

REPORT FOR STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

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

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

1. Purpose of Report

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

2. Report Summary

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

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

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

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

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

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

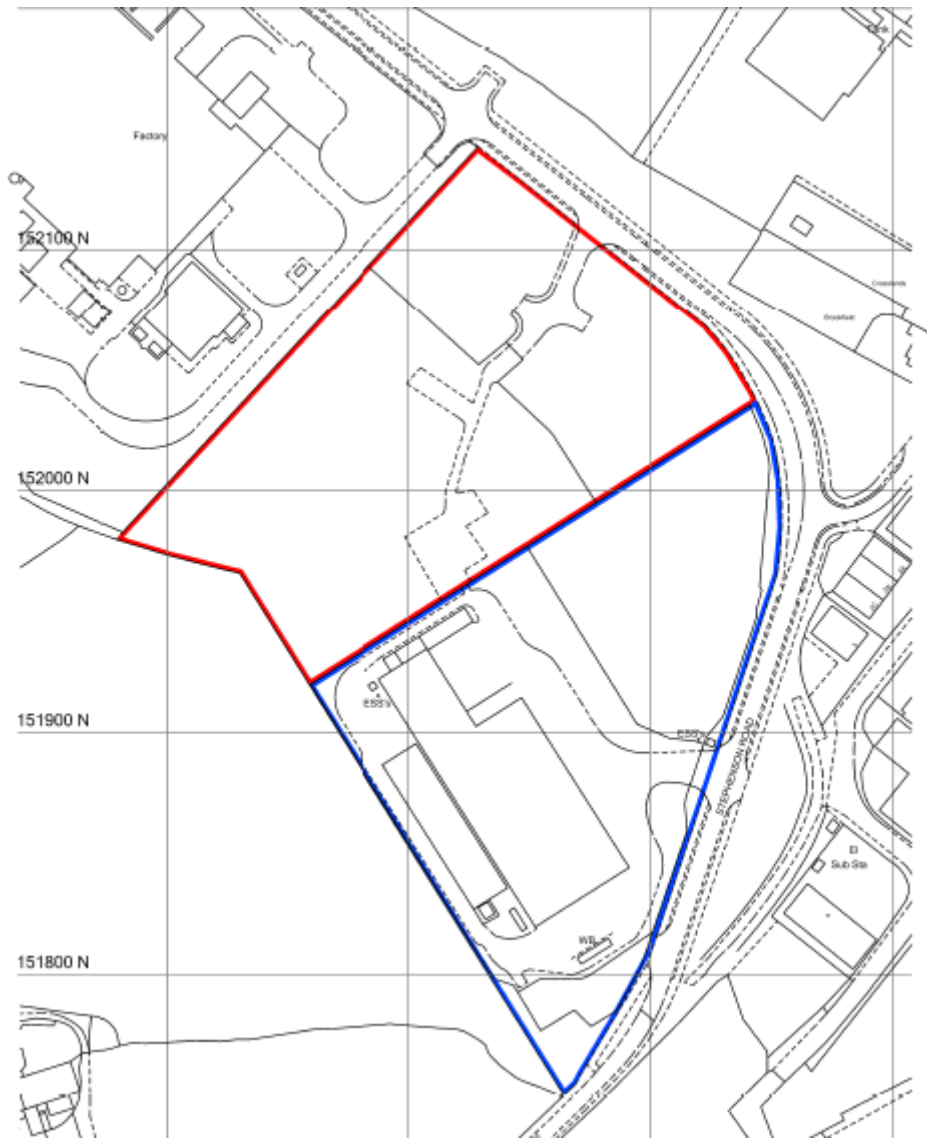
The application has generated representations from 361 interested parties. Of these 358 are objections and 2 are supports (with 1 comments only).

The application is recommended for approval.

3. Site Description

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

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



Red-edged Site Plan

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

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

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

4. Relevant Planning History

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

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



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

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

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

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

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

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

5. Proposal

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

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

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

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

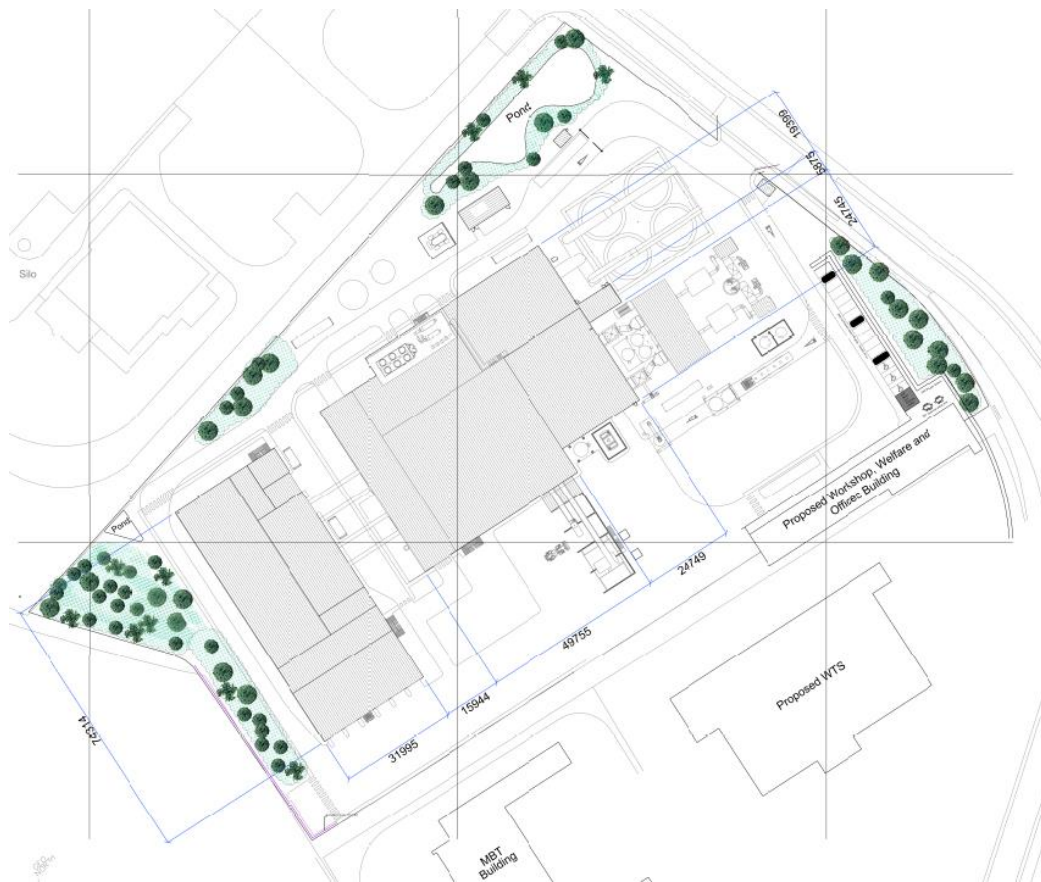
The primary changes in the revised design are summarised as follows:

