 6.7 of the TA, as reproduced below:

**Table 6.7: HGV through traffic on Curzon Street/New Road and on London Road**

	LC HGV	Other HGV	Total HGV	% LC	Reduction in HGV	% Change in Total HGV
<b>12 Hour</b>						
Curzon St/ New Rd	135	399	534	25%	-2	-0.3%
London Rd	247	251	498	50%	-4	-0.8%
<b>AM Peak</b>						
Curzon St / New Rd	8	46	54	15%	-1	-1.9%
London Rd	11	28	39	28%	-1	-2.5%
<b>PM Peak</b>						
Curzon St / New Rd	0	12	12	0%	0	0%
London Rd	0	13	13	0%	0	0%

227. This shows that following the proposed development there is predicted to be a slight reduction (under 1%) in the number of HGVs on the A4 Curzon Street/New Road and on the A4 London Road in Calne over the day.
228. The updated TA concludes that there is no reason in transport terms why the planning application for a Waste Recovery Facility at Lower Compton cannot be permitted.
229. The TA demonstrates that total traffic flows on all routes are predicted to decrease as a result of the proposed development. Once fully operational it is considered that any transport and access impact of the proposed development will be insignificant. The Applicant highlights Paragraph 32 of the NPPF which provides that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”



230. No objections to the proposed development have been made by the Highway Authority, who highlight the main findings of the TA that the proposals are generally in accordance with contemporary transport planning policy for Wiltshire and the site has good access to an identified Wiltshire HGV Local Lorry Route.
231. Having reviewed the Updated Transport Assessment, the Highway Authority concludes that the changes proposed (i.e. reduction in annual waste for recovery etc) do not result in a materially different outcome from the previous TA, and the Highway Authority's recommendations remain as per its previous response. In its previous response, made in respect of the original proposals which would have led to a 10.24% increase in traffic, the Highway Authority advised that in the professional judgement of highway officers, the degree of additional traffic, and especially HGV traffic, does not justify a refusal of planning permission; no significant adverse impacts are anticipated.
232. However, concerns about traffic impacts have been raised by interested persons, with the Applicant's calculations that the proposals would result in a 1.5% reduction in traffic levels being roundly criticised and questioned. In particular, the methodology for calculating the predicted change in future traffic movements using observed base traffic has been queried as well as the use of data from different dates and over different timescales. It is suggested future HGV traffic movements have been underestimated and fail to take account of the use of larger 23 tonne articulated HGVs. There is clearly an absence of confidence in the local community over the robustness of the Applicant's traffic assessment.
233. As noted above, officers have requested and received from the Applicant further information required to make a full assessment of the proposal, including further transport assessments. The Applicant has provided reasoned explanations regarding the basis of predicting the annual change in vehicle loads, assessment of vehicle movements, traffic data and the size of vehicles used in the traffic modelling. If permission was to be granted, suitable planning conditions / obligations could be imposed to 'cap' the development at the proposed levels, including a requirement for the applicant to monitor and report to the planning authority the level of traffic accessing the site.
234. Whilst there may remain in the eyes of objectors some misgivings over the robustness of the traffic figures, these are not considered to represent defensible grounds for refusal. The Highways Authority raises no concerns over the methodology or the calculations used in the TA, or its conclusions and advises that in the professional judgement of highway officers a refusal of planning permission would not be justified.
235. It is clear from the comments received in response to consultation and publicity of the planning application and further information that the level of traffic passing through Calne is a major concern. It is suggested that the number of waste vehicles travelling through the centre of Calne is already well in excess of what the town should carry in terms of safety, air quality and amenity. However, the TA does not identify any capacity or safety issues and reports that the existing transport infrastructure has sufficient capacity to accommodate the scheme. The Highway Authority has raised no concerns in respect of existing traffic levels, nor is this a constraint identified in the Waste Site Allocations Local Plan.
236. However, Core Policy 8 of the Wiltshire Core Strategy Pre-Submission Document does require that development proposals in the Calne Community Area, which includes Lower Compton, will need to demonstrate how the issues and considerations listed in paragraph 5.42 will be addressed. Specific issues to be addressed include: *'a transport assessment is required for major applications and should include investigations into identifying an appropriate solution to reducing the impact on traffic from the waste facilities located on the edge of Calne, which are a source of heavy vehicles.'*
237. Although the TA finds there to be no significant transport and access effects predicted as a result of the proposed development, the Applicant is proposing mitigation measures including provision of 'eco-driving' to all its HGV drivers [using the SAFED (Safe and Fuel Efficient Driving) system], the *Well Driven?* Scheme [a mechanism for reporting poor driving

performance], improvements to local pedestrian routes and a Staff Travel Plan. It is also noted that Hills were a signatory to the B4069 HGV Voluntary Agreement, demonstrating a good record regarding co-operation with Wiltshire Council in relation to HGV traffic.

238. The Highways Authority has raised no issues with this package of measures, although it was questioned whether the Applicant's proposal for traffic regulation order/speed restriction to be applied to the C15 between the site access and the A4 was justified. This was because measured speeds on this stretch of road show that 85th percentile speeds are circa 42-45 mph, north/south respectively. It was queried whether a speed restriction is justified in the circumstances, especially given the nature of the road and its lack of direct frontage development. This measure was therefore removed from the Draft Heads of Terms to reflect this.
239. The Applicant advises that it has, in conjunction with Aggregate Industries and Viridor Waste Management (operators of the adjoining mineral extraction and landfill site on the western edge of the wider Lower Compton Waste Management), considered the feasibility of providing a link route between all three land holdings to "by-pass" the need for movements through Calne. The notion of such a link being to allow the site traffic to access the A3102 (north) via the Aggregate Industry site access road (Abberd Lane), or vice versa. However, the Applicant states the provision of such a route between all three land holdings is not considered feasible or operationally desirable.

#### Site access improvements

240. As set out in paragraph 18 above, it is proposed to reconfigure site infrastructure, including improvements to the site access road. The proposals encompass the measures set out in the Waste Site Allocations Local Plan Site Profile. The Highways Authority welcomes the proposal to improve internal access, noting that while such improvements would not materially impact on the C15 works affecting the roundabout are proposed. Further details of these proposed alterations would be required, and secured by imposition of a suitable condition.
241. The Highways Authority also notes that whilst most employees are local, pedestrian access to the site is poorly facilitated at present. The Highways Authority therefore considers an upgrade of local pedestrian routes to serve the site both required and necessary, especially if the basic principles of sustainable transport for the site are to be addressed. The Highway Authority recommends an updated Travel Plan for the site is required; whilst recognising this will likely have little impact in relation to the movement of lorries to and from the site, it should be used to influence the travel behaviour of the circa 165 staff employed at the site on a weekday. Again, this measure could be secured by imposition of a suitable planning condition/obligation.

#### Transport and access conclusions

242. It is acknowledged the updated Transport Assessment concludes there to be no significant transport and access effects predicted as a result of the development proposals. The Highway Authority agrees with the methodology and conclusions within the Transport Assessment, raises no objection to the proposals and advises that in the professional judgement of highway officers a refusal of planning permission is not justified in this case.
243. The application includes investigations into identifying an appropriate solution to reducing the impact on traffic in Calne and/or proposes adequate mitigation measures as required by local planning policies.
244. There are no grounds for refusal on traffic grounds subject to appropriate mitigation to be secured by legal agreement and planning conditions.

## Air Quality and Odour

245. The potential air quality impacts associated with the proposed development have been assessed and the findings reported in the ES. The impacts can be divided into traffic impacts, odour and bioaerosols and construction impacts.
246. Subsequent to the submission of the planning application, an Air Quality Management Area (AQMA) has been declared in Calne (February 2013) in relation to nitrogen dioxide. This followed a detailed air quality review and assessment (dated June 2012) that concluded that the UK National Air Quality Objective (AQO) for the annual mean concentration of nitrogen dioxide (NO<sub>2</sub>) of 40µg/m<sup>3</sup> is likely to be exceeded at 2 areas in the Town (these are identified as being in Curzon Street/Wood Street and New Road). The declaration of the AQMA also post-dates the adoption of the Waste Site Allocations Local Plan.
247. An updated Air Quality Assessment considers the impacts associated with the revised traffic data, and deals with the Regulation 19 request for further information referred to above.

## Odour

248. In relation to odour, the ES reports that because the proposed development would result in a reduction in the scale of composting operations, currently the most significant sources of odours, the proposals would lead to an improvement in odour climate in the surrounding area. Whilst the proposed WRF would handle some potentially odourous material, this would be contained within fully enclosed buildings designed and operated to result in minimal off-site odours. In relation to bioaerosols, the composting operations would have less impact than the current operations.

## Construction impacts

249. The impacts of the construction phase on traffic, dust and PM10 concentrations have been taken into account. These have been considered in relation to the scale of existing operations at the site. It is concluded that construction dust impacts are unlikely to be discernible from other continued mineral extraction, waste recovery and waste disposal operations and are therefore judged to be insignificant.

## Road traffic impacts

250. Air pollutants from transport include nitrogen oxides, particles, carbon monoxide and hydrocarbons. The Wiltshire Air Quality Strategy highlights that where air quality is poor there are proven short and long term impacts on human health and the surrounding environment. Air quality is also important in how people perceive their environment and the desirability of visiting or living in an area.
251. Air quality in Wiltshire is predominantly good with the majority of the County having clean unpolluted air. There are however a small number of locations where the combination of traffic, road layout and geography has resulted in exceedences of the annual average for nitrogen dioxide (NO<sub>2</sub>) and fine particulates (PM10). Exceedences of the annual mean concentration of nitrogen dioxide objective have been measured in Calne, along Curzon Street/Wood Street and New Road. As a result Air Quality Management Area has been declared in Calne. The AQMA covers the A4 Curzon Street, New Road and London Road, and sections of Wood Street and A3102 Silver Street.
252. The assessment of traffic-related air quality impacts from the proposed development has followed the approach developed by Institute of Air Quality Management (IAQM), and incorporated in Environmental Protection UK's (EPUK) guidance document on planning and air quality, as well as Wiltshire Council's draft air quality supplementary planning guidance.
253. The operational impacts of emissions arising from the change in traffic on local roads due to the proposed development have been assessed. In summary, concentrations have been

modelled for 11 worst-case residential receptors, representing properties where impacts are expected to be greatest. In the case of nitrogen dioxide, the modelling has been carried out assuming both: a) vehicle emissions decrease (using 'official' emission factors), and then b) vehicle emissions do not decrease in future years. This is to allow for the current uncertainty over emission factors for nitrogen oxides to be taken into account.

