

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	23 January 2019
Application Number	18/09473/WCM
Site Address	Northacre Renewable Energy, Stephenson Road, Northacre Industrial Estate, Westbury, 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 relevance and because the application has generated significant public interest.

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

Very seriously contentious with large numbers of objectors - just like the recent similar refused application which went to the Strategic Planning Committee. This application is so contentious that it should go to committee whatever the officers recommend.

1. Purpose of Report

The report assesses the merits of the proposal against the policies of the Development Plan and other material considerations leading to a recommendation, which is to grant planning permission subject to conditions.

2. Report Summary

This is a full planning application to construct an Advanced Thermal Treatment Facility (ATT). The facility would use advanced thermal treatment technology, specifically gasification¹, to generate energy (electricity and heat) from 41,500 tonnes of solid recovered

¹ Gasification is a process which converts organic or fossil-based carbonaceous materials into carbon monoxide, hydrogen and carbon dioxide. This is achieved by reacting the materials at high temperatures, without combustion, with a controlled amount of oxygen and/or steam. The resulting gas mixture is called syngas (from synthesis gas) and is itself a fuel. The syngas can be combusted and the hot exhaust gases sent to a waste heat boiler to generate steam, which can be used in a steam turbine or used directly to produce electricity and heat, as in this case.

fuel (SRF) (produced in the adjacent Mechanical Biological Treatment (MBT) plant) and 118,500 tonnes of commercial and industrial wastes that would otherwise be landfilled or exported to mainland Europe as SRF. In terms of the Wiltshire and Swindon Waste Hierarchy this is a waste 'recovery' process – more particularly, 'Energy from Waste' (EfW).

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' (October 2018) is attached at Annex 1 to this report.

Key points -

- Development Plan – The Waste Site Allocations Local Plan 2013 allocates the Northacre Industrial Estate (in which the application lies) and some of the adjoining countryside as an area suitable for strategic scale "*materials recovery facility/waste transfer station, local recycling and waste treatment type uses*".

The Wiltshire & Swindon Waste Core Strategy 2009 defines strategic waste management facilities 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 served. They include Energy from Waste (EfW) facilities (and MBT facilities).

It follows that the proposal – for a strategic scale EfW facility – on this site, which is allocated for this purpose, complies with the waste Development Plan Documents as a matter of principle.

- Existing Mechanical Biological Treatment (MBT) plant – As referred to above, the applicant operates a MBT plant on land adjoining the application site. This produces from municipal household waste solid recovered fuel (SRF) which is presently exported, by road, to mainland Europe for use in established energy from waste (EfW) facilities there. The current planning application, if approved, would remove the need for the export of the SRF; the SRF would instead be used in the proposed ATT/EfW facility, moving from one facility to the other by conveyor. There are both environmental and economic benefits arising from this.

More generally the proposal would also change the way in which commercial and industrial wastes are managed within Wiltshire by reducing the need for these to be transported, mainly by road, from the county to other parts of the UK, and often to landfill; instead Wiltshire's wastes would be managed in Wiltshire. Again, there are environmental and economic benefits arising from managing the wastes in this way. These benefits are set out more fully below.

The 'headline' environmental benefits are:

- Reduced lorry miles compared with transferring material to European processors at over 500 miles one way.
- Substitution of fossil fuel power generation with waste to energy.
- Reduction of greenhouse gas emissions (methane) from landfill – the alternative to waste export.
- The opportunity to provide heat into neighbouring businesses once operational.

The 'headline' economic benefits are:

- Businesses operating in Wiltshire producing non-recyclable waste would have the opportunity for their material to be dealt with locally instead of exported at great expense to other areas of the UK or overseas.
- Both the money generated from the 'gate fee' and the power generated by the ATT plant would be used in the UK from UK produced waste rather than mainland Europe benefitting. Currently 3.5 million tonnes of material is exported from the UK to Europe for use by European energy plants creating heat and power there. The UK is paying a premium for this, with the economies of the other countries benefitting.
- Offer a 'better than market gate fee' for Wiltshire Council's material from the adjacent MBT Plant. The estimated savings against waste export/landfill or utilising other UK energy from waste schemes are substantial over the life of the treatment contract.

In broad policy terms, the consequences are that the proposal would fulfil the environmental and economic objectives of sustainable development, and so accord with these fundamental principles of the National Planning Policy Framework.

- 2015 planning permission - The current application is effectively a revision to planning permission 14/12003/WCM, which is also for an ATT facility. That permission was granted on 23 September 2015. It has not been implemented, but remains extant. Works to commence 14/12003/WCM, which are common to both it and the current planning application, are programmed to commence at end 2018 / early 2019. The fact that there is an extant planning permission for an ATT facility at the site is a significant material consideration now.

2018 refusal – In July 2018 the Strategic Planning Committee refused application no. 18/03816/WCM which proposed a different layout and design for an ATT facility at the site. The main changes between 14/12003/WCM and 18/03816/WCM were:

- Increased height of buildings incorporating more efficient boiler system and to achieve safe access around the boiler;
- Increased stack height to comply with emerging Environment Agency guidance on Best Available Technique²;
- Enclosure of the thermal plant (gasifier, boiler and turbine) to assist in year round operations and maintenance;
- Installation of one fewer turbine and a reduced bank of air-cooled condensers due to improved efficiencies in the process.

The single detailed reason for refusal related to the adverse impact of the proposal on the appearance of the area

The proposed development, by reason of its height, bulk and location on rising ground on the edge of the built-up area, would have an adverse impact on the appearance of the area. This would conflict with Core Policy 51 in the Wiltshire Core Strategy, which seeks to protect, conserve and enhance the visual amenity of the landscape.