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

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

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

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



Proposed General Layout Plan

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

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

Operation

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

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

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

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

The basic stages of the technology are as follows:

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

The development of Northacre Renewable Energy will:

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

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

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

Environmental Permitting

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

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

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

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

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

Relationship of proposal to Northacre Resource Recovery Centre

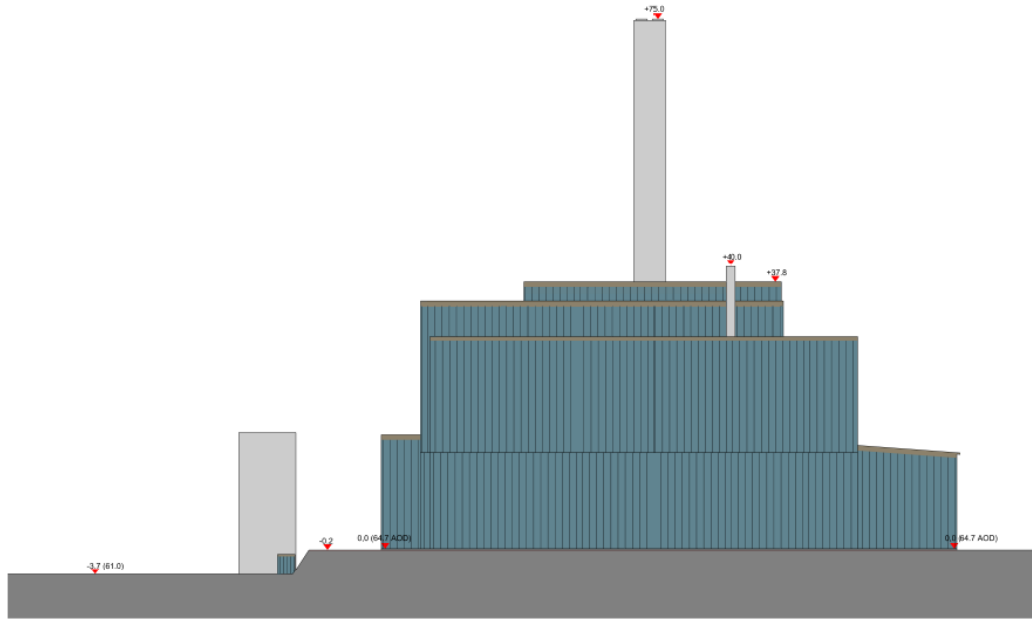
The proximity of the site to the existing Mechanical Biological Treatment (MBT) facility on the adjacent land is no coincidence, and is a material consideration in the determination of this planning application. The background to the MBT and the relevance of it to the current application is explained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

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

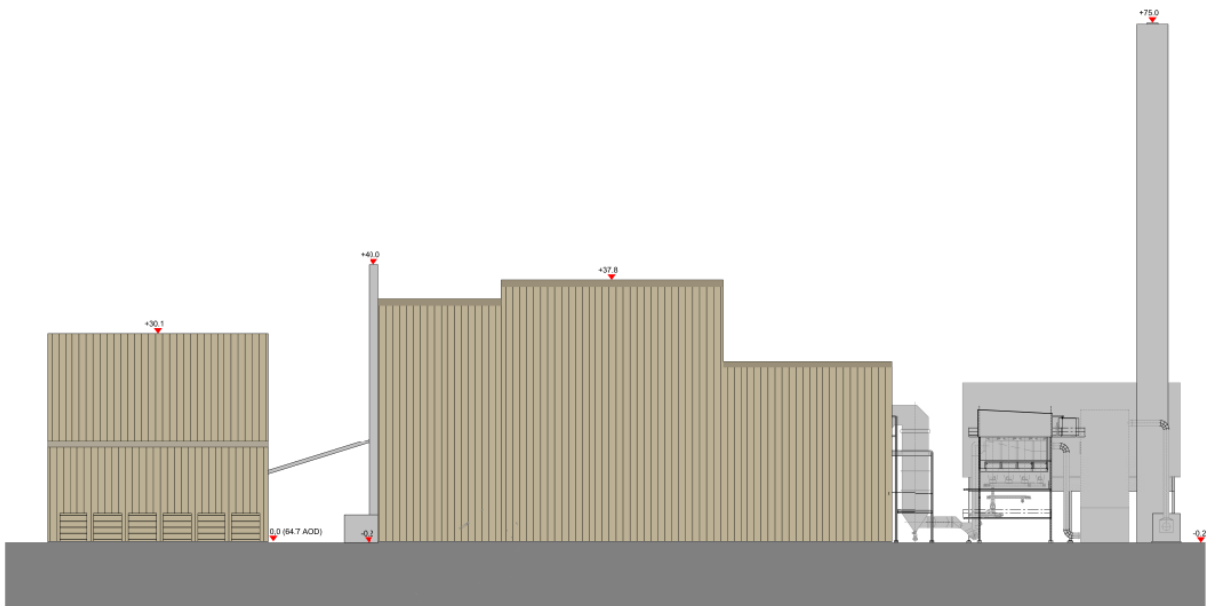
Towards the end of 2010, Hills negotiated a deal to export the fuel to Europe for the first five years of Northacre RRC’s operation / output. This deal, in turn, enabled Hills to complete signing of the long-term contract with Wiltshire Council in April 2011. As part of the agreement with the Council,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

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

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



Elevation Drawing



Elevation Drawing

6. Planning Policy and Guidance

Wiltshire & Swindon Waste Core Strategy 2009

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

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

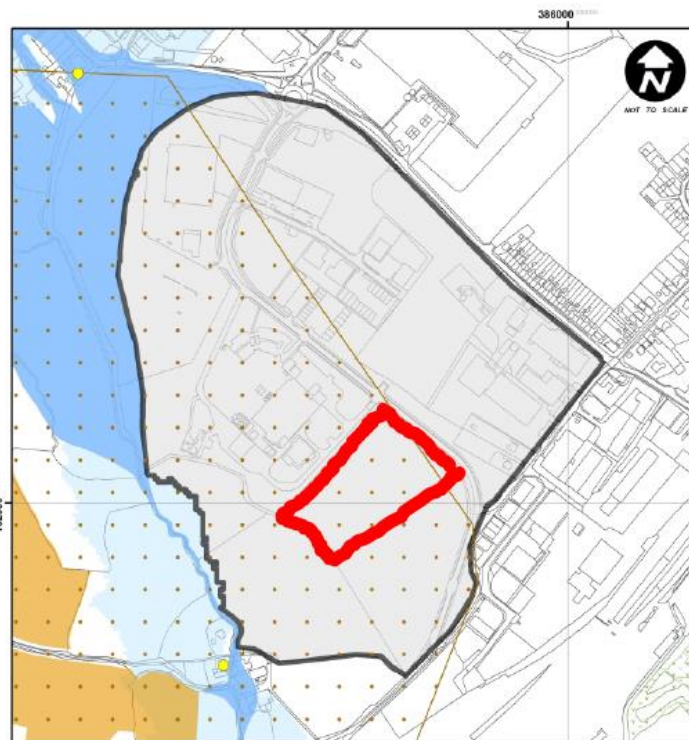
Wiltshire & Swindon Waste Development Control Policies DPD 2009

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

Waste Site Allocations Local Plan 2013

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

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



Inset map W3

Northacre Trading Estate,
Westbury



Wiltshire Core Strategy

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

National Planning Policy/Guidance

National Planning Policy Framework
National Planning Policy for Waste

7. Consultations

Westbury Town Council: Objection.