254. It is concluded that PM10 and PM2.5 concentrations would remain below the objectives in 2015 and 2017 at all relevant locations, whether the proposals are developed or not. It is also concluded that, whether the proposals are developed or not, annual mean nitrogen dioxide concentrations will remain below the objective at all locations other than alongside the very narrow section of the A4 (New Road [Receptor 10]) where concentrations are expected to continue to remain above the objective. However, the proposals would result in a small reduction in concentrations in comparison to the situation predicted to occur without the proposals.
255. The Applicant concludes that the assessment has demonstrated that the proposals would not cause any additional exceedences of the air quality objectives, or further exacerbate existing exceedences. It is concluded the proposals would, in fact, marginally reduce existing exceedences of the annual mean nitrogen dioxide objective along New Road in Calne, where properties are close to the carriageway, and the gradient of the carriageway increases emissions.
256. The operational impacts of the proposed development with its restricted capacity in place have been assessed according to the latest guidance published by Environmental Protection UK (EPUK, 2010) and the Institute of Air Quality Management. The Applicant concludes that the assessment has demonstrated that all the changes in pollutant concentrations will be 'imperceptible'. The air quality impacts due to road traffic are therefore judged to be 'insignificant'. There would though be a marginal improvement in air quality within the AQMA.
257. The guidance published by EPUK advises that a local planning authority that receives a planning application with an accompanying air quality assessment will have to carry out its own evaluation of the significance of the impacts. The guidance sets out an approach, in the form of a flow chart, to help local authority officers. In addition to the flow chart, the guidance states evaluation should take account of how the impacts relate to the requirements of the local air quality policies. The significance of air quality impacts are described as either: overriding, high priority, medium priority or low priority consideration.
258. An adaptation of this flow chart is included in Wiltshire Council's Draft Air Quality Supplementary Planning Document (SPD) (September 2012). This describes impacts on air quality as either: overriding, highly significant or not a significant consideration.
259. The EHO advises, with reference to the draft Air Quality SPD approach, the development will contribute to air quality exceedences (in New Road) therefore the impact on air quality is 'highly significant'. Following the EPUK approach, where the effect of development would lead to a breach or significant worsening of an AQ Objective then the resultant impact significance is that air quality is a 'high priority' consideration.
260. The draft Air Quality SPD sets out that where 'significant' is used, it will be based on the professional judgement of the Local Authority officer and in determining both the significance of exposure to air pollution and the levels of mitigation required, consideration will be given to the Air Pollution Exposure Criteria (APEC) table to determine what recommendation should be made in respect of an application. This sets out a number of recommendations based on the applicable range for nitrogen dioxide annual mean; ranging from 'no air quality grounds for refusal' to 'appropriate mitigation must be considered' to 'refusal on air quality grounds should be anticipated'.

261. The next step in the EPUK approach is to consider mitigation recommendations, i.e. the measures available to mitigate or compensate for the impact. Where air quality is a high priority consideration there is a two-part recommendation; firstly to ensure that measures to minimise impacts are appropriate in the proposal; strengthening the measures if appropriate, with consideration to compensation/offsetting. Secondly, depending on the scale of the impacts, taking into account the number of people affected, the absolute levels and the magnitude of the changes, and the suitability of the measures to minimise impacts, it may be appropriate to recommend refusal.
262. As recorded above, the objector group 'Wiltshire Waste Alliance' has obtained legal opinion from Mr G Jones QC. Mr Jones is of the view there is a powerful case to say that it would be contrary to EU law for a local planning authority to grant planning permission for a development which would adversely impact upon the UK's ability to meet its nitrogen dioxide targets for the area. But, in any event, even if this were not so, it would nonetheless amount to a highly material consideration against the grant of planning permission for the proposed development.
263. In response to the matters raised, the Council instructed Mr D Manley QC. Mr Manley advises there is no statutory basis for the proposition of unlawfulness and he has never seen it articulated in any Inspector's or Secretary of State's decisions. There is no law or policy that states a planning decision that leads to Air Quality target thresholds being exceeded is unlawful. Mr Manley advises the proper approach is as per paragraph 124 of the NPPF i.e. "planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the air quality action plan". He agrees therefore that this is an important material planning consideration.
264. As noted above, an AQMA was declared in February 2013. There now follows a requirement for the Council to carry out a further assessment of the air quality, collecting additional air quality monitoring data over a 12 month period and if the need is confirmed to develop an air quality action plan within 18 months of the original declaration, in consultation with the public. The local air quality action plan details how the authority will work towards reducing air pollution levels so that the relevant air quality objectives are met. Consequently, it is not possible at this point in time to consider whether the proposed development is consistent with the local air quality action plan.
265. The Air Quality Strategy is a key high level guiding document to inform policy and direction across a range of council services with the aim to improve air quality. It includes a 17-point strategic action plan to advance work in this area. Action point no. 4 is to "Develop an air quality policy for inclusion in the Wiltshire Core Strategy."
266. Draft Core Policy 55 of the Wiltshire Core Strategy submission document requires that all development which either because of the size, nature or location will have the potential to exacerbate known areas of poor air quality, is required to overcome this barrier to development by demonstrating the measures they will take to help mitigate these impacts. The policy states that mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and lists examples of measures that might be included.
267. Policy WDC2 of the Waste Development Control Policies DPD states that proposals for waste management development will be permitted where it can be demonstrated that the proposal firstly avoids, adequately mitigates against, or compensates for significant adverse impacts relating to... air emissions and climate change. In the supporting text it is stated that waste management facilities can affect local air quality through emissions from vehicles and that the Councils will, through the use of policy, work closely with regulatory partners in the assessment of planning applications and the imposition of conditions on planning permissions or the reasons for refusal in respect of unacceptable proposals.

268. The EHO notes that the Air Quality Assessment report concludes that the proposal will not cause any additional exceedences of the air quality objectives or further exacerbate existing exceedences. This conclusion is accepted.
269. However, the conclusion that “the proposals would, in fact, marginally reduce existing exceedences of the annual mean nitrogen dioxide along New Road in Calne, where properties are close to the carriageway, and the gradient of the carriageway increases emissions” is not accepted. The EHO draws attention to information provided in the Table 12 of the Air Quality Assessment which shows the predicted impacts on annual mean nitrogen dioxide concentrations in 2017. The EHO advises the reduction being referred to in this sentence in 0.1µg/m<sup>3</sup> which is a modelled value. Modelling work has been undertaken to predict future air quality objectives, however the model is dependent upon the traffic data that has been input, which itself will have inherent uncertainties associated with them.
270. The EHO also does not accept the conclusion that “There would though be a marginal improvement in air quality within the AQMA”, for the same reasons.
271. In the professional opinion of the EHO mitigation is required. The updated Air Quality Assessment does, in response to the requirements of draft Core Policy 55 and Policy WDC2, propose the following mitigation measures:
- Hills will provide ‘eco-driving’ training to all their HGV drivers; the recognised training for drivers being the SAFED (Safe and Fuel Efficient Driving) and all of Hills’ drivers, now and in the future, are trained to this standard.
  - Hills are and will continue to be members of the Well Driven? scheme, through which there is a mechanism for reporting poor driving performance that will compliment the SAFED driver training.
  - Hills will prepare and agree a Staff Travel Plan for the proposed development, which will improve sustainable transport options for staff at the site, and will therefore make a long term contribution to reducing vehicle emissions in Calne AQMA.
  - The proposed development includes improvements to the site access road; Hills will also seek to upgrade local pedestrian routes along the site access road in agreement with Wiltshire Highways.
  - In light of the previous comments from Wiltshire’s Public Protection Team regarding the existing air quality situation in Calne, as part of the Air Quality Action Plan process in Calne AQMA, Hills will make a financial contribution towards funding real time automatic monitoring equipment to measure nitrogen dioxide concentrations within Calne AQMA.
272. The Applicant considers that with the restricted capacity the proposals now positively support the requirements of Policy WDC2 in the Wiltshire and Swindon Waste Development Control Policies DPD and Policy 55 in the Pre-Submission draft Wiltshire Core Strategy, as well as the Wiltshire Air Quality Strategy.
273. The EHO considers the measures set out above to be justified, and recommends that such measures put forward by Hills are secured by Section 106 obligations. For example, the reduced traffic movement due to the reduced capacity of 85,000tpa be secured by agreement and reporting of better driving, reduced fuel/mileage.
274. However, the EHO draws attention to paragraph 6.5 of the updated Air Quality Assessment which states that “Hills can only control a small proportion of the total vehicles arising from this proposal”. In light of this admission, the EHO advises the mitigation proposals put forward not strong enough.

275. Officers therefore conclude the proposals fail to meet the requirements of Policy WDC2 of the Waste Development Control Policies DPD and Policy 55 in the Pre-Submission draft Wiltshire Core Strategy, as well as the Wiltshire Air Quality Strategy. This is considered to represent a material consideration that warrants a refusal of permission.

### **Noise and Vibration**

276. The ES presents the results of the assessment of the noise and vibration impact associated with the construction and operation of the proposed development.

277. The noise and vibration impacts associated with the proposals have been assessed using industry standard procedures. Central to the assessment is the current ambient noise climate and a thorough understanding of the existing and proposed working methodologies at Lower Compton Waste Management Facility. The assessment has been divided into the following distinct phases covering:

- Assessment of construction-related noise impacts, based upon the anticipated construction phases, the hours of work and the plant to be used. As the nearest properties are located some distance from the site and the construction activities will not include piling it is not considered that there will be any vibration impact associated with the proposals;
- Assessment of the impact of noise from traffic movements associated with construction activities, based upon the number of construction-related traffic movements and the existing baseline traffic data;
- Assessment of the likely operational noise impact from the operation of the extended and new MRFs, waste transfer stations, low grade composting and relocated waste wood recycling operations and associated vehicle movements, determined from an analysis of the proposed changes to the plant and a detailed acoustic model.

278. The environmental noise and vibration impact assessment for the proposed changes at the application site has indicated that there will be no residual impact associated with noise from construction-related activities.

279. The assessment has also indicated that the proposals will marginally reduce the noise emission from the site operations at the majority of receptors and will therefore generally have a minor positive environmental benefit upon the local community.

280. The increase in noise level associated with additional vehicle movements associated with the site operation will be negligible.

281. The EHO has considered the noise and vibration assessment and raises no adverse comments/objections.

### **Overall Conclusion**

282. The proposed development would both retain and expand the existing municipal MRF capacity at Lower Compton to service the changes brought about by the harmonised service of waste and recycling collection undertaken by Wiltshire Council. The new I&C capacity would play an important role in diverting I&C waste from landfill in accordance with the objectives of the Waste Core Strategy and PPS10. Officers consider that the need for the development / capacity has been satisfactorily demonstrated, and in accordance with policies WCS1, WCS2, WCS3 and WCS5 of the Waste Core Strategy.

283. The proposed development is located on a site that has been allocated for strategic waste development in the Waste Site Allocations Local Plan, consistent with Policy WCS2 and Policy WCS3 of the Waste Core Strategy which encourages the use of site allocations and current waste sites for the development of MRF and WTS capacity.

284. The existing waste management facilities are time limited for the stated reason of achieving the satisfactory restoration of the site. It is considered inappropriate to grant permanent permission given the location of the site and the temporary nature of the existing land uses and the context of the approved restoration scheme. As provision has not been made for the appropriate restoration and reinstatement of that site as part of the cessation of waste management activities, it is considered the application is contrary to the requirements of Policy WDC10 of the Waste Development Control Policies DPD.
285. The application includes a LVIA which satisfactorily assesses the likely impacts of the development on landscape character and on the North Wessex AONB and includes appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. The proposed development accords with Policy WDC7 of the Waste Development Control Policies DPD.
286. The updated Transport Assessment concludes there to be no significant transport and access effects predicted as a result of the development proposals. The application includes investigations into identifying an appropriate solution to reducing the impact on traffic in Calne and/or proposes adequate mitigation measures as required by local planning policies. There are no grounds for refusal on traffic grounds subject to appropriate mitigation to be secured by legal agreement and planning conditions.
287. The updated Air Quality Assessment shows that there would be no reduction in existing exceedences of the annual mean nitrogen dioxide along New Road in Calne as a result the proposed development. In the professional opinion of the Environmental Health Officer, the development will contribute to air quality exceedences (in New Road) and the impact on air quality is therefore 'highly significant'. This requires strong mitigation measures, yet those measures proposed by the Applicant cannot, as confirmed in the updated Air Quality Assessment, be applied to all traffic accessing the development site through the designated Air Quality Management Area. Consequently, it is concluded the proposals fail to meet the requirements of Policy WDC2 of the Waste Development Control Policies DPD and Policy 55 in the Pre-Submission draft Wiltshire Core Strategy, as well as the Wiltshire Air Quality Strategy. Accordingly, the application is recommended for refusal for the reasons set out below.