An appeal has been lodged against this refusal decision. The applicant has requested a local inquiry, which would likely be held Summer/Autumn 2019.

² 'Best Available Techniques' (BAT) means the available techniques which are the best for preventing or minimising emissions and impacts on the environment. Techniques include both the technology used and the way installations are designed, built, maintained, operated and decommissioned.

Specific additional changes in the current application compared with the refused application 18/03816/WCM are as follows:

- Re-profiling and regrading of the site to reduce the base (finished floor) level of the site from a sloping site at 64.7m AOD (with a slope to the west) to a level site at 62.0m AOD;
- Reduction in height of the process buildings;
- Changes to the layout which move the waste feedstock and preparation building away from the south west corner of the site, and so reduces its 'bulk';
- Reduction of total building footprint by 376 sq m;
- Adoption of a bespoke colour scheme to break up the mass of the buildings and reduce their visual and landscape impact.

The application is supported by a Landscape and Visual Impact Assessment which considers the effects of the proposed development against the baseline of an undeveloped site as well as against the baseline of the already consented ATT at the site. The visualisations provided with the LVIA demonstrate that the visual impacts of the proposed development would not be dissimilar to the already consented ATT, and that the revised design is a clear improvement on the previously refused scheme, *and* that it would be in keeping with the scale of development at the adjacent dairy.

The LVIA conclusions on the visual effects of the proposal are agreed – notably, that when considered against the future baseline of the employment and/or waste facility site allocation *and* the consented ATT scheme, the magnitude of change from this future baseline scenario reduces, compared to the magnitude of change from an undeveloped site, in most viewpoints. The visual effects of the proposed development compared to the previously consented scheme are not significant and would not constitute a defensible reason for refusal.

The identified 'Medium Adverse' landscape effect of the proposal on the landscape character of the 'North Bradley Rolling Clay Lowland Landscape Character Area lying to the west of the site reduces to 'Slight Adverse' in the context of the consented ATT scheme and the employment land allocations. The boundary of this landscape character area will be affected by any future development on the allocated employment land / allocated waste site and is already influenced by existing industrial development along its eastern side. In this context the landscape effects of the proposed development would not be significant or at variance with landscape trends in this part of the landscape character area adjacent to the allocated employment site. In any event the benefits of the proposal for waste management in Wiltshire and for sustainability in general outweigh any conflict with the landscape and visual effects identified.

There were no further reasons for refusal, and the information and conclusions presented in the re-submission across the other topics of the ES remain consistent to that previously considered.

- Environmental Permitting – 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*”.

The Environment Agency has a statutory role to protect the environment and human health from all processes and activities it regulates. The proposal requires an Environmental Permit (EP), issued by the Environment Agency, before it can operate. The permitting process will be subject to public consultation in this case. It will also include consultations with the WC Environmental Protection Service, the Health & Safety Executive, Public Health England and the Fire & Rescue Service.

Before an EP is issued the Environment Agency must be satisfied not only that the environment and human health is protected but also that the operator is 'fit and competent' to run the facility.

The EP process of determination assesses odour, noise and vibration, accidents, fugitive emissions to air and water, releases to air, discharges to ground or groundwater, global warming potential and generation of waste.

EPs set operational conditions, technical requirements, continuous monitoring and reporting requirements as well as emission limit values to meet the requirements of the Industrial Emissions Directive and other relevant legislation.

The Environment Agency carries out regular unannounced inspection visits to ensure that facilities are operating in accordance with the permit conditions and scrutinises all data associated with Permitted facilities. The Environment Agency has the power to suspend any Permits it considers are not being fully complied with or if creating an unacceptable risk.

The Environment Agency has not raised any 'show-stopping' concerns over issuing a permit for this proposed development. The Environment Agency raises no objections to this planning application.

Notwithstanding the Environmental Permitting regime, the planning application and its associated Environmental Statement provide evidence to demonstrate that the effects of noise, emissions, odours, etc. would be negligible / imperceptible in any event.

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, Heywood PC and Frome TC - object.