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

Dilton Marsh Parish Council (nearby parish): Objection.

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

Heywood Parish Council (nearby parish): No objection.

Bratton Parish Council (nearby parish): Objection.

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

Frome Town Council: Objection.

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

WC Highways: No objection.

WC Public Protection: Recommends conditions.

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

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

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

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

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

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

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

Additional information required –

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

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

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

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

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

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

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

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

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

Public Health Comments are also included below:

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

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

WC Conservation: No objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WC Archaeology: No objection.

Environment Agency: No objection.

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

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

Natural England: No comments.

Historic England: No objection.

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

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

8. Representations

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

The objections are summarised as follows:

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

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

The objection from Dr Andrew Murrison MP states the following:

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

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

The objections from Molly Scott Cato MEP are as follows:

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

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

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

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

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

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

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

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

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

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

The comments from Clare Moody MEP are as follows:

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

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

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

The support is summarised as follows:

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

9. Planning Issues

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

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

Principle

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

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

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

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

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

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

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

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

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

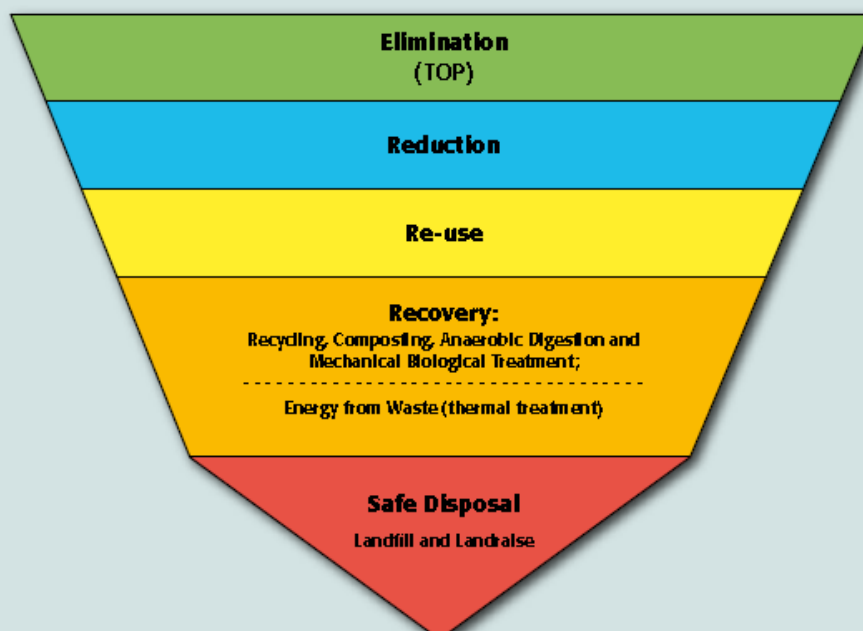
The Wiltshire and Swindon Waste Hierarchy –

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

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

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

In the interest of sustainable waste management, the Councils will seek to drive waste up the hierarchy by ensuring that developers demonstrate that the most sustainable option for waste management in Wiltshire and Swindon has been promoted. The order of preference is set out below:



Traffic & Highway Safety

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

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

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

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

The Wiltshire Core Strategy contains similar general transport policies.

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

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

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

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

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

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

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

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

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

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

The Environmental Statement relies on the TA outcomes, and so draws the same conclusions with regard to environmental impacts associated with traffic.

Notwithstanding these conclusions on the limited impact of traffic, the TA proposes ‘mitigation’ in any event, this to “... complement the sustainable nature of the development”. The mitigation comprises a Travel Plan – to reduce the number of car borne trips (by staff in particular). A standard condition requiring a Travel Plan is recommended accordingly.

In addition a condition requiring a Construction Environmental Management Plan (CEMP) for the period of construction is also recommended.

Westbury Air Quality Management Area -

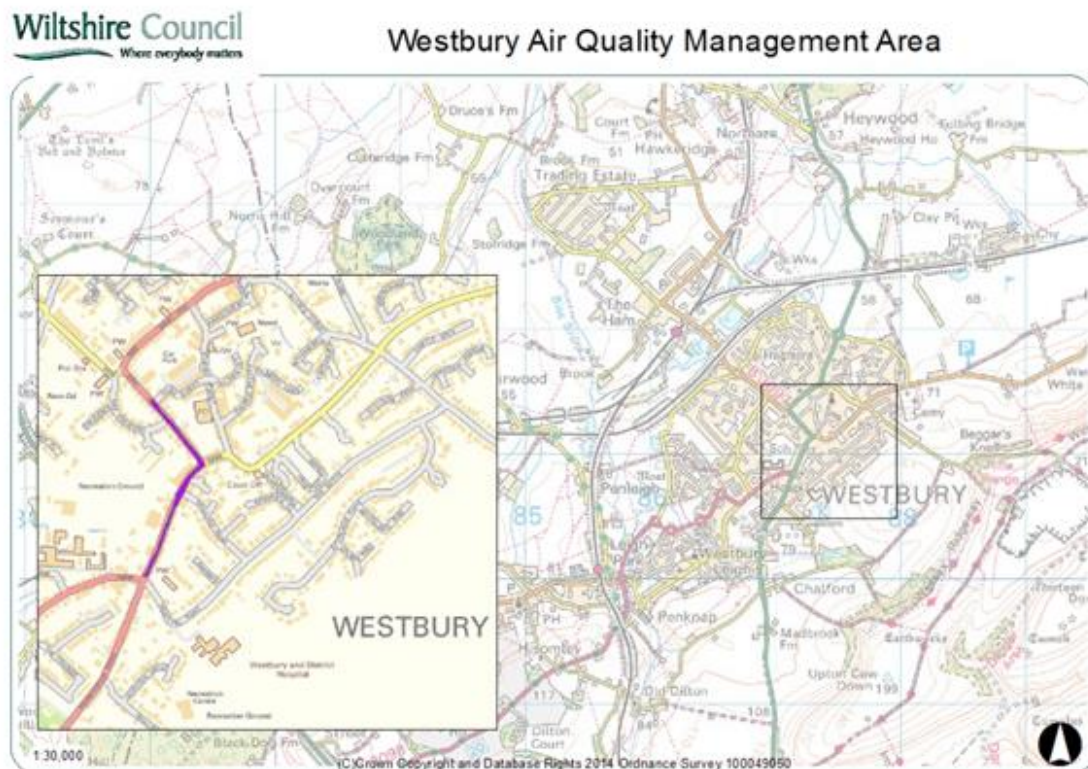
Core Policy 55 relating to air quality requires development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental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