### **Recommendation**

- 2.88 That the application is REFUSED, for the following reasons:-
1. The development will contribute to air quality exceedences within the Calne Air Quality Management Area. The Council does not consider that the mitigation measures are strong enough given that the measures could only be applied to a small proportion of total vehicles arising from this proposed development. The proposal would therefore conflict with Policy WDC2 of the Waste Development Control Policies DPD and Policy 55 in the Pre-Submission draft Wiltshire Core Strategy, as well as the Wiltshire Air Quality Strategy.
  2. The existing waste management facilities are time limited for the stated reason of achieving the satisfactory restoration of the site, but this proposal is for a permanent use. The Council considers it inappropriate to grant permanent permission given the location of the site and the temporary nature of the existing land uses and the context of the approved restoration scheme. No provision has been made for the appropriate restoration and reinstatement of that site as part of the cessation of mineral extraction and waste management activities. The proposal would therefore conflict with Policy WDC10 of the Waste Development Control Policies DPD.



<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	Submitted application, documents and consultation replies

**ALISTAIR CUNNINGHAM**

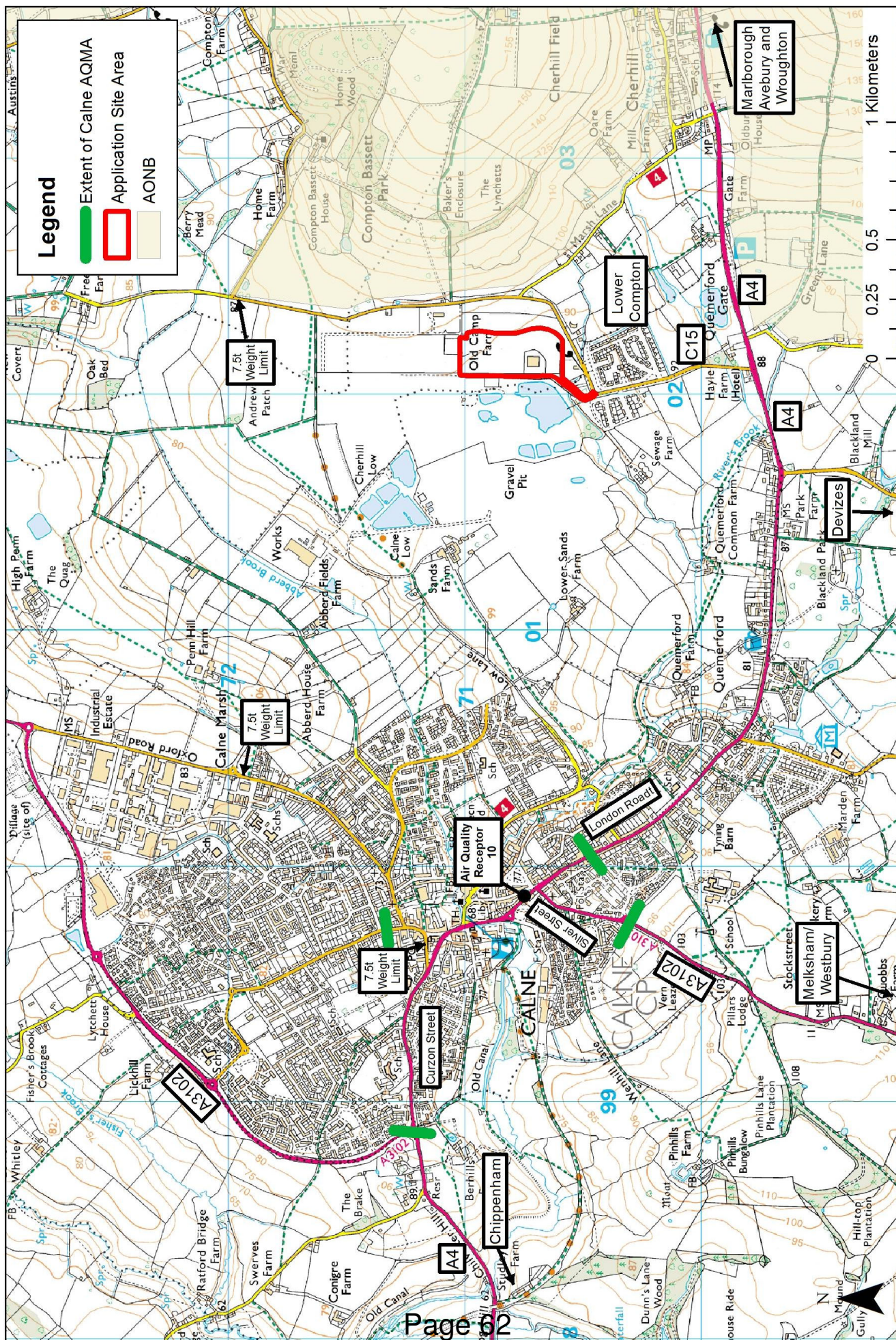
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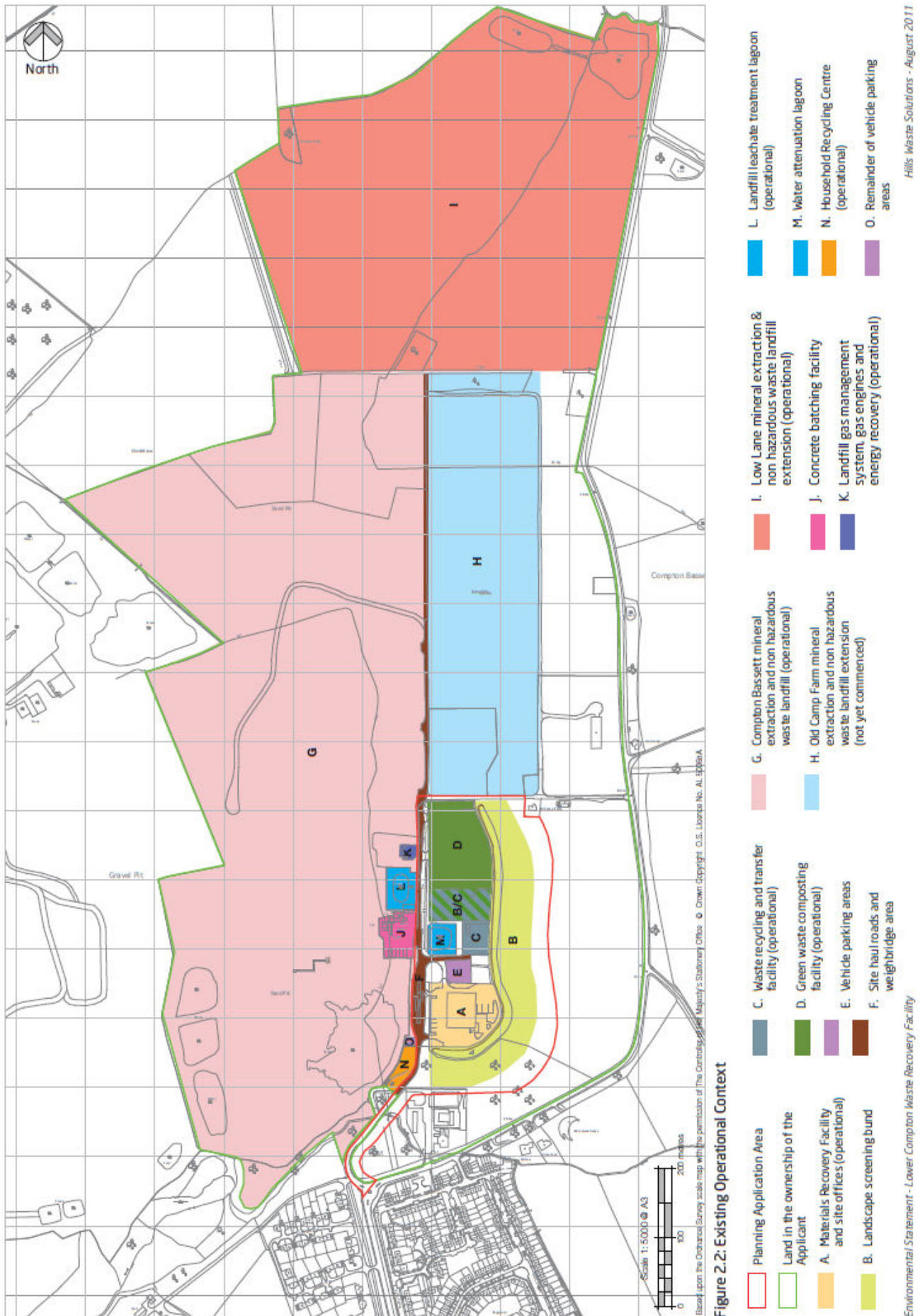
Report Author:

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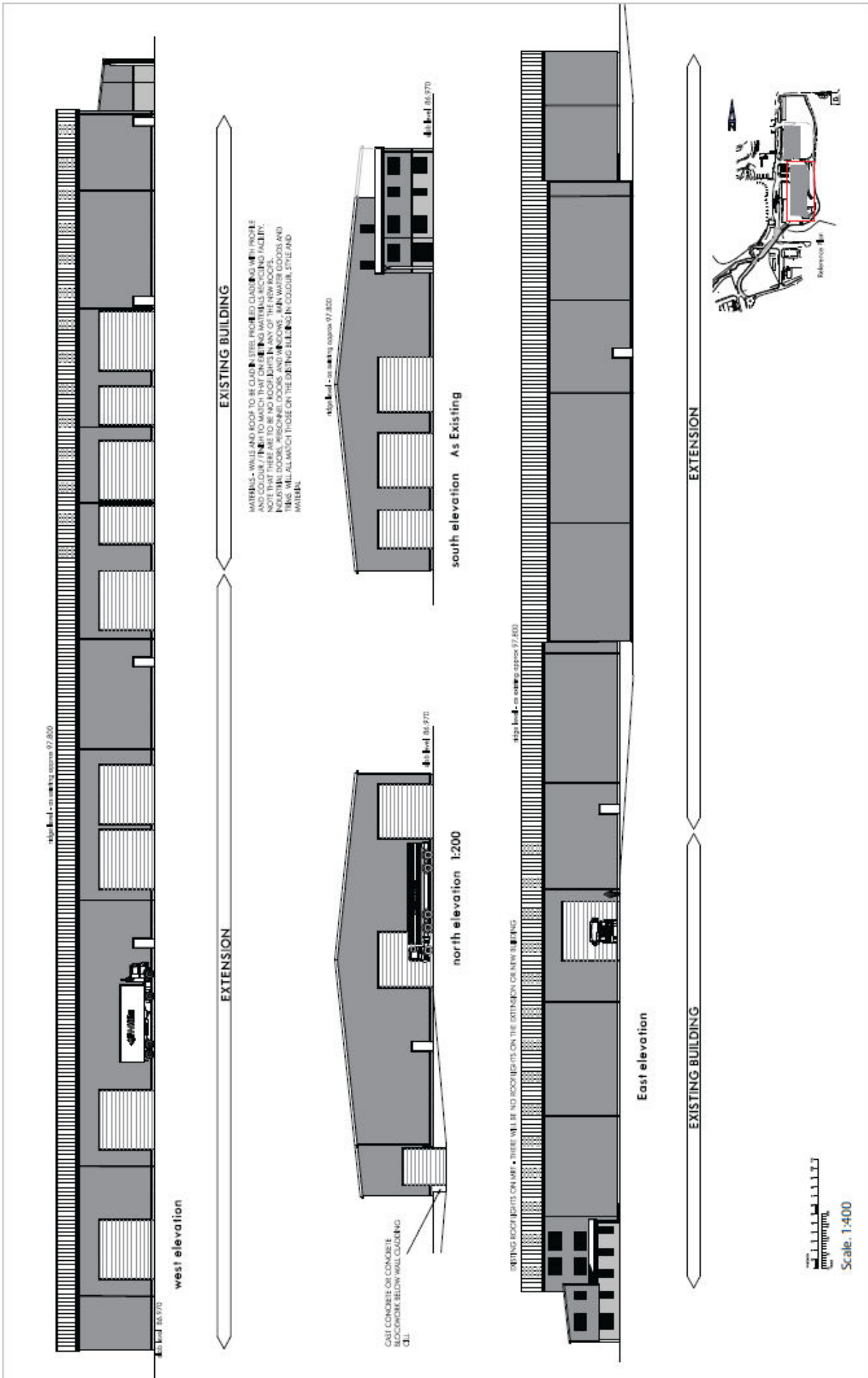