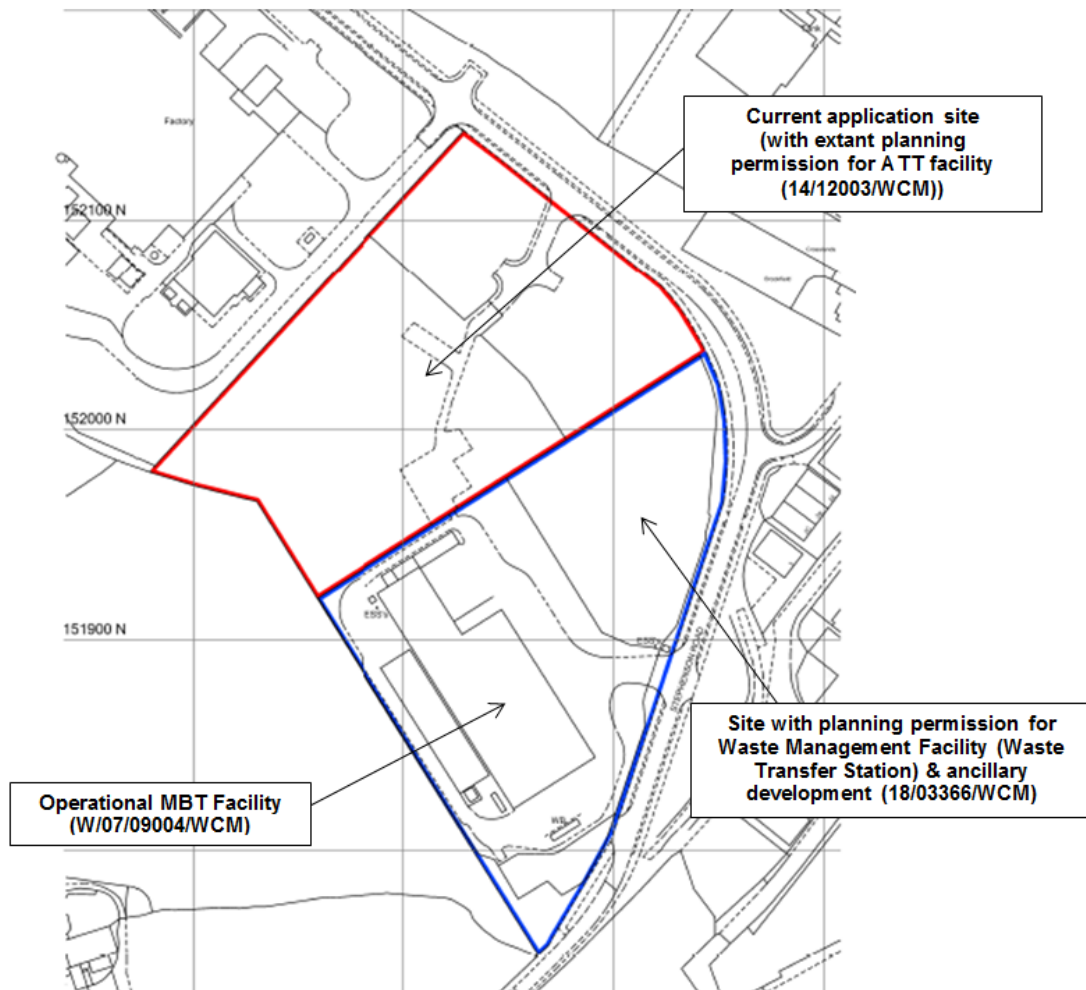
The planning application has been publicized by local advertisement, site notice and letters to neighbours. This has generated 526 representations (at 07/01). Of these 520 are objections, 5 are supports, and 1 expression of 'concern'.

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). 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. Beyond the Brook Lane Trading Estate is the mainline railway.



Red-edged Site Plan

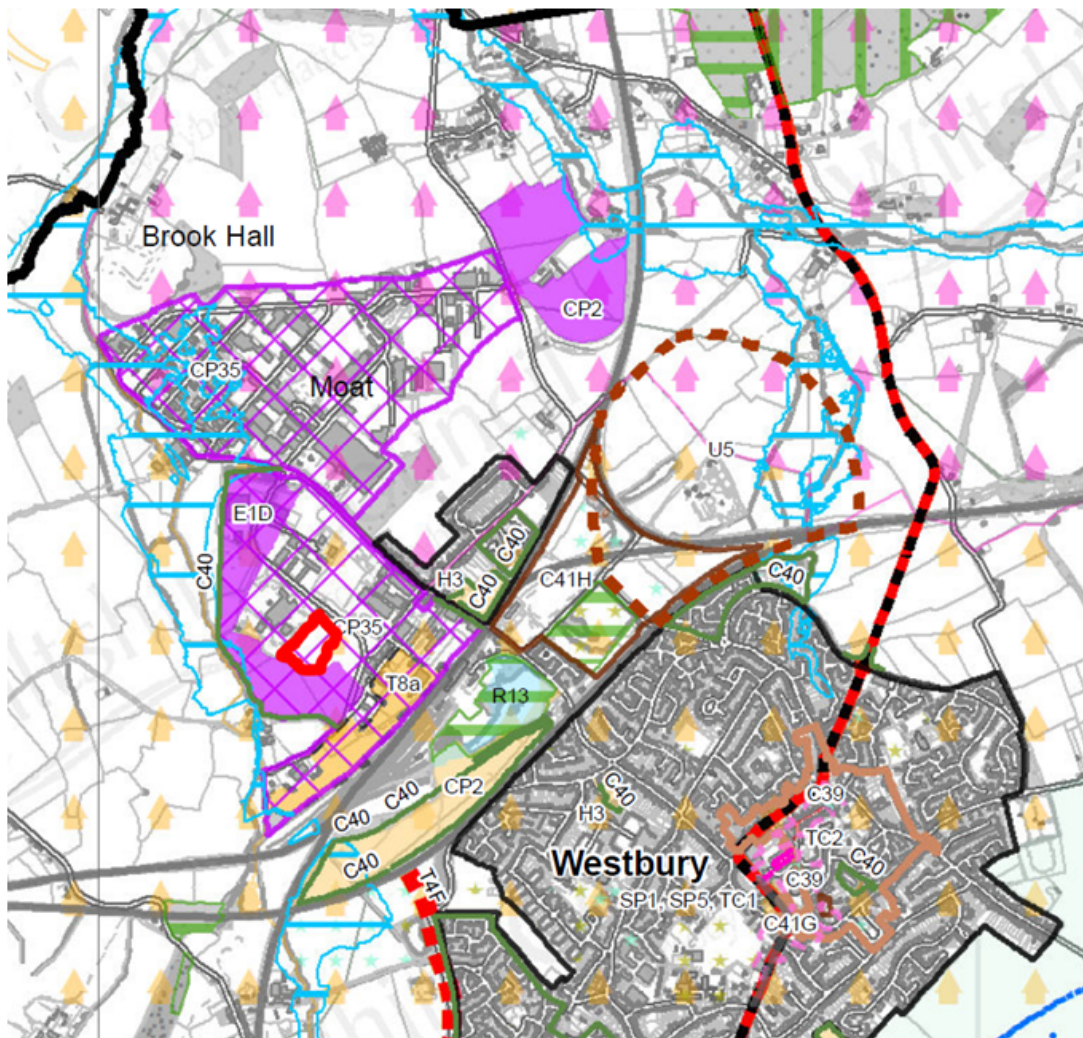
The application site itself forms part of a larger land parcel within the control of the applicant. Within this parcel, and to the immediate south of the application site, is the Northacre Resource Recovery Centre (RRC), currently supporting a 'mechanical biological treatment' (MBT) facility and an un-developed 'plot'. The un-developed plot has two planning permissions – firstly, for a vehicle depot and household recycling centre (HRC) (it is now not intended to implement the HRC); and secondly, for a 'waste transfer station' (WTS), enlarged depot and Welfare, Office and Workshop building (18/03366/WCM) (now being implemented). The land proposed for development in the current planning application (18/09473/WCM) is presently open/un-developed (that is, a vacant plot within the industrial estate).