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

² The 2019 baseline traffic flows at the Yarnbrook roundabout were assessed to be 2,769 PCUs (passenger car units, where 1 HGV = 2 PCUs) in the AM peak hour, and 2,898 in the PM peak. The peak hour increases in traffic would therefore amount to about 0.35% in either peak hour, which would be imperceptible relative to day to day variations in traffic flows. It is also relevant to this that the Yarnbrook roundabout / A350 hereabouts will be the subject of improvements as a consequence of the planned Ashton Park development which will change their operation.

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

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



An Air Quality Action Plan for Wiltshire is awaiting DEFRA approval, and a specific Westbury Action Plan is in preparation. An Air Quality SPD is also in preparation. The draft version of the SPD states the following:

Where developments take place in an AQMA [Air Quality Management Area], mitigation measures must be considered as standard practice, particularly in cases where the development is new and does not replace an existing use. This is especially important where the development has provision for a large number of parking spaces, significantly increasing the number of trips, and/or heating plant. In some cases it may be necessary to recommend refusal where a development is so contrary to the objectives of the Air Quality Action Plan and Strategy.

The SPD states that mitigation may take the form of appropriate construction, appropriate design, travel plans, use of clean/alternatively fuelled vehicles, and low emission schemes and strategies.

Notwithstanding the conclusions already set out relating to predicted reductions in overall traffic compared with the development already permitted at the site, the proposal would

generate traffic, including additional HGV traffic, and inevitably some of this traffic would pass through the Westbury AQMA. On the quantity the TA states the following:

“The Air Quality Management Area in Westbury would experience a traffic increase averaging 10.5 HGVs per day, or just one additional HGV movement every 1.4 hours. There would be no perceptible impact on the AQMA”.

The conclusion that the development is unlikely to result in a significant impact on current air quality is accepted. However, in the context of LAQM and EPUK guidance – which states that *“Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures”* – and in the light of Core Policy 55 which requires effective mitigation in order to protect “public health, environmental quality and amenity”, it is considered that mitigation will be required in any event. The TA offers the Travel Plan as referred to previously. In addition, WC Public Protection in seeking to reduce emissions in the interests of good design and good practice, recommends the provision of some Ultra Low Energy Vehicle (ULEV) infrastructure in the development; a further condition is recommended accordingly.

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

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

Noise and vibration –

The application is accompanied by a ‘Noise Assessment for a Planning Application’. This compares the potential noise impact of the proposed revised facility (using noise data and/or noise assumptions for the planned buildings and plant) with background noise levels *and* with the noise impacts predicted, and accepted, in the Assessment Report accompanying the original ATT planning application.

The background noise survey data is that recorded following surveys carried out across the area in October 2014 in connection with the original planning application. Similar assessment locations are then used to model the impacts of the revised proposal. The locations for the modelling are indicated on the following aerial photograph taken from the assessment (where ‘Assessment Location 2 (AL02)’ is the nearest residential property):



Noise Modelling Locations

A number of planned noise mitigation measures have also been assumed within the modelling process, summarised in the assessment as follows:

- “The layout of the site has been arranged so as to make use of the screening influence of buildings and structures to limit the propagation of noise toward receptor locations;
- Where possible, noise generating plant has been installed within buildings or suitable enclosures to reduce noise emissions to the environment;
- Additional screening has been provided by means of a specific acoustic barrier in the south eastern corner of the site. The barrier would be 3.5m as a minimum and be located in a similar location to that permitted as part of the original planning consent;
- The cladding for the Boiler House, Gasifier and Turbine Hall are to afford Rw 40dB as a minimum;
- The access door to the Boiler House is required to achieve 27 dB Rw;
- The stack is assumed to include a silencer which will, as a minimum, will reduce the overall sound power level of the stack to 83dB LWA at the point of emission;
- The Flue Gas Treatment process is to be suitably addressed to reduce noise emissions to 79dB LWA;
- The ID fans would be attenuated to achieve a sound power level of 77dB LWA;
- A speed limit for vehicles within the site area would be 16kph and would be adhered to by all vehicles (delivery vehicles and visitor cars)”.

Based on the above circumstances and modelling, the Noise Assessment concludes that the noise impact during the operational phase would be “negligible / neutral to minor” during both daytime and overnight periods, and so would not result in any significant noise effects or a change from the earlier consented scenario. The assessment confirms this in the following terms:

“The assessment presented Indicates that noise from the ATT facility would not exceed the existing daytime background sound level at any of the identified receptor locations.

Indeed, the predicted rating is, generally, markedly below the prevailing background sound level at the majority of the assessment locations. The exception to this is location AL02 where the rating level achieves parity with the background level. This would be indicative of the sound source having a low noise impact

The assessment presented again indicates that the predicted rating level generated by the ATT facility would generally not exceed the typical [existing night-time] background sound level at the relevant receptor locations. The exception is again, assessment location AL02, where the noise level exceeds the background level by 1dB. This is below the level which BS4142:2014 would consider to be an adverse impact and is closer to the level of a 'low impact'.

These impacts would be considered to fall between Negligible / Neutral to Minor in accordance with the criteria defined in the original impact assessment report. Again, the impact is rated the same as the consented facility".

Noise from traffic is also considered to have a negligible / neutral impact.

These conclusions are agreed by WC Public Protection. However, a condition is recommended to ensure that the development is completed in accordance with the noise levels and mitigation measures set out in the Noise Assessment for a Planning Application, and subsequently tested.

Construction noise would be controlled via the CEMP, which is also a matter for conditions.

When operational the proposed development by reason of its manner of operates should not give rise to vibration. Vibration during construction (from, for example, piling) would be managed via the CEMP.

The Environmental Statement relies on the Noise Assessment's outcomes, and so draws the same conclusions with regard to environmental impacts associated with noise and vibration.

Air quality: emissions –

The principal types of emissions to air that may result from operation of the proposed development are:

Emissions associated with vehicle movements.
Process emissions vented through the proposed facility's stacks.

Emissions from vehicle movements have been addressed in the Traffic and Highway Safety section of this report. In view of the relatively limited number of additional movements in the locality (and through the AQMA) generated by the proposal the effect of emissions to atmosphere from vehicles is considered to be negligible.