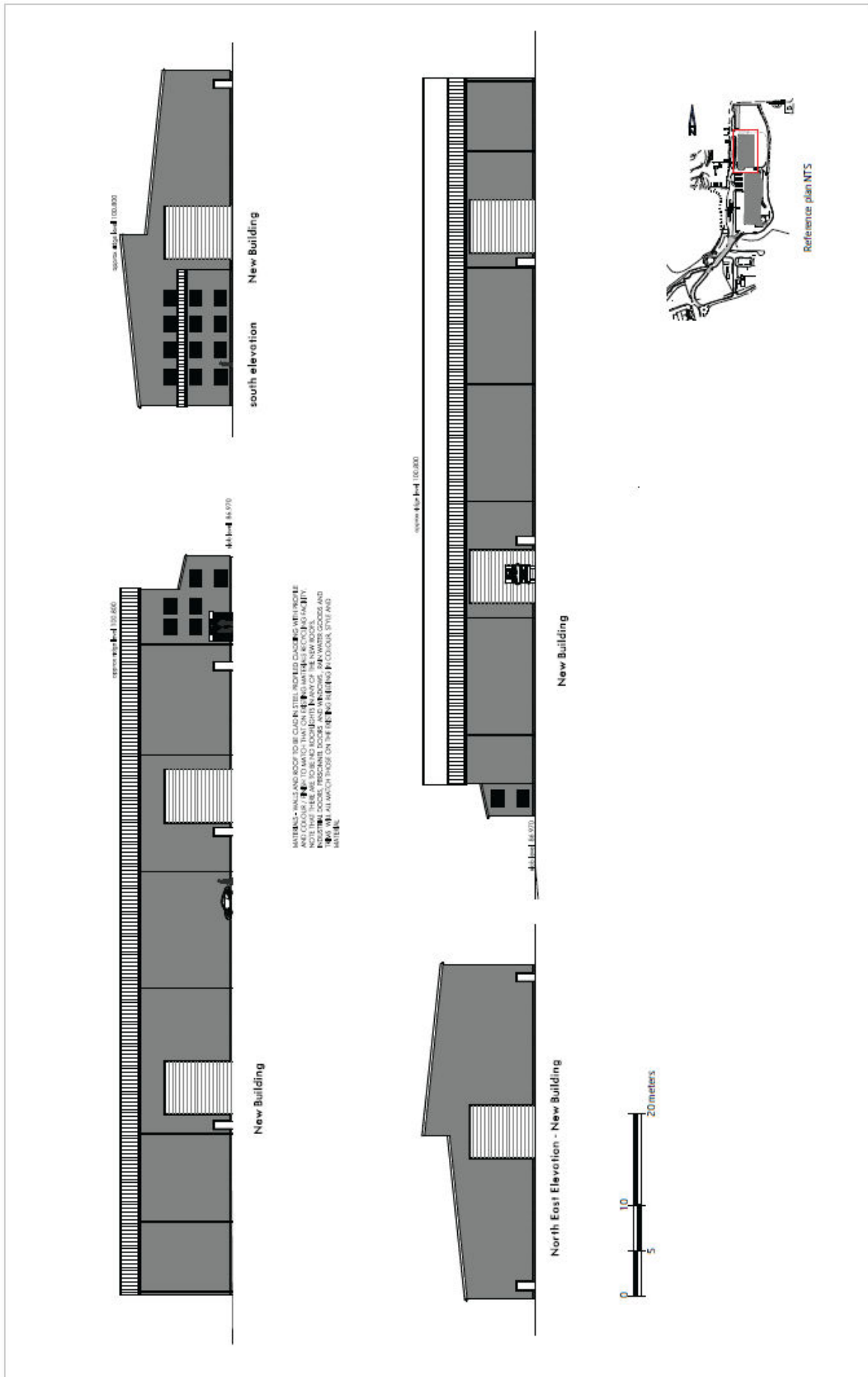
Source: Fabrik

Figure 3.7 Proposed Landscaping Scheme



Source: Peter Kent Architect DWG.008

Figure 3.4 The Proposed Municipal MRF Elevations



Source: Peter Kent Architect DWG.010

Figure 3.6 The Proposed I&C MRF / WTS Elevations

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	Wednesday 25 <sup>th</sup> September 2013		
<b>Application Number</b>	E/2013/0083/OUT		
<b>Site Address</b>	Land at Coate Bridge, Adjacent to Windsor Drive, Devizes, Wilts		
<b>Proposal</b>	Outline planning application for residential development of up to 350 dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works		
<b>Applicant</b>	Mactaggart and Mickel Homes Ltd.		
<b>Town/Parish Council</b>	ROUNDWAY		
<b>Electoral Division</b>	Roundway	<b>Unitary Member</b>	Cllr Laura Mayes
<b>Grid Ref</b>	401970 162313		
<b>Type of application</b>	Outline Planning		
<b>Case Officer</b>	Jemma Boustead/Mike Wilmott		

### Reason for the application being considered by Committee

This application is being referred to the Strategic Planning Committee as it is a large scale major development of up to 350 houses on a site not allocated for development and which raises issues of more than local importance as the proposal has implications for the future development of housing in Devizes, Roundway and Bishops Cannings town and parish areas. In addition, the divisional member, Cllr Mayes has asked that the application be presented to committee for the following reasons:

- Scale of Development
- Visual Impact upon the surrounding area
- Environmental/highway impact

### 1. Purpose of Report

The purpose of this report is to consider the application and the recommendation that planning permission be refused.

### 2. Report Summary

The main issues to consider are the principle of the development in relation to the policies of the development plan and the NPPF; and the impact of the proposal on other relevant material considerations, including highway and air quality; visual impact; drainage and ecology.

The application is opposed by Roundway Parish Council and the adjoining Bishops Cannings Parish Council and Devizes Town Council.

### 3. Site Description

The application site comprises a parcel of agricultural land immediately to the east of Windsor Drive on the edge and to the east of Devizes. The Kennet & Avon Canal and its towpath bound the site to the north and Coate Road bisects the site. The site itself is low lying and relatively featureless, with the southern edge on rising land and a derelict building adjacent to Coate Road.

A small section of the site adjoins the North Wessex Downs AONB and the site itself lies within the Landscape Setting for Devizes that is referred to in the emerging Core Strategy.

#### 4. Planning History

There are historic applications which were refused on the site which were before the current Local Plan and are as follows:

K/79/0388 – Outline Residential Development

K/76/0011 - Residential Development including improvements to London Road, Coate Road, Coate Bridge and new residential distributor road

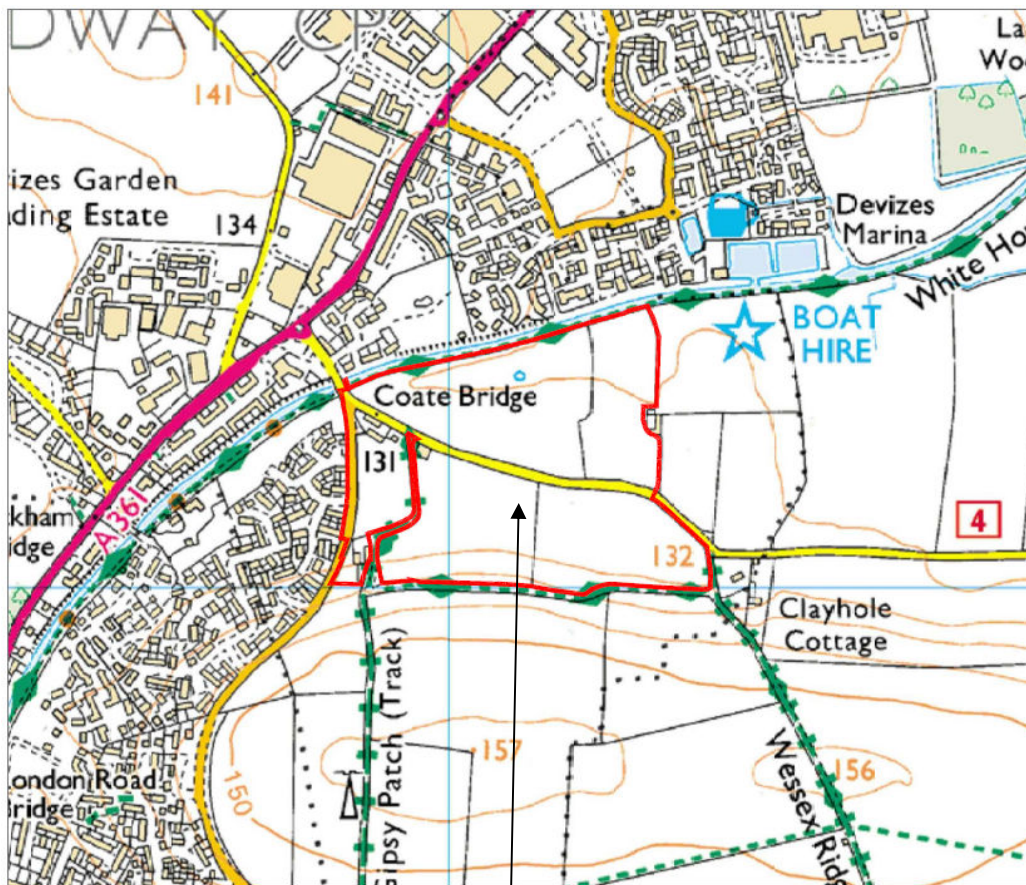
K80/0789 – Residential Development

K86/1124 – Residential Development

#### 5. The Proposal

This application seeks outline planning permission for a residential development of up to 350 dwellings and a local centre of up to 700sqm of class A1 retail use, together with ancillary open space, access roads, cycleway, footpaths, landscaping and associated engineering works.