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 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 and the Employment Allocation is an allocated Strategic Scale Waste Site in the Wiltshire & Swindon Waste Site Allocations Local Plan 2013. To the west of the site – beyond Brook Farm and Orchard House – is open countryside and a Scheduled Monument (“medieval settlement and associated field systems”).



Extract from Wiltshire Core Strategy Policies Map

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

4. Relevant Planning History

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

This planning permission has not been built out but remains extant. Works which are common to both it and the current planning application are programmed to commence at end 2018 / early 2019.



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

18/03816/WCM – *Revision of the layout and design of Advanced Thermal Treatment Facility permitted under consent 14/12003/WCM* – refused 18/07/18

The single detailed reason for refusal is as follows:

The proposed development, by reason of its height, bulk and location on rising ground on the edge of the built-up area, would have an adverse impact on the appearance of the area. This would conflict with Core Policy 51 in the Wiltshire Core Strategy, which seeks to protect, conserve and enhance the visual amenity of the landscape.

Other related planning permissions

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 to the south of the application site (see plan above).

The mechanical biological treatment (MBT) element of this planning permission - subsequently amended by permission no. W/12/00656/WCM - commenced operation in 2013. An HGV depot forming part of the approved ancillary development is intended to come into use shortly when the collection of recyclable materials from homes 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 (18/09473/WCM) would use the solid recovered fuel in its advanced thermal treatment (ATT) process instead.

The household recycling centre element of W/07/09004/WCM is not now being implemented. Instead this area of the site has standalone planning permission for a Waste Management Facility (that is, a waste transfer station for municipal waste for recycling) and welfare, office and workshop building with ancillary development (18/03366/WCM).

18/03366/WCM – *Waste management facility and welfare, office and workshop building with ancillary development* – approved 18 July 2018

Other related 'live' planning applications

18/09550/FUL – *Landscaping and screening bund*

This is a standalone application for a graduated landscaped bund (up to c.13m above original ground levels), to soften views of the proposed ATT in views from the west.

5. Proposal

The proposal is to construct an 'Advanced Thermal Treatment' (ATT) facility – this an alternative design to both the ATT approved under reference no. 14/12003/WCM and the ATT refused under reference 18/03816/WCM.

Advanced Thermal Treatment (ATT) refers to technologies that employ pyrolysis or gasification to process residual wastes. The Northacre facility would employ gasification to produce energy from waste. Unlike incineration, the input material is not burned but is instead heated in a special chamber with limited oxygen which prevents combustion.

The supporting statement with the application explains the proposal as follows:

“..... Since planning permission was granted Northacre Renewable Energy (NRE) have been working with providers of the ATT technology as well as investors and partners,

engineering procurement and construction contractors and securing government subsidy for renewable energy 'Contract for Difference'³ 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 in the design. The Northacre ATT facility will also be regulated by the Environment Agency before it is operational and the requirements that the EA impose have also 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 application is a result of both these factors.

An application for revisions to the layout and design was submitted in April 2018 (ref 18/03816/WCM) and, despite being recommended for approval, was refused in July 2018”

The general changes to the development approved in 2015 which are relevant to both the April 2018 proposal and the current proposal can be summarised as follows:

- Increased height of buildings to incorporate more efficient boiler system and to facilitate safe access around the boiler plant.
- Increase in stack height to comply with emerging Environment Agency guidance on Best Available Technique.
- Enclosure of the thermal process plant (gasifier, boiler and turbine) to assist year-round operations and maintenance.
- Installation of one fewer turbine and a reduced bank of air cooled condensers due to improved efficiencies in the process.

The current application proposes further revisions to the approved layout and design, to address the reason for refusal in the April 2018 application. The specific further revisions in the current proposal are as follows:

- Re-profiling and regrading of the site to reduce the base (finished floor) level of the site from a sloping site at 64.7m AOD (with a slope to the west) to a level site at 62.0m AOD.
- Reduction in the height of the process buildings.
- Changes to the layout which move the waste feedstock and preparation building away from the south west corner of the site.
- Reduction in total building footprint by 376 sq m.
- Adoption of a bespoke colour scheme to break up the mass of the buildings and reduce their visual impact.

The development is expected to employ around 40 staff.

There is effectively a single main building now proposed containing the waste reception / feedstock preparation areas and the ATT facility. 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 measures (flue gas treatment), and fire protection measures).