Process emissions – during operation, emissions to atmosphere will occur from the following sources:

- Twin flue 75 m high stack
- 40 m high ventilation stack

The Environmental Statement contains a chapter which covers air quality. On process emissions, the chapter states that in order to quantify the potential impact of emissions from the process, and to determine the optimum stack height for dispersion (which is proposed to

be 75m for the main stack and 40m for the ventilation stack), detailed atmospheric dispersion modelling has been undertaken.

The ES states that the principal pollutants that would be released to atmosphere from the development are -

- Oxides of nitrogen (NO_x)
- Fine particulate matter (PM₁₀ and PM_{2.5})
- Sulphur dioxide (SO₂)
- Carbon monoxide (CO)
- Hydrogen chloride (HCl)
- Hydrogen fluoride (HF)
- Ammonia (NH₃)
- Benzene (C₆H₆)
- Dioxins and furans
- Twelve metals
- Polychlorinated biphenyls (PCBs)
- Polycyclic aromatic hydrocarbons (PAHs)

The relevant full chapter from the ES which explains the assessment methodology is included at annex 3 to this report. The critical table from this chapter ('Table 13') - which sets out the maximum predicted incremental concentrations due to emissions to atmosphere - is also set out below, followed by the ES's related conclusions:

Pollutant	Averaging period	Predicted concentration ($\mu\text{g m}^{-3}$)	Assessment criteria ($\mu\text{g m}^{-3}$)	Percentage of assessment criteria (%)
Nitrogen dioxide (NO ₂)	1 hour	8.0	200	4.0%
	Annual	1.03	40	2.6%
Particulate matter (PM ₁₀)	24 hour	0.25	50	0.5%
	Annual	0.07	40	0.2%
(PM _{2.5})	Annual	0.07	20	0.4%
Sulphur dioxide (SO ₂)	15 minutes	6.5	266	2.4%
	1 hour	5.5	350	1.6%
	24 hour	2.7	125	2.2%
Carbon monoxide	8 Hour	5.3	10,000	0.1%
Hydrogen chloride	1 Hour	3.0	750	0.4%
Hydrogen fluoride (HF)	Annual	0.007	16	0.0%
	1 Hour	0.30	160	0.2%
Benzene (C ₆ H ₆)	Annual	0.007	5.0	0.1%
	1 Hour	0.30	195	0.2%
Ammonia (NH ₃)	Annual	0.073	180	0.0%
	1 Hour	2.95	2,500	0.1%
Antimony (Sb) ^(a)	Annual	0.0004	5	0.0%
	1 Hour	0.017	150	0.0%
Arsenic (As)	Annual	0.000005	0.003	0.2%
Cadmium (Cd)	Annual	0.00018	0.005	3.7%
Chromium (Cr) ^(b)	Annual	0.0004	5	0.0%
	1 Hour	0.017	150	0.0%
Chromium (Cr,	Annual	0.0000003	0.0002	0.1%
Cobalt (Co)	Annual	0.0004	0.2	0.2%
Copper (Cu)	Annual	0.0004	10	0.0%
	1 Hour	0.017	200	0.0%
Lead (Pb)	Annual	0.0004	0.25	0.2%
Manganese (Mn)	Annual	0.0004	150	0.0%
	1 Hour	0.017	1,500	0.0%
Mercury (Hg)	Annual	0.0004	0.25	0.1%
	1 Hour	0.015	7.5	0.2%
Nickel (Ni)	Annual	0.0004	0.02	2.1%
Vanadium (Vn)	Annual	0.0004	5	0.0%
	1 Hour	0.017	1	1.7%
Dioxins	Annual	0.73 (a)	-	-
PAHs	Annual	0.73 (a)	0.00025	0.0%
PCB	Annual	0.02 (a)	0.2	0.0%
	1 Hour	0.77 (a)	6	0.0%

(a) – units are fg m^{-3} ($\times 10^{-15}$)

ES 'Table 13' - Maximum predicted incremental concentrations due to emissions to atmosphere from the proposed facility³

³ Table 13 explanation: The concentration of, for example, NO₂ is measured in micrograms in each cubic metre of air ($\mu\text{g m}^{-3}$). A microgram (μg) is one millionth of a gram. A concentration of $1 \mu\text{g m}^{-3}$ means that one cubic metre of air contains one microgram of pollutant. To protect health, the UK Government sets two air quality objectives for NO₂ in their Air Quality Strategy:

- The hourly objective, which is the concentration of NO₂ in the air, averaged over a period of one hour. This is designed to make sure that we are not exposed to high concentrations of NO₂ for short periods of time. High concentrations can arise in episodes, which are usually associated with particular weather conditions.
- The annual objective, which is the concentration of NO₂ in the air, averaged over a period of a year. This aims to protect us from being exposed to NO₂ over a long time. The European Union (EU) has also developed legislation to limit our exposure to air pollutants, through what are known as limit values. The limit values for each pollutant are set out in the 'Assessment Criteria' column of Table 13.

The ES conclusions state the following:

“Table 13 shows that, as a percentage of the short term assessment criteria, it is the 99.8th percentile of hourly average concentration of nitrogen dioxide (NO₂) which is 4.0% of the assessment criteria that has the largest impact. When combined with the background concentration, the PEC (Predicted Environmental Concentration) of 27.8 µg m⁻³ is 13.9% of the assessment criteria and not considered to be of concern to human health.

For annual average impacts the increment to annual average concentration of cadmium (Cd) is predicted to give rise to the largest percentage of the assessment criteria of 3.7%. It should be noted that the assessment criteria of 0.005 µg m⁻³ is from the World Health Organisation Air Quality guidelines (2000) which state that the guideline is set to 'prevent any further increase of cadmium in agricultural soils'. Given that the maximum predicted concentration is substantially less than the assessment criteria and that the location of maximum impact is predominantly urban, it is considered that there is no concern to human health.

Dioxins and furans are a group of organic compounds that are formed as a result of incomplete combustion in the presence of chlorine. Sources include vehicles, domestic and industrial coal burning, power generation and incinerators. There are no regulatory air quality standards set for dioxins and furans; this group of substances, however, are important in terms of risk to human health and the effects of dioxins are assessed through a human health risk assessment (HRA). The maximum predicted ground level concentration of dioxin of 0.73 fg I-TEQ m⁻³ is small compared with the prevailing dioxin concentration and not of concern to human health as demonstrated by the health risk assessment that has been undertaken for the proposed development

The results of the atmospheric dispersion modelling and assessment demonstrate that the maximum predicted concentrations of all substances comply with relevant air quality objectives. The ES concludes that dispersion provided by a 75m main stack and 40m ventilation stack is sufficient to render the emissions harmless at ground level to both human health and ecological receptors. Further assessment of these matters would be undertaken as part of the separate Environmental Permitting process in any event. In view of this, public concern over impacts on health should not be considered a reason to delay determination of the planning application and/or to refuse permission.