The outline is submitted in outline with only access for consideration at this stage. An illustrative masterplan is included which shows road connections to Windsor Drive and Coate Road.



Site Location Plan





**Illustrative Layout**

## **6. Planning Policy**

### Kennet Local Plan 2011 - Saved policies

- PD1 – Development & Design.
- NR6 – Sustainability & protection of the countryside.
- HC26 – Housing in the countryside.
- HC28 – Affordable homes target.
- HC30 – Affordable housing.
- HC34 – Recreation provision on large sites.
- HC37 – Demand for education.
- HC42 – Additional social & community needs.
- ED17 – Town centre development.
- AT1 – Transport appraisal process.
- AT10 – Developer contributions.

### Wiltshire Core Strategy (WCS) - Pre-Submission Document (February 2012)

- Core Policy 2: Delivery Strategy
- Core Policy 12: Devizes Community Area
- Core Policy 38: Retail and Leisure
- Core Policy 41: Sustainable construction and low-carbon energy
- Core Policy 43: Providing affordable homes
- Core Policy 50: Biodiversity and geodiversity.
- Core Policy 51: Landscape.
- Core Policy 52: Green Infrastructure.
- Core Policy 55: Air Quality.
- Core Policy 57: Ensuring High Quality Design & Place Shaping.

Core Policy 61: Transport and Development

Core Policy 62: Development impacts on the transport network

### Supplementary Planning Guidance

- Supplementary Planning Guidance 'Community Benefits from Planning' (March 2005).
- Kennet Landscape Conservation Strategy.
- Interim Development Control Policy 'Renewable Energy and New Development' (September 2007).
- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.

### Other Legislation

- National Planning Policy Framework (NPPF)
- Circular 06/2005 Biodiversity and Geological Conservation

## **7. Consultations**

**Bishops Cannings Parish Council** – objects on the following grounds:

- The negative impact of increased traffic through small rural communities within the parish and traffic congestion throughout Devizes, with the associated further increase in pollution.
- Other infrastructure and services will be subject to unacceptable strain.
- The impact on local ecology – loss of habitat for barn owl and other species of fauna.
- This development is unnecessary as all housing requirement for the period 2006 – 2026 (covered by Wiltshire Core Strategy) can be met by small scale housing developments. These will have less direct impact on the environment and infrastructure of the Devizes area, and therefore should be considered preferable.

**Devizes Town Council** - objects on the grounds that this not a suitable location for a development of this size which would result in a negative impact on traffic, pollution and a lack of infrastructure.

**Roundway Parish Council** - objects on the following grounds:

- The development fails to address the Wiltshire Core Strategy;
- It is not part of the Neighbourhood Plan which is being worked on by the three parishes since July 2012 to find sustainable sites for future development;
- Two possible sites have been identified to date that meets our vision for Devizes and surrounding parishes;
- Members feel that the Coate Road site is close to a flood plain; and
- It compounds traffic problems already subject to heavy congestion in peak periods and currently above air quality limits on the A361 London Road.

**North Wessex Downs AONB Unit** – no objection subject to a number of detailed issues being resolved or agreed by planning condition. These issues can be summarised as follows:

- Building heights should not be up to 10m in height on the highest parts of the site and where closest to the AONB boundary. Heights should be restricted to 8m in these locations.
- The proposed landscape boundary (woodland) to the east of the site should include detailed management and protection proposals to ensure it is protected as a strategic and defensible boundary between the settlement, countryside and AONB. The land should not become part of private garden land where it may become eroded over time.
- Care should be taken at the detailed design stage to avoid suburbanisation to achieve a

successful transition from countryside into the development – for example using street lighting design and location, new landscaping within the development, materials and creating an interesting roofscape.

Attention is drawn to the North Wessex Downs AONB 'Position Statement on Setting'.

**Canal & River Trust** – no objections, subject to appropriate conditions and informatives and a S106 agreement to secure a contribution of £105,000 towards improvements on the canal bank and towpath in the vicinity of the site. This is in recognition of the role the Kennet & Avon Canal towpath will play in providing a sustainable transport route directly into the heart of the town; the funding will help upgrade the existing towpath in order to cope with the additional usage that the residents of the proposed houses will bring.

**CPRE** – objects to the principle of development on the grounds that the proposal lies outside of the Limits of Development for Devises and is contrary to policies HC2, HC26 & NR6 of the Kennet Local Plan 2011 and policies CP2, CP12 and CP51 of the emerging Wiltshire Core Strategy. There is also potential conflict with policies HC30 & HC42 of the local plan and policies CP43, CP46 and CP55 of the emerging core strategy. The CPRE rejects the applicant's arguments on most major issues, notably on traffic congestion, air quality, landscape impact, infrastructure and green space. As regards the access arrangements, the two accesses being proposed seem to be of adequate width, but they are likely to be busy junctions, so should have either protected turns or mini roundabouts to control usage.

**Environment Agency** – no objections subject to appropriate conditions and informatives regarding surface water drainage plan, scheme of water efficiency, a construction environmental management plan and a minimum target of Code Level 3 of Code for Sustainable Homes.

**RSPB** – no objection. The RSPB agrees with Section 4 (Recommendations and Mitigation) of the Ecological Surveys Report submitted with the application, regarding breeding and non breeding bird species during the demolition, construction and post construction periods of the development. It recommends that a Landscape/Wildlife Management Plan is made a condition of the consent if granted.

**Wessex Water** – no objection subject to a condition securing a foul and surface water drainage strategy. The following additional comments are made:

- There is a foul rising main crossing the site which requires protection or possible diversion as part of the foul drainage strategy.
- Wessex Water notes Option A in the applicant's suggested options for the foul drainage of the site in RPS "Utilities Assessment and Foul Water Strategy Options" (5 Foul Water Disposal Options). Unfortunately Option A will have to be discounted due to probable septicity / foul drainage storage issues. Option B is a possibility although alternative options will need to be considered through appraisal to ensure the most appropriate scheme is developed.
- The applicant has indicated surface water will be disposed of via SUDs arrangements which must be to the satisfaction of the Council.
- There is limited capacity within the water supply network to accommodate development. The applicant is invited to contact Wessex Water to initiate network modelling to determine the nature of recommended off site reinforcement. The developer will be expected to contribute to recommended improvements.

**Wiltshire Council Archaeologist** – recommends refusal on the grounds that the applicants have not carried out an archaeological field evaluation. The application does contain enough information from the desk assessment to determine the likely impact of this development on the potential cultural heritage remains. A watching brief by condition would be entirely inappropriate. The request for pre-determination evaluation is fully justified and in line with national guidance (NPPF).

**Wiltshire Council Climate Change Project Officer** – recommends refusal unless a detailed energy strategy is submitted either to comply with the Kennet Local Plan or the Wiltshire Core Strategy or to demonstrate the NPPF requirement of “sustainable development”.

**Wiltshire Council Drainage Engineer** – recommends approval of the application subject to the requirements of Wessex Water being complied with.

**Wiltshire Council Ecologist** - no objection subject to conditions securing the submission of an ecological mitigation and enhancement strategy and a robust construction method statement that will ensure habitats and species are given due regard throughout the process.

**Wiltshire Council Education Dept** – requests a financial contribution of £1,900,051 towards education infrastructure in Devizes, broken down into £203,408 towards infants (Southbroom), £394,103 towards juniors (Southbroom) and £1,302,540 towards secondary (Devizes Academy).

**Wiltshire Council Environmental Health (re. Air Quality)** – no objection, subject to the following highway improvements being secured as part of the development:

1. Installation of traffic signals at the London Road/Windsor Drive junction
2. Improvements to the southbound approach at the Hopton Road/London Road roundabout

**Wiltshire Council Environmental Services** – no objection, providing that the following can be secured:

- Equipped Play Space: 2,604sqm
- Casual Play Space: 3,444sqm (the indicative layout fully meets this)
- Formal Sports/Pitches Commuted Sum: £212,450)

A further commuted sum would be required if the developer wishes to offer the creation space for adoption by the Council.

**Wiltshire Council Highway Officer** – no objections, the Transport Assessment has been examined and the Devizes traffic model has been run with the proposed development included in order to further assess the wider effects. The Highway Officer is satisfied that the proposed development will not have an unduly adverse effect on the highway network subject to the following being secured by means of a S106 legal agreement:

1. Installation of traffic signals at the London Road / Windsor Drive junction;
2. Improvements to the southbound approach at the Hopton Road / London Road roundabout;
3. A financial contribution towards enhanced public transport provision in the area.

The Master Plan is accepted and the Highway Officer is satisfied that a suitable internal highway layout can be achieved. Residential parking will need to be provided in accordance with the Council's minimum residential parking standards.

**Wiltshire Council Landscape Architect** – no objections, the submitted Landscape & Visual Impact Assessment is well considered and its overall findings are accepted. The illustrative landscape proposals satisfactorily address the points raised by officers during pre-application discussions, and adequately respond to important issues connected with landscape character and visual impact identified in the LVIA.

**Wiltshire Council New Housing Officer** – no objections subject to a 40% affordable housing contribution with a tenure mix of around 70% rented and 30% shared ownership. Full text of comments below:

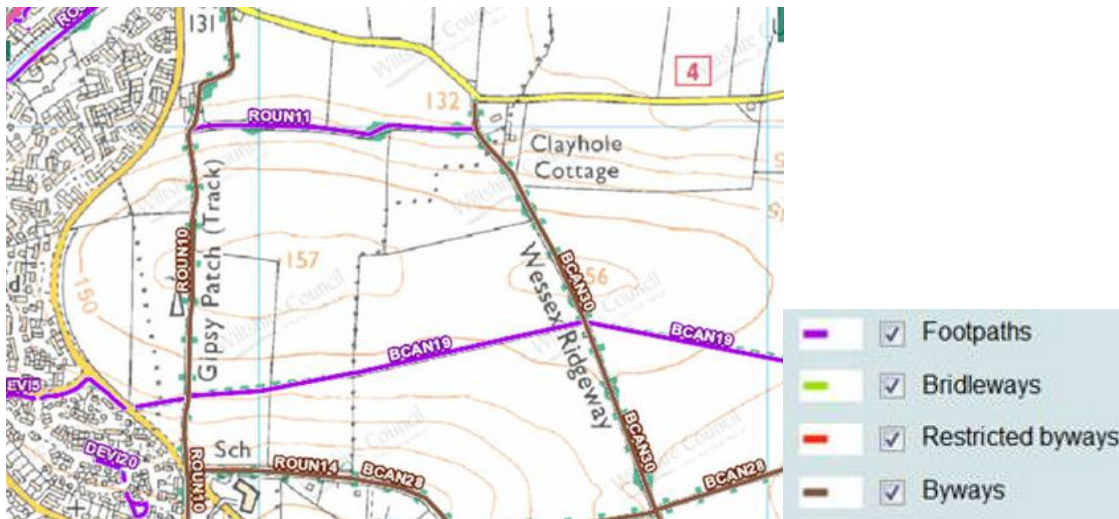
“Although the affordable housing policies of the Kennet Local Plan 2011 are extant, they

were underpinned in their requirement of a 50% affordable housing contribution by the assumption that grant funding would be freely available. This is no longer the case, either locally or nationally. I therefore consider it reasonable to have regard to the Draft Wiltshire Core Strategy in relation to affordable housing proportions, and suggest that a 40% affordable housing contribution may be appropriate.