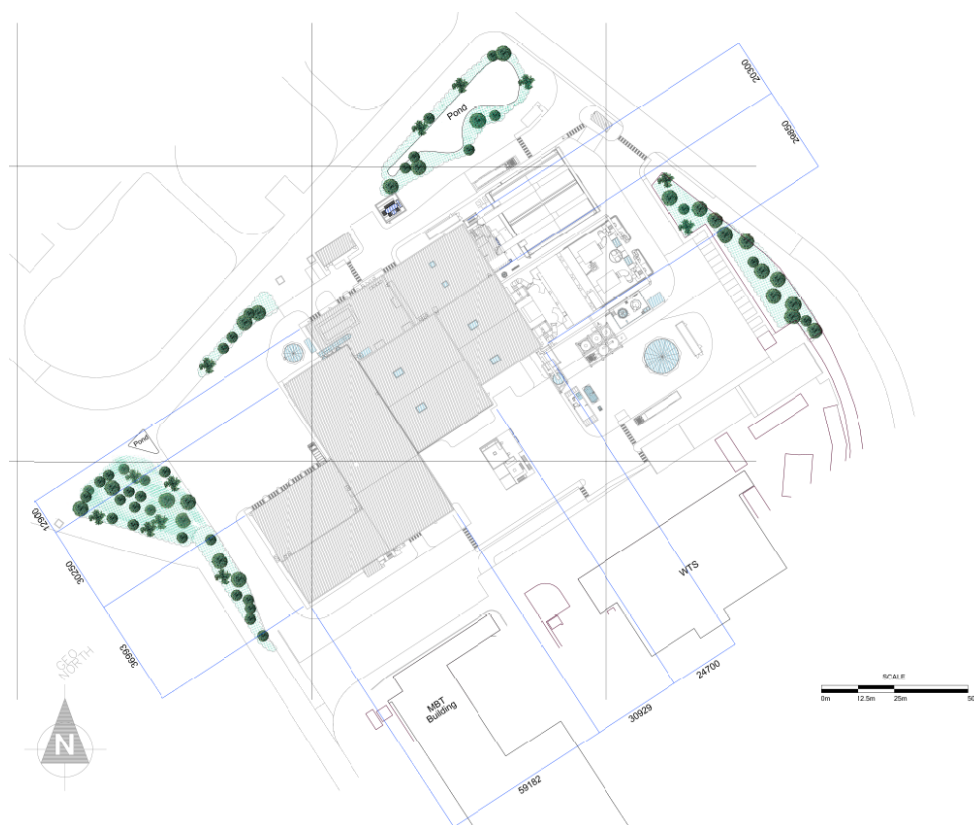
³ The Contracts for Difference (CfD) scheme is the government's main mechanism for supporting low-carbon electricity generation and part of the UK Government's programme of Electricity Market Reform. Northacre Renewable Energy Centre was one of six energy-from-waste projects or 'Advanced Conversion Technologies' (ACT) to secure funding in the second government CfD auction for renewable technologies. The Northacre project has the capacity to power 46,220 homes.

The main building would have a maximum height of 36.8m, and maximum dimensions of c. 115m by 81m; a stack on the building would be 40m high. Other plant buildings and plant structures would be smaller, this with the exception of a main stack measuring 75m in height. The buildings/plant would be typically industrial in appearance, clad mainly in steel sheeting, coloured grey and/or shades of green.

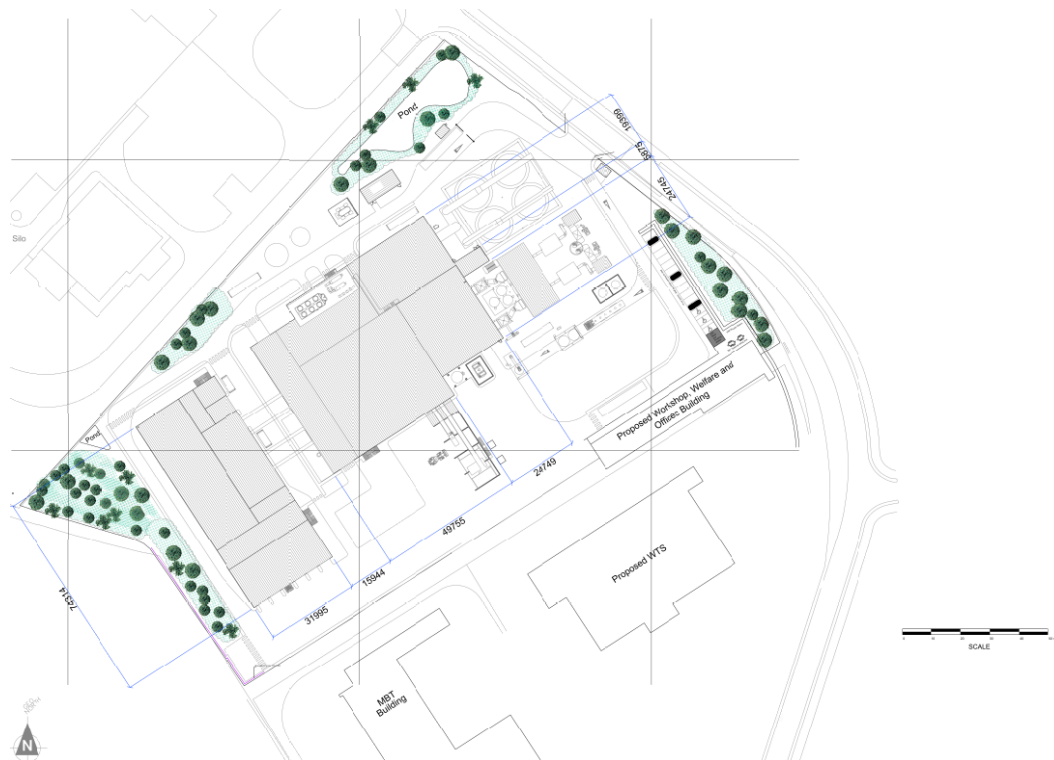
For reference, the ATT building previously approved under reference 14/12003/WCM has maximum height of 22m, and a main stack of 60m. The facility refused under reference 18/03816/WCM proposed two main buildings with maximum height of 37.8m, and a main stack of 75m. However, the level at which the buildings are now proposed to be constructed is c. 2m lower than the approved design as the site will be reduced in height, creating the material which would form the landscaped bund referenced above and below.