Plume visibility, plume grounding, operational odours, bio-aerosols –

The ES also assesses these matters. On plume visibility the ES states the following:

“Once released to atmosphere, emissions will dilute, cool, and depending on the prevailing ambient temperature and relative humidity, may condense to form a visible vapour plume. The frequency and extent of any visible plume depends on the ambient temperature and relative humidity and the rate of plume dilution.

..... for the year that gives rise to the highest frequency occurrence of visible vapour plumes (2013) the predicted occurrence is 6.3% of the time. It should be noted that these percentages are for all hours including night time hours where a higher frequency will occur due to lower ambient temperatures”.

On plume grounding the ES states the following:

“Plume grounding is usually the description given when a plume can be observed to impact on the ground or elevated terrain. Plumes are usually only visible if they contain smoke,

which is not the case here, or if water vapour in the plume has condensed to form a visible vapour plume.

Whether visible or not, all plumes will ground; the dispersion model used for this assessment calculates the frequency and intensity of plume grounding events to predict the resulting ground level concentrations.

The assessment of the frequency of visibility vapour plumes shows that visible vapour plumes longer than 100m will only occur for 0.5% of the year and therefore the frequency of visible plume grounding events will be significantly less than 0.5% for locations more than 100m from the proposed facility. It should be noted that for the majority of the time when a plume is visible (e.g. 0.5% for plumes more than 100m) the visible part of the plume will not be coming to ground and therefore there will not be a visible plume grounding event”.

On operational odours the ES states the following:

“..... the predicted odour impacts are significantly below the level that would give rise to annoyance of 3.0 O_{Ue} m⁻³ and therefore can be screened out as having an impact of negligible significance.

There are four locations where the IAQM magnitude of change descriptor is slight. The IAQM guidance on odours states: Where the overall effect is greater than 'slight adverse', the effect is likely to be considered significant. This is a binary judgement: either it is 'significant' or 'not significant'. Therefore, in this case, the overall impact is 'not significant'.

Predictions of odour impact have also been made at the location of the air intake to the dairy because of the potential for odour to taint dairy products. The maximum predicted 98th percentile odour concentration at the dairy air intake is 0.10 O_{Ue} m⁻³. Even though this is only 3% of the threshold for annoyance there is still the possibility of detectable odours from time to time, but not at an intensity or duration likely to cause annoyance.

Widely accepted odour thresholds are as follows:

- 1 O_{Ue} m⁻³ - point of detection in a laboratory
- 3 O_{Ue} m⁻³ - recognition threshold
- 5 O_{Ue} m⁻³ - a faint odour
- 10 O_{Ue} m⁻³ - a distinct odour

For 2013 meteorological data, which is the year of maximum impact at the location of the dairy, the maximum one hour average odour concentrations at the location of the dairy air intake is 2.3 O_{Ue} m⁻³ which is less than the recognition odour threshold and so odours at the location of the air intake will be undetectable over an averaging period of one hour. It should also be noted that the prevailing background odour is likely to be in the range of 5 to 40 O_{Ue} m⁻³ i.e. considerably higher than the incremental increase predicted to occur due to emissions from the proposed facility”.

On bio-aerosols following assessment the ES concludes that the maximum predicted annual average concentration of bio-aerosols at the location of the dairy air intake is negligible.

The overall effect on air quality of emissions to atmosphere is concluded in the Environmental Statement to be of minor significance. Construction ‘emissions’ can be controlled via a CEMP. Process emissions are principally a matter for Environmental Permitting; however, the ES in any event sets out the results of assessments which demonstrate acceptable impacts to address public concern.

National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should: *...consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.*

With regard to 'g. air emissions, including dust', Appendix B advises that considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

The submitted ES sets out the results of the dispersion modelling and assessment which demonstrate that, with a stack height of 75 m, the maximum predicted concentrations of all substances emitted comply with relevant air quality objectives at nearby sensitive locations, including residential areas and nature conservation sites, and the air intake of the adjacent Westbury Dairies.

As noted by the Council's Public Protection team, the application relates to a process that will require an Environment Agency Permit to operate, under the provisions of the Environmental Permitting Regulations 2016, which embraces the EU Waste Incineration Directive (WID) and Industrial Emissions Directive (IED). These regulations require the operator to use the 'best available technology' to ensure that impacts from the site are minimised and are compliant with UK and EU air quality and emissions standards.

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

PHE is satisfied that the applicant has approached the environmental impact assessment in a manner consistent with the UK requirements. They have utilised a satisfactory approach and methodology to predict the likely emissions, distribution of a range of key pollutants and the impact on the local environment and receptors. PHE will further consider the emissions and appropriate control measures when we are consulted as part of the Environmental Permitting process and will make additional comments at that time.

National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should: *...concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.*

This activity will require a bespoke installation environmental permit issued by the Environment Agency (EA). As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this by consulting partner organisations, such as Natural England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). Emissions limits and

techniques used to protect the environment and human health are set by the EU Industrial Emissions Directive (IED). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT).

Environmental permits contain conditions to protect the environment and human health. Energy from waste permits can set controls on a range of factors including:

- Waste inputs – type, quantities, annual throughput
- Process controls – how activities on-site will be managed
- Emissions limits – air, land and water
- Performance monitoring – ongoing measurement of activity

The Environment Agency has not identified any major concerns about issuing a permit for this development. The Agency does not object to the development because it believes that it is unlikely that the risks to people and the environment can be satisfactorily mitigated in this location nor does it advise additional information is required to know if the proposed development can meet its requirements to prevent, minimise and/or control pollution.

Refuse odours and flies –

A number of representations have referred to the potential for stored waste materials to smell and/or attract flies. Control of odours and flies is principally a matter for good site management, and it cannot be assumed that there would not be good management in this case. It follows that concerns in relation to potential odours and flies would not amount to a sustainable reason for refusing planning permission. National Planning Policy states that 'When determining waste planning applications, waste planning authorities should: ...concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced'. The Environment Agency has advised that when issuing an Environmental Permit for this site it will require the operator to take all appropriate measures to prevent or minimise the emission of offensive odours, flies and vermin. It follows that concerns in relation to potential odours and flies would not amount to a sustainable reason for refusing planning permission. For similar reasons the risks of fires at the site cannot amount to a planning reason for refusal. Noise levels from operation of the odour control equipment can be a matter for conditions.

Other residential amenity considerations –

The application site lies within an industrial setting where there are other large 'factory' buildings. Within this context, and in view of the significant separation from the nearest residential properties, it is not considered that the proposed buildings and stacks in themselves would have a harmful impact in terms of overlooking, overshadowing and/or being overbearing.