“Setting aside the appropriateness in planning terms of the site itself, the outline application, whilst acknowledging the importance of affordable housing, appears to be silent on proportions. I would expect to see a 40% affordable housing contribution. I have looked at the data contained in the Wiltshire SHMA, I have also run an analysis of the Wiltshire housing register and am satisfied that there is sufficient demand to require a 40% affordable housing contribution on this site. I consider that it is essential that the proportion of affordable housing which would be provided is established at this stage.

“I would expect a tenure mix of around 70% rented and 30% shared ownership. All affordable dwellings would need to meet minimum design standards. Further details of these can be provided, along with details of Wiltshire council’s Registered Provider partnership members if requested.”

**Wiltshire Council Rights of Way** – no objections subject to upgrades to the surface of the public footpath bounding the southern edge of the site (Roun11) and the Gipsy Patch byway linking Coate Road with Brickley Lane Primary School to the south (Roun10). Full comments below:



“The site has several rights of way running past/through it:

1. On the south side it is bounded by footpath Roun11.
2. A byway open to all traffic links through the site down to near Nursteed School, Roun10. BOATS can be used by walkers, cyclists, horse riders, carriage drivers and motorised vehicles (eg cars and motorbikes).
3. Bcan30 is another byway open to all traffic, it runs down the east side of the site.

“Currently these are rural rights of way but a development here would drastically change how the rights of way were used and what people’s expectations/requirements of the routes would be.

“Roun10 is a direct, safe link to Nursteed School. It would be expected that, due to parental choice, some parents would want their children to go here and some would go to Southbroom School. Residents of the development could reasonably expect their children to be able to cycle along Roun10 to school. There would only be the occasional motorised user. Currently the surfacing is acceptable for its rural byway use but it would not be good

enough as an attractive route to the school – particularly in the longer term. We would therefore require the developer to tarmac the route. If we did not get the developer to do this now, the residents would demand it was done. Although vehicles can legally drive the byway residents should be discouraged from doing so, so any links from the development onto the path should be only for pedestrians and cyclists.

“Roun11 can get muddy in places at times. While this is acceptable for rural routes, again, this new housing would greatly increase usage – considerably exacerbating the situation to the point it would be difficult to use for much of the year. We would want to see the surface of this route stoned. This would be less of a priority than the above but we still feel it is essential.

“There are also many deal elm trees around the byway where the development would take place. It would be inappropriate to have these around the housing so work would also be required to clear some of these.”

**Wiltshire Council Spatial Planning** – The proposal does not accord with the emerging development plan as it is outside the defined limits of development for Devizes and it has not been identified through a community led planning document. The Council can demonstrate a sufficient supply of housing when considered against the emerging Core Strategy.

**Wiltshire Council Spatial Planning (Waste Policy)** – no objections, the submitted Site Waste Management Plan covers the main aspects of policy WCS6 of the Waste Core Strategy, with the exception of criterion h) which relates to the steps to be taken to ensure maximum waste recovery (e.g. recycling and composting) once the development is completed/occupied.

**Wiltshire Council Urban Designer** – no objection. The urban designer provides a useful analysis of the illustrative layout and picks up on a number of detailed points which can be addressed at the reserved matters stage.

**Wiltshire Fire & Rescue Service** – Provides general guidance and requests a developer contribution of £26,981.50 towards infrastructure.

## **8. Publicity**

The application has been publicised via site notice, press advertisement and neighbour notification letters to nearby properties. 63 representations of objection have been received raising the following issues of concern:

- a. The site is not allocated for housing development;
- b. This is a greenfield site, there are more suitable brownfield sites in and around the town;
- c. The site lies outside of the Limits of Development and beyond the existing urban boundary;
- d. Development is premature before the community has been consulted on its Neighbourhood Plan;
- e. The Government has pledged to devolve more decision making to local levels. This is an era of Localism and therefore the community's wishes should be listened to;
- f. The Wiltshire Council 2012 Area Board meeting said that no additional high density development would be allowed in Devizes and therefore the application in question should be fully and finally declined by the Council;
- g. Development is not sustainable;
- h. This development is far too large for the area; the town does not need any more developments on this scale. There is no evidence that the housing is needed;.
- i. Devizes does not have the infrastructure to cope with a development of this size. The hospital is closed, health & education services are overstretched and people have to travel miles (20-30 miles) for the nearest A&E department and maternity unit. The scheme will also have a significant impact upon competition for school places. There are

- insufficient school places in the town;
- j. This part of Devizes has seen its fair share of development in recent years and cannot cope with the traffic it already has. London Road is heavily congested at peak times and air pollution targets are not being met;
  - k. Development would exacerbate traffic congestion and no amount of traffic lights or junction improvements will help, there is simply too much traffic for the roads to cope with at peak times. Traffic already backs up a long way along Windsor Drive and the town is gridlocked at certain times of day;
  - l. Traffic problems in Devizes need to be solved before we add such a huge development to one corner of this town. Smaller developments can be integrated more easily;
  - m. Has the scheme been tested against the Devizes traffic model?
  - n. Speed would need more control on Windsor Drive.
  - o. Development would exacerbate an existing air pollution problem which is already above legal limits, particularly along the London Road corridor.
  - p. Windsor Drive marks a clear natural boundary for the eastern Limits of Development and should not be breached. To do so would leave this area open to urban sprawl.
  - q. It sets a dangerous precedent for further developments in the area.
  - r. The Core Strategy housing requirement can be met via small scale housing developments which will have less direct impact upon the environment and infrastructure of Devizes.
  - s. Development will harm the rural setting of the town.
  - t. The countryside will be spoilt and the rural character of the area harmed.
  - u. The site borders onto the AONB, the setting of which will be adversely affected.
  - v. The proposal will result in the loss of agricultural land.
  - w. The site is unsuitable for building. It is a water meadow, it is low lying and already gets very wet and floods. The southern parcel of land also floods, taking water from the rising land. Surface water has spread across Coate Road and stayed for months.
  - x. There would be a significant loss of wildlife habitat. There are hares, owls and bats on the site. Retaining trees is not enough.
  - y. The desktop archaeological assessment does not adequately assess the site's archaeological potential. An excavation is required.
  - z. The site is too far from the town centre.
  - aa. Devizes cannot provide employment for the increase in working population. Workers would end up commuting or displacing existing employees who would in turn commute.
  - bb. A quiet stretch of canal would become a lot busier and this would result in more pollution in and around the water.
  - cc. Drivers will use the villages of Coate, Little Horton, Bishops Canning and Etchilhampton as rat runs and this is dangerous (as Roundway village has suffered in recent years). Country lanes cannot support this higher level of traffic.
  - dd. There is no benefit the local community, only a small handful of local landowners and a property developer from the opposite end of the country.
  - ee. The applicant has consulted the community and has ignored its wishes.
  - ff. The Government has pledged to devolve more decision making to local levels. This is an era of Localism and therefore the community's wishes should be listened to.
  - gg. The main London Road going into Devizes from this area is gridlocked already – no way can it take a further 500 plus cars
  - hh. The air pollution levels are already in excess of the limit imposed by the European Union and the addition of 350 homes will exacerbate this problem
  - ii. We expect developers to achieve their planning permissions by default when, on appeal against rejection of their initial application, local authorities claim to be unable to afford legal representation in that appeal process.
  - jj. It is inappropriate for the planning authority to be afraid to fight this proposal on the basis of the cost involved when central government overrule
  - kk. If approved the residents will petition the European Union to take action against the Council on the increased excessive levels of air pollution we will have to endure.
  - ll. Walking routes will be reduced
  - mm. Loss of ecology – it would be environmentally very wrong to destroy habitats that have

existed for years

- nn. Where will the children go to secondary school as there is only one in Devizes – bussing children out to neighbouring towns will not be an attractive option
- oo. There are no clothing, furniture, hardware or white good stores to meet the needs of existing occupiers of Devizes who have to go to Swindon. More people will only exacerbate this problem
- pp. An extra 350 homes will put pressure on existing water and sewer facilities
- qq. What will the prices of these homes be – will they be able to be bought by local people

An objection was also received from AMEC who are the applicants for a current application at Lay Wood in Devizes for up to 260 dwellings (13/01243/OUT). They have the following comments to make:

- a) The Crown Estate has been promoting its land at Lay Wood through the plan making process and consultation has started with Wiltshire Council and the Town and Parish Councils
- b) The Crown Estate has submitted a planning application at Lay Wood to enable an informed debate about the options available to Devizes
- c) The proposed application at Lay Wood will round off and improve the existing harsh urban edge with strong landscaping and linking to the wider canal network as well as the proposed employment land to the north. It will also provide a much improved gateway into Devizes
- d) The Coate Bridge application subject of this report should not be determined until the Council and the wider community has the opportunity to properly consider the proposals for Lay Wood and for both schemes to be put through the Devizes Transport Model.
- e) The Transport Assessment for Coate Bridge appears to be deficient – there is no assessment of junctions to the north east of Windsor Drive when at least 1/3 of the development traffic is predicted to use London Road. The traffic on London Road is also considered to be underestimated.
- f) AMEC have concerns that the level of proposed discharge from the proposed site is too high and the provision of surface water storage capacity on site is too low. This would negatively impact on the site at Lay Wood whether it is developed or not given that the canal discharges water via a sluice at Lay Wood when water levels are too high. It therefore has the potential to impact on the culvert under the canal in this location.

## 9. Planning Considerations

### 9.1 Principle of Development

Planning law requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The first principle is therefore to establish what the development plan states.

In terms of this proposal, the adopted development plan policies are those set out as ‘saved’ policies in the Kennet Local Plan 2011. In this plan, whilst Devizes is identified as a settlement where new housing development will be concentrated, the site proposed in this application lies outside of the Limits of Development defined for Devizes. The plan suggests that new large scale housing proposals outside of settlements such as Devizes *‘should only come forward as part of a review and roll forward of the plan’s housing policies’*. Policy NR6 restricts new development to locations within the Limits of Development defined for the town, unless it is demonstrated to be of benefit to either the rural economy in the locality or to the social well-being of the rural community in the locality. It is therefore evident that a proposal for up to 350 houses on this site, as envisaged in this proposal, is not in accordance with the policies that govern the location of new housing development in the Kennet Local Plan.



However, a number of saved policies of the Kennet Local Plan will be replaced in the foreseeable future by the Wiltshire Core Strategy. The Core Strategy is yet to be adopted, but it is now well advanced and has been the subject of Public Examination by an Inspector. In this more advanced stage, the policies of the emerging Core Strategy can be accorded an increasing degree of weight in decision making, particularly as the relevant policies are considered by your officers to be consistent with the policies in the NPPF. The Inspector's report is awaited and is anticipated later this year. In the Core Strategy, Devizes is not one of the principal settlements (the first tier towns) identified in the County as a primary focus for growth. The Town's role is identified as that of a market town that has a role in providing for significant development that will sustain the services and facilities that it provides to the town residents and those of its hinterland. (Policy CP1). The existing Limits of Development identified in the Kennet Local Plan are carried forward. Development of this nature outside of these limits is permitted only where the site has been identified through community-led planning policy documents, including neighbourhood plans, or a subsequent development plan which identifies specific sites for development. (Policy CP2). A neighbourhood plan for the Devizes area is currently being developed. A steering group has been formed with the specific aim to identify sites for new housing at Devizes in the most suitable and sustainable location(s) to meet the housing requirement of the Core Strategy for Devizes. The plan is being developed in cooperation for the administrative areas of Devizes Town and the neighbouring parishes of Roundway and Bishops Cannings. The councils have submitted a neighbourhood area designation application for the plan area and have commenced the process of selecting appropriate sites for development. At this stage, all that can be said of the emerging Core Strategy and the emerging Neighbourhood Plan is that the Limits of Development (LoD) for the town are not scheduled to change and that no additional sites for residential development have yet been brought forward outside the LoD in Devizes. However, it should be noted that a variety of windfall sites continue to come forward at the town within the LoD suggesting that the LoD are not currently constraining opportunities for new homes to be brought to the market at Devizes.