The adjoining Arla Dairies building has an estimated maximum roof height of c. 33.5m and stack heights of approximately c. 38.5m.

The proposed 'Site Plan' for the current application is set out below, this followed by the refused 2018 site plan (for comparison):



Proposed Site Plan



Refused Site Plan – 18/03816/WCM

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 approved under 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.

A standalone planning application (18/09550/FUL) proposes a landscaped bund to the immediate west of the site, its purpose to soften the visual impact of the development in views from the west.

Operation

The Environmental Statement accompanying the planning application sets out a 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 would be brought on to the site by HGVs as well as by conveyor from the adjoining MBT plant. 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 on 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

In order to operate, the facility will require an environmental permit that is issued by the Environment Agency (EA). The role of the environmental permit is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.

The Environment Agency has a statutory role to protect the environment and human health from all processes and activities it regulates. On EP the Environmental Statement says the following:

"The syngas produced will be combusted and the exhaust gases held at a temperature of >850°C 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”.

The EP process of determination assesses odour, noise and vibration, accidents, fugitive emissions to air and water, releases to air, discharges to ground or groundwater, global warming potential and generation of waste. EPs set operational conditions, technical requirements, continuous monitoring and reporting requirements as well as emission limit values to meet the requirements of the Industrial Emissions Directive and other relevant legislation. The Environment Agency carries out regular unannounced inspection visits to ensure that facilities are operating in accordance with the permit conditions and scrutinises all data associated with Permitted facilities. The Environment Agency has the power to suspend any Permits it considers are not being fully complied with and are creating an unacceptable risk.

Relationship of proposal with Northacre Resource Recovery Centre (the MBT plant)

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.

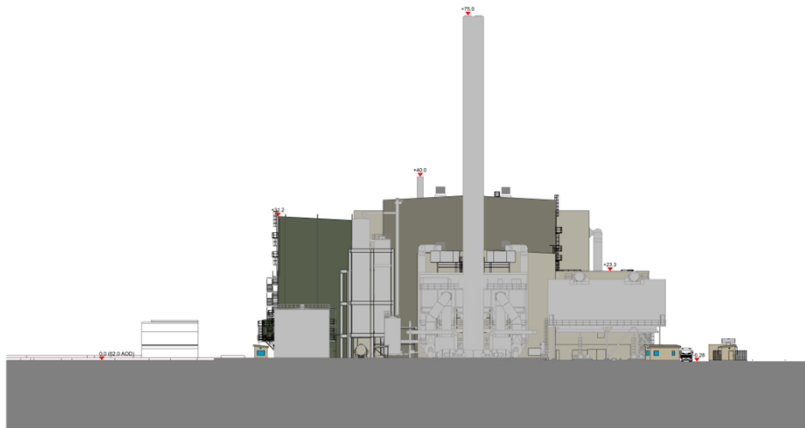
Rather than relying on third parties to use the SRF Hills purchased the land between Northacre RRC and Arla Foods Westbury Dairies with the intention of developing and operating its own energy recovery facility in order to fulfil the regional need. The site had a

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.



South facing elevation



East facing elevation

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

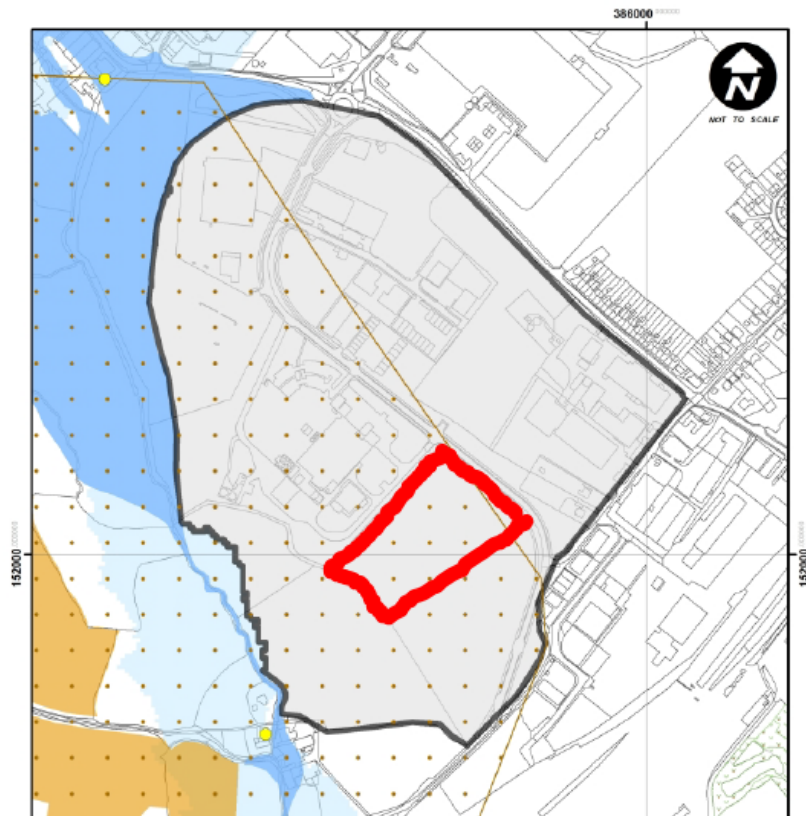
Wiltshire & Swindon Waste Development Control Policies DPD 2009

- 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

Of particular relevance, the NPPW states the following –

“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 B⁴ 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;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- 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;

7. Consultations

Westbury Town Council: Objection.