Landscape / Visual Impact

Core Policy 51 of the WCS relating to 'landscape' states that new development should protect, conserve and where possible enhance landscape character, with any negative impacts mitigated as far as possible through sensitive design. Proposals should be informed by and be sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. Proposals will need to demonstrate that the following matters in particular have been taken into account and landscape conserved and enhanced as appropriate:

- The separate identity of settlements and the transition between man-made and natural landscapes;
- Visually sensitive skylines, soils, geological and topographical features;
- Landscape features of cultural, historic and heritage value;
- Important views and visual amenity;
- Tranquillity and the need to protect against intrusion from light pollution, noise and motion; and
- Landscape functions including places to live, work, relax and recreate.

Core Policy 57 provides more general development control standards, requiring new development to, in particular, respond positively to existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building lines, etc., to effectively integrate development into its setting. It also requires the retention and enhancement of existing important landscaping and natural features, including trees, hedgerows and watercourses.

The application site is not within or covered by any statutory or non-statutory landscape designation. The impact of the development on the landscape must be considered with due regard to the site's allocation for development in the Wiltshire Core Strategy and the extant planning permission for an ATT facility, albeit lower than what is now proposed.

The ES accompanying the planning application includes a 'Landscape and Visual' chapter and an associated Landscape and Visual Impact Assessment which together consider the impacts of the proposed development on the character of the landscape and on visual amenity in general at key receptors, or viewpoints.

The ES classifies the sensitivity of the landscape and visual receptors in the following agreed terms:

"The landscape character of the Northacre Trading Estate can be classified as being of Low Landscape Sensitivity, [and] the proposed development will be entirely compatible with surrounding land uses.

The open countryside to the west of the site, through which a public footpath passes in a north-west / south-east direction, can be considered to be of Medium Landscape Sensitivity.

The threshold in terms of significance of impact on the landscape setting of the open countryside would be considered to be exceeded if the development site had buildings and structures, which were significantly higher than those on the adjacent Arla Foods Westbury Dairies site.

Users of the Northacre and adjacent Trading Estates are considered to be of Low Visual Sensitivity.

Users of footpaths in the open countryside adjoining the site are classed as Medium Visual Sensitivity.

Users of right of way further away from the site, located on higher ground, and visitors to the Westbury White Horse / Bratton Iron Age Fort can be considered to be of High Visual Sensitivity.

Visitors to the town centre are considered to be of Low to Medium Visual Sensitivity.

Occupiers of residential properties situated on higher ground to the south and west of the development site are deemed to be of High Visual Sensitivity”.

Landscape character -

As a result of the heavily developed and disturbed nature of much of the area immediately surrounding the site the ES concludes that this is an ‘ordinary landscape’ of medium sensitivity. Medium landscapes are defined as -

‘Areas that exhibit positive character but which may have evidence of past alteration to/degradation/erosion of elements or features resulting in areas of more mixed character. Potentially sensitive to change in general; again change may be detrimental if inappropriate but it may require special or particular attention to detail.”.

The ES’s assessment of the overall sensitivity of the landscape is agreed. Specifically, it is agreed that this is not a ‘high’ qualifying landscape, and so it is not essential for it to be conserved for its own sake; and nor is it a landscape that is necessarily or particularly sensitive to change in general, although this subject to appropriate design and detailing of planned change.

The immediate area around the application site is characterised by a variety of utilitarian (mainly metal clad) ‘factory’ buildings, some of considerable size, notably the Arla dairy products complex and the existing Northacre RCC. These now help to define the character of the landscape hereabouts, and in this context the proposed ATT facility would not appear out of place, including its relatively tall stacks. The countryside to the west of the Northacre Industrial Estate has been less affected by change, although it is still influenced by the developments that have taken place in the adjacent industrial estates.

With the above in mind the ES concludes that the significance of the landscape effects for Stephenson Road (that is, within the industrial estate) is categorised as ‘slight adverse’. The significance for the open countryside to the south-west and west of the site is considered to be ‘moderate adverse’ due to, in particular, the height and scale of the proposed structures. However, this impact is acceptable in view of the landscape having already been compromised by the dairy building and other lesser buildings on the industrial estate, and the inevitable future growth of the estate in a westerly direction in accordance with the Core Strategy’s employment allocations.

Visual impact –

In terms of visual impact, the ES identifies a number of sites from where the site can be readily viewed. The ES notes that the site is particularly visible from viewpoints on higher ground to the west and south (including footpaths, roads and residential properties). However, it concludes that, in the main, the significance of the effects on these views are only ‘slight adverse’ to ‘moderate adverse’ having regard to the mass of existing buildings in these views (such as the dairy), and the distance and/or fragmented nature of the views. The one exception is the view from the public footpath running north-west of Brook Farm where the effect, due to proximity, would be ‘substantial – moderate adverse’ but, again, read in the context of the other buildings. This effect in isolation is not considered sufficient to sustain an objection to the proposal’s overall moderate impact, particularly in view of the allocation of more employment land hereabouts.

The distant view from the east – from the popular ‘beauty spot’ by the Westbury White Horse – is concluded to be ‘slight adverse – negligible’. The ES states, “The processing hall and stack, albeit to a lesser extent, will be clearly visible from the top of the scarp slope adjacent

to the Westbury White Horse although they are an extremely small component of the view and will be less conspicuous in some weather conditions. There is considered to be a very slight deterioration in the quality of that part of the view that looks towards Westbury”.

These conclusions on the significance of impacts on views are agreed. The landscape in this area (and related views) has been, and will continue to be, influenced by the industrial operations at the industrial estates, and the proposal would not significantly add to or change this. Although parts of the development would be sizeable (notably the main building and stacks), these would be seen in the context of other existing substantial buildings and the wider urban form of Westbury, and the stacks in isolation are relatively slender structures within the wider views. With the use of appropriate materials for the buildings and additional landscaping, an acceptable situation would be achieved; likewise, the use of modern lighting techniques would lessen the impacts of the intended 24 hour operation. Overall, it is accepted that the effects on landscape and visual amenity would be acceptable.

Overall, it is considered that as a consequence of the application site being allocated employment land *and* lying within a landscape of medium sensitivity characterised by elements of built industrial form, and in view of at least some localised screening provided by woodland belts and hedgerows giving fragmented views from the west, that the proposed development can be accommodated without significant landscape or visual harm. In a number of views (notably from higher ground, including the escarpment to the east) the site is visible, but as these views are panoramic and, in some cases, at a distance, and as the industrialised form of the site is now part of the landscape in any event, it is not considered that detriment would be caused to the landscape and the views as a consequence of what is proposed. The greater impact on views from the close-by by footpath would not in isolation amount to a sustainable reason for refusing planning permission.

Heritage Assets

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

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

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

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

Historic England defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting”. Setting is defined in the NPPF as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

The ES includes a chapter relating to heritage. It identifies no heritage assets on the application site, which is agreed. Further afield there are various assets, although most – such as listed buildings within Westbury town centre – are sufficiently distanced from the site and/or have such intimate settings so as to be not affected by the proposal.