The strategy for development at Devizes is expressed in Core Policy 12 (CP12) of the Core Strategy. CP12 states that development proposals at the Devizes Community Area will need to demonstrate how the relevant issues and considerations listed in the community area strategy section will be addressed. These include the need to address traffic congestion, air quality and reduce the rate of development in Devizes compared to recent trends to enable infrastructure and traffic congestion issues to be addressed. Many of these issues and considerations are considered in this report under the normal range of material considerations i.e. transport and air quality etc – see below in Sections 9.2 onwards. CP12 identifies that a further 405 homes are required at the town over the remaining plan period (up to 2026).

In terms of the development plan policies that guide new development in and around Devizes, the proposal as it stands is clearly in conflict with them as it proposes a large residential development outside of the limits of development on a site that has not been identified for housing through any community-led or development plan document.

However, in terms of principle, this is not the end of the matter. The National Planning Policy Framework (NPPF) requires an assessment to be made as to whether the housing market area within which Devizes sits has a five year supply of housing land. If this cannot be demonstrated, then the policies in the development plan relevant to the supply of housing cannot be considered to be up to date. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission. (NPPF paragraph 14). The adequacy or otherwise of a 5 year land supply in the East Wiltshire Housing Market Area within which Devizes is located is therefore a material consideration in the determination of this application, alongside the relative benefits and disbenefits of this scale of development on this site at this time.

The amount of housing land available varies over time as new sites come forward and are granted planning permission and other sites are built out. It is thus a 'moving target'. In a 31<sup>st</sup> July 2013 Planning Inspector's decision on a site located within the LoD in Devizes and allocated for

employment use (Bureau West – E/2012/0268/FUL) an Inspector granted planning permission for 25 new dwellings after concluding that the Council could not ‘*convincingly demonstrate a five year land supply*’ based on the evidence presented during the hearing. However, the Bureau West appeal decision should be read in context. At this appeal, housing supply was seen by the Council as tangential to the primary issue relating to the loss of employment land. As a result, and as the matter was dealt with by way of a hearing, the accuracy of statements made about housing supply was not subject to the rigours of cross-examination. Furthermore, the Inspector did not conclude that the Council did not have a 5 year land supply, he simply stated that at that hearing, the Council could not ‘convincingly demonstrate’ one. Since that appeal was heard in June 2013, the Council has gone back and reassessed its figures for the 5 year land supply in East Wiltshire. These were published in August 2013 and submitted to the Core Strategy Inspector. They show that the East Wiltshire Housing Market Area has a 5.7 year land supply, in excess of the 5 years required by the NPPF. In these circumstances, the Council can still give significant weight to its existing development plan policies for the supply of housing. (It should also be pointed out that the Council could, if it considered that the benefits of developing this site for housing outweighed the conflicts with the development plan, grant planning permission. The NPPF encourages such flexibility if it is seen as being in the interests of the planning of an area and any adverse impacts were outweighed by the benefits, although such a decision would first have to be referred to the Secretary of State as a departure from the development plan).

Having established that the principle of the development is in conflict with the existing development plan and the emerging Core Strategy, and that a 5 year land supply exists, it is also necessary to consider the normal range of material considerations that have to be taken into account when determining a planning application. These are set out below.

## **9.2 Landscape & Visual Impact**

The application site comprises undeveloped land on the edge of the built-up area of Devizes. The site carries no statutory or local landscape designations, although the North Wessex Downs Area of Outstanding Natural Beauty abuts the site at its eastern end. Policy NR 6 of the Kennet Local Plan has been addressed above. In the emerging Core Strategy, Policy CP51 states that development should protect, conserve and where possible enhance landscape character and must not have an unacceptable impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The application is accompanied by a Landscape & Visual Impact Assessment (LVIA). The Council’s Landscape Advisor advises that the assessment is well considered and he agrees with it overall findings. In his opinion the illustrative landscape proposals satisfactorily address the points raised by officers during pre-application discussions, and adequately respond to important issues connected with landscape character and visual impact identified in the LVIA.

It might be viewed as unfortunate that the proposed development will breach the hard edge to the town created by the Windsor Drive distributor road. Nevertheless, the site is well contained in landscape terms with rising land to the south, existing urban development to the north and west and the potential to create a new landscape buffer on its boundary with open countryside to the east. The development will be viewed as an urban extension, much the same as recent developments at Wayside Farm and Brickley Lane. There will be changes to localised views, notably from the base of Windsor Drive, but this could not be described as harmful *per se* and would be no different to other urban extensions. There is an important distinction to be made between change - which is the inevitable result of development - and harm which would be significant enough to justify a refusal of planning permission.

The proposed development would extend the built up area of Devizes to the edge of the AONB and therefore would be regarded as within its setting and therefore has the potential to result in harm to the character, qualities and enjoyment of the AONB. It has been considered by the AONB Officer that with suitable design measures, the impact upon the setting of the AONB can be satisfactorily mitigated. These design measures include buildings on the highest parts of the site and where closest to the AONB boundary should not exceed 10 metres in height, street lighting

design and location, new landscaped areas within the development, materials and creating an interesting roofscape which all assist in mitigating the harm to the AONB and can be requested through the reserved matters stage. All of which is considered to be appropriate.

In short, the conclusion is that if development were found to be acceptable here in policy terms, the landscape impact could be satisfactorily addressed.

### **9.3 Impact on Ecology**

The application is accompanied by an Extended Phase 1 Habitat Survey and various protected species surveys, supported by a comprehensive desk study. The Council's ecologist confirms that the survey work to date has been thorough and of a level appropriate to the site and to the proposed development.

There are no statutory designated sites within close proximity to the application site that could suffer adverse impact as a result of the proposals. However, the Kennet & Avon Canal which runs adjacent to the proposed development carries the non-statutory designation of County Wildlife Site for its open water habitat. It is important to retain and where possible enhance the canalside habitats and provide a buffer to the development which will minimise any disturbance to ecology.

Field surveys were carried out at a sub-optimal time of year and further work will be required to fully predict the potential impacts of the proposed development on species of nature conservation value. However, Phase I habitat surveys do not rely on optimal seasons since identification of habitat type can be made at any time of year. The Council's ecologist agrees that the applicants have correctly interpreted the potential of the habitats on site to support the species they have listed. She also notes that the habitats within the site, and within a reasonable zone of influence adjacent to the site, have historically been managed as cultivated arable and semi-improved grazed pasture, both of which are classified as low conservation value, since they are not irreplaceable.

Accordingly, the Council's ecologist raises no objections to the proposals, subject to further survey work by the applicant and the imposition of conditions on any outline planning permission to secure the following (as required by Core Policy 50, Paragraphs 118 to 122 of the NPPF and guidance found in Circular 06/2005)

- An ecological mitigation and enhancement strategy;
- A robust construction method statement that will ensure habitats and species are given due regard throughout the process.

### **9.4 Impact upon Archaeology**

The applicant has submitted a desk-based heritage assessment which concludes that there is limited potential for archaeological remains within the site. The Council's archaeologist disagrees with this conclusion on the basis that the Historic Environment Record records a number of earthworks within the site boundary. She considers that an archaeological field evaluation is required prior to determination of the planning application. She considers that this approach is fully justified and in line with paragraphs 128 and 129 of the NPPF as the desk assessment does not provide enough information to determinate the likely impact of this development on the potential cultural heritage remains and a watching brief would be entirely inappropriate.

It is worth noting that the need for an evaluation was first identified in September 2012 at the pre-application stage so this is not a last minute requirement. The applicant has continually declined to carry out the work and therefore a refusal of planning permission is recommended on archaeological grounds. This could be accompanied by an Informative indicating that it may be possible to overcome this objection if the evaluation is carried out and does not reveal anything that may lead to a need to reconsider the principle of development of this site for archaeological reasons.

## **9.5 Highway Issues & Air Quality**

Kennet Local Plan Policy AT1 requires all development proposals to provide the provision of off-site highway or public transport improvements in the locality where extra traffic generated by the development would have identifiable adverse effects on highway safety. This Policy is supported by Core Policies 61 and 62 and paragraph 32 of the NPPF. Core Policy 55 also states that developments which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire.

The applicant has submitted a Transport Assessment and an Air Quality assessment as part of the application. The Devizes traffic model has also been run with the proposed development included in order to further assess the wider effects. The Highway Authority is satisfied that the proposed development will not have an unduly adverse effect on the highway network, subject to the following being secured by means of a S106 legal agreement:

- Installation of traffic signals at the London Road / Windsor Drive junction;
- Improvements to the southbound approach at the Hopton Road / London Road roundabout;
- A financial contribution towards enhanced public transport provision in the area.

The installation of further traffic signals and improvements to the roundabout will help improve the air quality issues that currently exist in Devizes

The Highway Authority accepts the submitted master plan and is also satisfied that a suitable internal highway layout can be achieved. Residential parking will need to be provided in accordance with the Council's current minimum residential parking standards. This element of the scheme will need to be considered at the reserved matters stage as layout is not for consideration as part of the current outline application.

Concerns have been raised regarding the loss of safe walking routes. The public footpaths that run from the site (ROUN10 and ROUN11) will remain in situ alongside the existing towpath. Therefore the proposed development would not result in the loss of a public footpath. Furthermore, the sustainability of the site is enhanced by its proximity to the Kennet and Avon canal towpath with its traffic-free route that runs close to the town centre, between 1 and 1.4 miles distant.

## **9.6 Renewable Energy & Sustainable Construction Issues**

The interim development control policy on on-site renewable energy, adopted by the former Kennet District Council, requires major developments such as this to provide sufficient on-site renewable energy to reduce CO<sub>2</sub> emissions from users of the development by a minimum of 10%. This requirement can often be met using solar photovoltaic technology, or air source heat pumps.

Emerging policy contained in the Wiltshire Core Strategy (Core Policy 41) takes a wider approach, looking at sustainable construction as a whole which is supported by paragraph 96 of the NPPF. It requires the submission of a Sustainable Energy Statement with planning applications and expects developments to achieve minimum levels against the Code for Sustainable Homes standard (Code Level 4 from 2013 and Code Level 5 from 2016).

The current application does not include a Sustainable Energy Statement and it contains very limited information on how the development will meet the Council's targets for sustainable construction and CO<sub>2</sub> emission reductions. This is in part due to the fact that the application is submitted in outline and there are no details of layout or building design to consider. It is considered that the Council's objectives could be secured through the use of planning condition(s)

requiring the submission of details as part of the reserved matters. It is not considered that a refusal of planning permission would be justified on these grounds in this case.

### **9.7 Design & Layout**

The current application is submitted in outline with only access for consideration at this stage. The reserved matters would cover the issues of layout, scale, appearance and landscape. The application is accompanied by an illustrative layout plan which shows how the site could be developed. Officers consider that the principles shown on this plan are acceptable should the site be considered suitable for development and that it could form a good basis around which to prepare reserved matters. The Council's Environmental Services team is satisfied in principle that the indicative layout could accommodate the necessary equipped and casual play space.