- *The height of the Chimney is obtrusive.*
- *These plans contradict the Government's National Planning Framework Policy 2 - 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.*

⁴ Appendix B of the NPPW sets out 'Locational Criteria' for testing the suitability of sites in determining planning applications. The full NPPW is attached as Annex 4 to this report.

- *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.*
- *Contrary to Core Policy 42 'Standalone renewable energy installations'. This is a single use site and we do not consider that this is in line with Core Policy 42 as it is not a source of renewable energy.*
- *Contrary to Core Policy 52 'Landscape'. This development does nothing to protect, conserve or enhance the landscape.*
- *Contrary 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'.*
- *Contrary to Core Policy 57 'Ensuring high quality design and place shaping'. This was previously turned down on the scale of the proposed building. Whilst we note that there has been some reduction in size, this development is still significantly out of scale with its surroundings.*
- *Contrary to Core Policy 64 (ii) 'traffic management measures'. Increased deliveries to site will result in increased traffic which will have a detrimental impact on local roads and increase pollution within our Air Quality Management Area.*
- *There has been no pre-planning consultation for this application.*
- *We feel that it is not acceptable to revert to plans from 2014. Attitudes and approaches recycling have changed significantly over the last 4 years and will continue to impact on the future need for this plant.*

Dilton Marsh Parish Council (nearby parish): Objection.

Reiterating the objections made to the previous planning application 18/03816/WCM –

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

And, the following additional comments:

- *Highway safety – increased vehicle movements through an already congested area.*
- *Visual impact on the local area and amenity – for example, the views from St Mary's Lane would be adversely affected.*
- *Scale, bulk and height of the building, which has not been materially reduced by the revised plans.*
- *That the revised plans do not mitigate the reasons for the LPA's refusal of planning application 18/03816/WCM and the original reason for objection still stands, namely that the development is contrary to Wiltshire Core Strategy Policy 51.*

Heywood Parish Council (nearby parish): Objection.

- *The size of the proposed building would have an adverse effect on the appearance of the area and would be contrary to Core Policy 51 which seeks to protect, conserve and enhance the amenity of the landscape.*
- *The proposal is contrary to Core Policy 55 which requires that where development proposals by virtue of nature or location are likely to exacerbate areas of poor air quality, it will need to be demonstrated that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. The risk assessment gives no comfort about public safety by describing the overall risk resulting from three hazard items of consequence to human health as “not significant”.*

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.

Also, on design / appearance, the reduction in height of the building is insignificant compared with 18/03816/WCM given its overall bulk.

Frome Town Council: Objection.

This revised application does not address our previous concerns as stated below.

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 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 through 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.

Wiltshire Council Highways: No objection.

I have examined the submitted Transport Assessment and agree with its conclusions that the proposed facility will not have a measurable adverse effect on the highway network. Conditions will be required to ensure the retention of the servicing and parking areas on the site.

Wiltshire Council Landscape: No objection.

Wiltshire Council Public Protection: Previous comments made in relation to 18/03816/WCM stand. Accordingly, recommend 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 offensive⁵ 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*

⁵ 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.

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.*
- *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].

Key paragraphs from Public Health England's response follow:

We are conscious that if a planning permission is granted, the activity on site will also be subject to a permit issued by the Environment Agency under the provisions of the Environmental Permitting Regulations 2016. Additionally, emissions and impacts from the gasification process and ancillary waste handling activities will be governed by those conditions stipulated in that permit. The same regulations require the operator to use the best available technology to ensure that impacts from the site are minimised and are compliant with UK and EU air quality and emissions standards. For that reason we have limited our consideration at the planning stage to the principle of land use, a consideration of the Environmental Impact Assessment (EIA) approach adopted by the applicant and type and range of submitted assessments.

PHE Position Statement -

PHE has published a position statement on incinerators but we note that this application is specifically for a gasification process. This process differs from straightforward combustion and consequently the incineration position statement is not considered applicable in these circumstances. Details of the differences between incineration and thermal treatment can be found in the DEFRA publication Energy from waste, A guide to the debate, February 2014 (revised edition), pages 35 to 38.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf

Impacts during construction –

As with any development there may be some localised short term impacts during the construction phase of the project. We note however, that a construction and management plan (CEMP) is included with the application and are happy that such impacts can be adequately managed by normal control measures and the use of industry good practice. Should issues such as noise or dust impacts arise during construction existing regulatory controls are considered adequate.

Air Quality –

The applicant has modelled likely emissions from the site and considered the impact on local air quality. There are a number of sensitive receptors within 2km of the proposed plant including a powdered milk production facility, residential premises, commercial premises, recreation areas, schools and care homes. The submitted assessments have identified these receptors and assessed the impact of a range of emissions from the plant. No significant impacts have been identified in the documentation and PHE is satisfied that the applicant is utilising a model and assessment criteria that are in line with UK guidance and good practice.

There is an Air Quality Management Area (AQMA) in Westbury, declared on the basis of nitrogen dioxide, but we note that the predominant source of NO₂ in that area is vehicular traffic. The submitted assessments indicate that the additional contribution from either traffic associated with the proposed development or from stack emissions is likely to be small and consequently is unlikely to have a significant impact on public health.

On the basis of the information submitted with the application PHE is satisfied that the development/process should be capable of operating within the requirements of current UK regulations, air quality standards and emissions standards. Detail of the regulatory control, emissions requirements and monitoring requirements will be considered in more detail as part of the environmental permitting process; however, on the basis of the information

submitted to date PHE would be unable to sustain any objection to the development on the grounds of air quality.