The impact on five ‘within 2km’ assets have been assessed – Brook Farmhouse (Grade II listed building), Storrige Farmhouse (Grade II), Brook Hall (Early Wing (Grade I), the Hall (Grade II) and the Barn (Grade II)), the ‘Medieval Settlement and associated field systems of Brook Farm’ (Scheduled Monument), and ‘the Moated Site 400m east of Penleigh House (Scheduled Monument). Beyond 2km other sites with inter-visibility have also been assessed – ‘Bratton Camp Iron Age hillfort, the Westbury White Horse, barrows and trackways on Bratton Down’ (Scheduled Monument), ‘The Devil’s Bed and Bolster long barrow’ (Scheduled Monument), Park Court in Upton Scudamore (Grade II* listed building), and ‘Bowl Barrow north of White Horse Farm’ (Scheduled Monument).

In relation to the listed buildings the ES states that there would be inter-visibility with some, but the separations and/or the context (where there are already other industrial buildings within views) means that the settings would not be detrimentally affected. The ES concludes ‘no harm’ to ‘minor adverse’ effects only.

In relation to the Scheduled Monuments, similar conclusions are drawn – either there is no inter-visibility or the wider settings are already influenced by established industrial development, railway lines or the urban form of Westbury as a whole. The White Horse monument is approximately 5km from the site, and at this distance, and in the context of the town, it is not considered that harm would be caused to its setting. The ES concludes as follows:

“The only aspects of the settings of nearby heritage assets, which contribute to their significance and are liable to be affected by the development are landscape-orientated and essentially visual. It is considered that these components of their setting have already been comprehensively compromised by modern industrial development and therefore do not contribute positively to the assets’ significance, so that a relatively minor addition, which does not encroach closer than existing buildings, and does not affect landscape elements, cannot diminish further this aspect of their setting”.

For similar reasons there would be no harmful impacts on non-designated heritage assets.

The WC Conservation Officer has assessed heritage assets independently, this in view of her reservations over the adequacy of some aspects of the ES assessment. The outcome is the same – that is, the impact on assets is neutral or, in one or two cases (notably Brook Farm), the harm is less than substantial. Where the harm is less than substantial the public benefits arising from providing the ATT facility tip the balance in favour of the proposal in any event.

To conclude, it follows that there are no grounds for refusing planning permission for heritage reasons.

Biodiversity

The Environmental Statement includes a chapter on biodiversity. It is informed by recent surveys carried out at the site.

In view of the circumstances of the site – essentially open land within an industrial estate – the ES reasonably concludes that the site contains ‘common habitat’ of non-high conservation status; no positive signs of any wildlife were recorded during the surveys.

A one-hole outlier badger sett was observed. As it would not be possible to protect this in situ, the proposed mitigation strategy is to exclude badgers and close the sett under Natural England licence. This is an acceptable approach, and accordingly a condition is recommended for this, together with other mitigation set out in the ES to be carried out.

Drainage

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

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

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

Conclusion

In view of the application site lying within an industrial estate which is designated as a Strategic Scale Waste Site in the Wiltshire & Swindon Waste Site Allocations Local Plan, there can be no objection to the principle of a ‘strategic’ waste recovery (energy from waste) facility here. Indeed, it is logical to contain such a facility on a site adjacent to another now established waste processing facility which is producing a fuel component for the proposed waste recovery facility – namely the Mechanical Biological Treatment operation.

It is relevant that the application site already benefits from planning permission for an ATT (energy from waste) facility granted in 2015. This is an important material consideration which must be given considerable weight. The current proposal ‘just’ seeks to amend the design – by enlargement of the buildings and stacks – to accommodate different equipment and plant, although with a similar net output.

In terms of detail, the planning application and the Environmental Statement demonstrate that there would be no adverse impacts on matters of acknowledged importance – notably, the capacity of the highway network, the amenities and well-being of neighbours and the wider Westbury community, the wider landscape, heritage assets and drainage.

RECOMMENDATION

Having taken into account the environmental information, it is recommended to grant planning permission subject to the following conditions –

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

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

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

18616-500-02 (red edged site plan) dated 03/2018

040_A05 Rev C dated 06/12/2017

040_A07 Rev D (1 to 4) dated 06/12/2017

040_A08 Rev C dated 06/12/2017

040_A09 Rev C dated 06/12/2017

040_A10 Rev C dated 06/12/2017

NOR-LP01 Rev B (undated)

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

- 3 The un-loading, storage and re-loading of waste materials shall take place inside the buildings hereby approved only, and shall not take place at, on or over any other parts of the application site.

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

- 4 The total tonnage of waste material delivered to the site shall not exceed 118,500 tonnes in any twelve month period.

REASON: To ensure that the development substantially accords with the terms of the Transport Assessment and Environmental Statement which accompany the planning application, and their conclusions that this scale of operation would not cause harm to matters of acknowledged importance.

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

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

- 6 Heavy Goods Vehicle (HGV) deliveries to and removals from the site of waste materials shall be limited to the following times:

Monday to Friday: 07:00 to 22:00

Saturdays: 07:00 to 17:00

There shall be no deliveries or removals on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the wider area.

- 7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the facility or the completion of the development whichever is the sooner; All shrubs, trees and hedge

planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

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

- security purposes.
- Construction traffic routes.

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

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

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

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

- 13 Prior to first operation of any plant, noise mitigation measures for the plant shall be installed in accordance with the specifications set out in the 'Noise and Vibration' chapter (chapter 6) of the Environmental Statement dated April 2018 accompanying the planning application. The mitigation shall be retained and maintained thereafter.

Within 3 months of any plant having become first operational a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set out in the Environmental Statement. The outcomes of the noise assessment shall be provided in writing to the local planning authority for agreement in writing no later than 1 month after the initial 3 month period. In the event that the noise assessment finds that the noise predictions have been exceeded then details of additional mitigation measures shall be provided as part of the noise assessment together with a timeframe for installation. The additional mitigation shall then be installed in accordance with the agreed noise assessment and retained and maintained thereafter.

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

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

REASON: To safeguard amenity.

- 15 The development hereby permitted shall be carried out strictly in accordance with the Mitigation Measures for biodiversity set out in the 'Biodiversity' chapter (chapter 8) of the Environmental Statement dated April 2018 accompanying the planning application.

REASON: To safeguard wildlife.

- 16 **INFORMATIVE:** This activity will require a bespoke installation environmental permit issued by the Environment Agency (EA). As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this by consulting partner organisations, such as Natural

England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). Emissions limits and techniques used to protect the environment and human health are set by the EU Industrial Emissions Directive (IED). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT). The EA cannot set environmental permit conditions that go beyond what is specified by the IED and BAT.