The proposed local centre which could see a potential shop is considered to be appropriate as it would serve a local need and it is not considered to be a threat to the vitality and viability of Devizes Town Centre. It is important to note the NPPF in paragraph 25 states that the sequential test and impact assessment as set out in Core Policy 38 should not be applied to applications for small scale rural development or if the floorspace is below 2,500 square metres

### **9.8 Drainage**

The site is located within Flood Zone 1 meaning that the site has a low probability of flooding from main rivers. A Flood Risk Assessment (FRA) has been submitted with the application and states that flooding from the Kennet and Avon Canal is minimal due to the existing footpath and an existing canal embankment. Sewer flooding can occur during heavy periods of rainfall but the site is not currently served by storm water sewers. Surface water flooding also occurs during intense rainfall events. The proposed development is therefore providing a Sustainable Urban Drainage System (SUDS) which in principle is considered to be appropriate. However detailed information regarding these SUDS would be requested to be submitted with any reserved matters application. The Environment Agency, Wessex Water and the Wiltshire Council Drainage Officer have raised no objections to the scheme and it is therefore considered that the flooding and drainage mitigation measures highlighted in the FRA are appropriate and could be dealt with by suitable conditions if the site was considered to be acceptable in principle.

### **9.9 S106 Contributions**

The infrastructure items listed below are those that are relevant to the application site and would be required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the NPPF. The applicant has agreed to provide the following items via a Section 106 Legal Agreement.

#### Education.

Kennet Local Plan policy H37 requires that developments of 25 or more dwellings should be satisfied that the education needs of the population of the new development can be met by existing school infrastructure - or improvements to existing school infrastructure will be sought. This is supported by paragraph 72 of the NPPF. The site based on 40% affordable housing would result in a requirement of 95 primary places and 68 secondary with a total cost of £1,900,051 at current prices. The designated schools for improvements are Southbroom Infants and Juniors and Devizes Academy at a secondary level.

#### Highways

Kennet Local Plan Policy AT10 states that contributions that are reasonably related in scale and kind including public transport, pedestrian and cycle facilities will be sought by way of planning agreements to ensure convenient access via alternatives to the motor car. The following measures are considered to meet this criteria:

- £30,000 per annum for five years towards public transport (total £150,000);

- Installation of traffic signals at the London Road / Windsor Drive junction;
- Improvements to the southbound approach at the Hopton Road / London Road roundabout;

A contribution of £105,000 is also required to go towards improvements on the canal bank and towpath in the vicinity of the site. This is in recognition of the role the Kennet & Avon Canal towpath will play in providing a sustainable transport route directly into the heart of the town. The funding will help upgrade the existing towpath in order to cope with the additional usage that the residents of the proposed houses will bring through cycle, pushchair and pedestrian use. This is supported through paragraph 75 of the NPPF that states that Local Authorities should seek opportunities to provide better public facilities for users.

### Affordable Housing

Core Policy 43 of the draft Wiltshire Core Strategy is the most up to date Policy regarding affordable housing and therefore Policies HC28 & HC30 of the Kennet Local Plan in terms of amount and percentage requirements are considered to be out of date. Core Policy 43 requires a level of 40% affordable housing. The application does not specify an amount of affordable housing and there is a strong demand in the Devizes area. Therefore 40% is considered to be an appropriate amount to request with the following mix: 70% rented & 30% shared ownership.

### Open Space & Leisure

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF Policy. HC34 of the Kennet Local Plan requires developments of over 20 dwelling units to provide recreational open space in the form of equipped play space, casual play space and formal sport pitches. Core Policy 52 supports this by stating that accessible open standards should be in accordance with the adopted Wiltshire Open Space Standards. The proposed development would therefore require 2,604 sq metres of equipped play space, 3,444 sq metres of casual play space and a commuted sum of £212,450 to be put towards formal sports pitches for sports facilities at Green Lane, Devizes. Further monies would also be payable if the developer wanted the Council to adopt the open space

### **9.10 Other Matters**

The Fire and Rescue service have requested a commuted sum of £26,981.50 to go towards the cost of hydrants and water supplies for fire fighting. They have also requested sprinklers to be inserted into the homes. There is no policy to request the sum of money above and therefore is not considered to be CIL compliant. The issue of sprinklers would be dealt with at a later stage through the Building Regulations. There is also no policy on making commuted sums towards health infrastructure and as such it would be unreasonable for the Local Planning Authority to request such monies.

Concerns raised by the general public including value of homes decreasing, types of shops that are currently available, employment opportunities, people making money out of the scheme are not material planning considerations when making a decision on this application. Concerns were also raised regarding the Local Planning Authority not being confident in defending appeals or not defending appeals due to a lack of money. The Local Planning Authority will make recommendations and decisions on applications they feel can be suitably defended at appeal.

AMEC are of the opinion that a decision should not be made on this application until their own application at Lay Wood is also able to be discussed. Every application is based upon its own merits and therefore it is considered unreasonable for the Local Planning Authority to hold up a current application on this basis.

### **9.11 Conclusion**

The key issue here is considered to be the principle of the development. The site lies outside of the Limits of Development defined in the Kennet Local Plan and carried forward into the emerging Core Strategy. Where the Council is satisfied, as it is in this case, that it has an identified five year land supply for the Housing Market Area, the emerging Core Strategy details a variety of sources to bring forward the proposed housing requirement, with policy CP2 stating that new sites outside of the LoD should be brought forward through community-led planning policy documents, including neighbourhood plans, or a subsequent development plan which identifies specific sites for development. A Neighbourhood Plan is being prepared for the Devizes Area and to approve an application for a major development of this number of houses in this location at this time would undermine this process. Furthermore, as discussed above, sites within the LoD continue to come forward to provide choice at the town. Accordingly, the application is recommended for refusal for the reasons set out below.

### **RECOMMENDATION**

Refuse the application for the following reasons:

1. The site lies outside of the limits of Development defined for Devizes in the Kennet Local Plan 2011. In this location, new development is restricted to that which is of benefit to the rural economy or the social well-being of the community. The Council does not consider that a housing development of this scale would support the rural economy or benefit the social well-being of the rural economy. The proposal would therefore conflict with policy NR6 of the KLP.
2. The Draft Wiltshire Core Strategy, through CP2, requires development outside of the Limits of Development for Devizes to be identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This site has not been identified through this process and it would therefore conflict with policy CP2 if planning permission were to be granted.
3. The Council is satisfied that there is no overriding need to bring forward this site outside the Limits of Development for residential development at this stage as it is satisfied that there is adequate land available to meet the Government requirement expressed in the NPPF for a 5 year land supply.
4. The site includes within its boundaries potential heritage assets with archaeological interest, including a number of earthworks recorded on the Historic Environment Record. The Council considers that in these circumstances, and in accordance with paragraph 128 of the NPPF, an archaeological field evaluation is required to properly inform the Council of the impact of the development on archaeological remains. No such evaluation has been undertaken on the site and the proposal is therefore considered to be premature as the Council is unable to assess properly the impact on any potential archaeological heritage asset on the site.

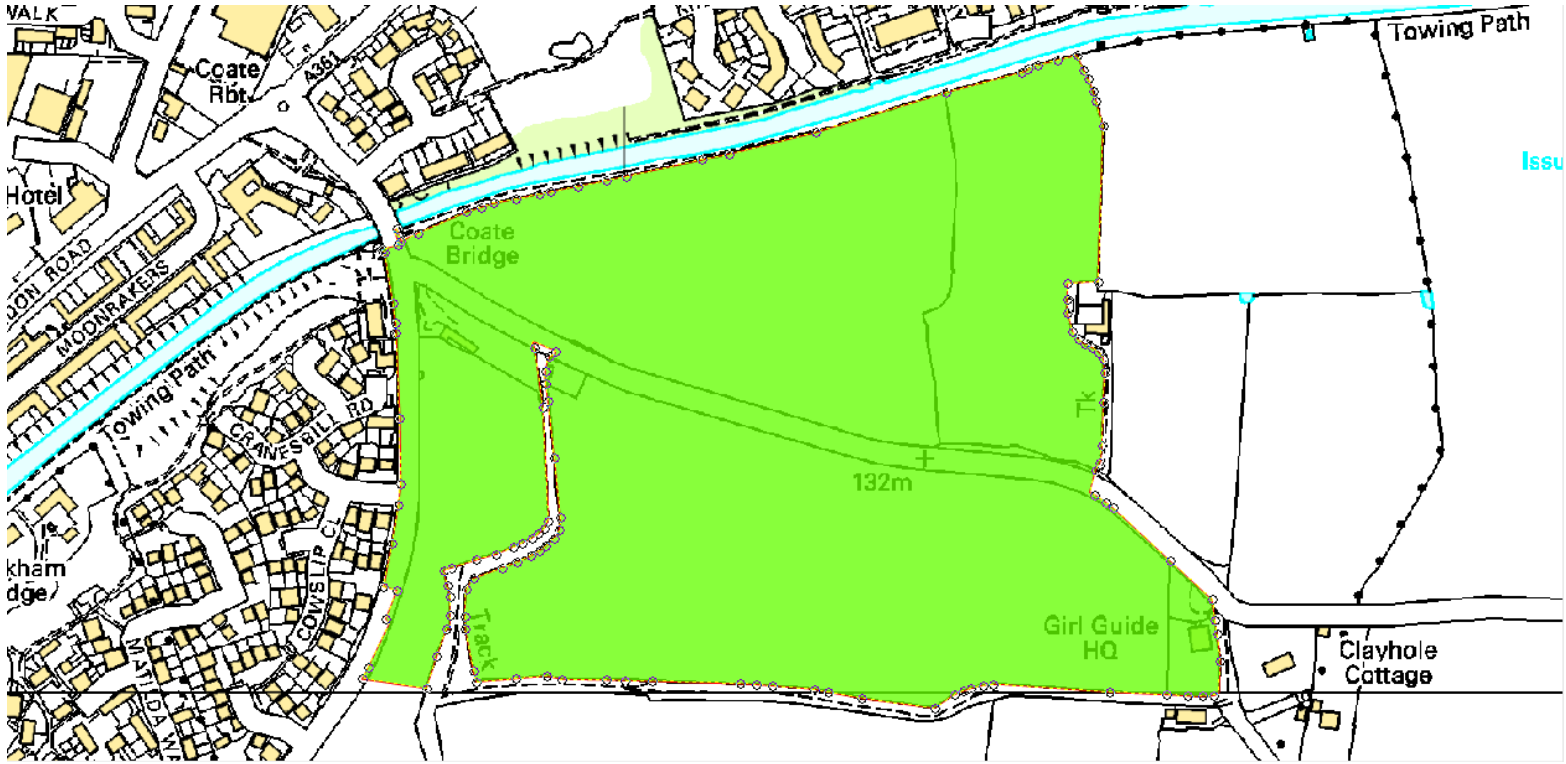
INFORMATIVE: The applicant is advised that it may be possible to overcome the 4<sup>th</sup> reason for refusal by undertaking the necessary archaeological field evaluation conducted by a professional qualified archaeologist following discussion with the Council's County Archaeologist.

**Appendices:** None

**Background Documents Used in the Preparation of this Report:** Wiltshire Core Strategy Documents; Planning application file E/2012/0268/FUL

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