.....

Conclusion –

PHE is satisfied that the applicant has approached the environmental impact assessment in a manner consistent with the UK requirements. They have utilised a satisfactory approach and methodology to predict the likely emissions, distribution of a range of key pollutants and the impact on the local environment and receptors.

PHE will further consider the emissions and appropriate control measures when we are consulted as part of the Environmental Permitting process and will make additional comments at that time. We are however satisfied that the applicant has demonstrated that the proposed development can be carried out without any significant impact on health, subject to compliance with UK air quality and emission standards. For that reason we do not wish to raise any objection to this planning application.

Wiltshire Council 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 16 'Conserving and enhancing the historic environment' is particularly relevant. Paragraph 189 requires applicants to describe the significance of any heritage assets affected including any contribution made by their setting. Paragraph 196 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 National Planning Practice Guidance 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 189) 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.

The proposals are accompanied by a further update of previous heritage reports. The findings of the various heritage reports are carried through into the Environmental Statement. As previously noted, despite considerable discussion with the Council during the life of the original application, the heritage assessments remain flawed with problems with the original information perpetuated within the more recent submissions which rely on the original work and comment only on changes in impact.

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) – however, this should be 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 189 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 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 applications 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 (para 190) 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.....within the 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 196 of the NPPF. The more recent updated reports have concluded that revisions to the 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 resulted 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. The current amendments will provide only very limited mitigation of these impacts. 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 original 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 196), 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, which is on a site previously allocated for the purpose, 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.

Wiltshire Council Archaeology: No objection.

The Wiltshire and Swindon Historic Environment Record shows that the proposed development area (PDA) lies close to sites of archaeological interest. Earthworks of a deserted medieval village have been mapped from aerial photography and field survey adjacent to the proposed development site, which mark the remains of Broke village recorded in the 13th century. The main part of the settlement site is nationally designated a Scheduled Monument (ref. 1019386) and is situated approximately 300m west of the PDA. Brook Farmhouse is a Grade II Listed Building (ref. 1180471) and lies just over 200m southwest of the PDA.

The proposed development site was investigated by archaeological evaluation in 1999 and though a number of archaeological features relating to medieval settlement were identified further to the west, no archaeological activity was encountered in the trenches within the area of the proposed development. I therefore do not consider there to be any requirement for further archaeological investigation.

Wiltshire Council Drainage: No objection.

Wiltshire Council Ecology: No objection.

I note that there is an extant permission for this plant from 2014 (14/12003/WCM) and that the current application is to revise the layout given under the 2014 permission.

The site is an allocated waste site, included in the Development Plan Document for Wiltshire Waste Strategy and assessed for this usage under the Habitats Regulations at the DPD consultation stage. The proposed revision to the layout and design would not result in any mechanism for adverse effect on the favourable conservation status of any Natura 2000 site within the distances agreed with Natural England for adverse impacts from waste facilities. There is therefore no reason to revisit the Habitats Regulation Assessment and the previous conclusion of “no likely significant effect” still stands.

The application site lies within an existing industrial estate, set on a base of concrete and compacted stone. There is little natural vegetation other than around the very edges of the site. The proposals include some enhancements for biodiversity including habitat planting in spaces around the edges of this very constrained site. I am happy that the proposal will not result in any adverse effects to ecologically sensitive habitats or species and that some enhancement for biodiversity will result from the proposed works.

Environment Agency: No objection.

This application is for a revision of the layout and design of an Advanced Thermal Treatment Facility consented under Planning Permission 14/12003/WCM.

Environmental Permitting –

As stated in our response to the original application, 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.

The proposed changes to the height and layout of the development will have an impact on the results of the previous Air Quality Assessments submitted under previous applications. We note that an Addendum to the February 2018 Air Quality Assessment has been submitted. The Environment Agency is only able to assess the revised Air Quality Assessment once it has been submitted to us as part of a valid environmental permit application.

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.

Natural England: Do not wish to offer any comments.

Historic England: Do not wish to offer any comments; case to be left to local advisers.

8. Representations

The planning application has been publicised by local advertisement, site notice and letters to neighbours. This has generated 526 representations (at 07/01). Of these 520 are objections, including from Molly Scott Cato MEP, and 5 are supports. Bradford on Avon Preservation Trust expresses 'concern'.

The **objections** are summarised as follows:

- Principle – this is an 'incinerator' and not a 'recovery facility'. EA 'R1' status required for recovery; as no R1 certificate in place, this is 'disposal' at bottom of Waste

Hierarchy. 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. Contrary to Waste Core Strategy.

- Technology – applicant should be putting recycling first. Advances in technology means that this facility is out of touch; a lot will happen during the 25+ yr life expectancy of the plant, meaning that it will be out of date very soon.
- 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. Inadequate regulation of traffic. Increased likelihood of collisions. Increase in HGV's harmful to other businesses and tourism. Contrary to Core Policy 62.
- 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; no recent research or reports. 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. Large body of literature on the potential adverse health effects of different waste management options, particularly from incineration. Ash bi-product of process difficult to dispose of; same with contaminated water from process. 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. Health & Safety at Work Act relevant. Contrary to Core Policies 42 and 55;
- 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. Bath clean air project will add to Westbury's air quality issues.
- 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. Harmful to landscape/visual amenity. Contrary to Core Policy 51.
- Economic impacts – would put off new business' from coming to Westbury. Harmful to existing businesses, particularly those involved in tourism/catering. Effect property values.
- 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. Insufficient waste available to allow ATT to run effectively – meaning import of waste from elsewhere and/or materials that should be recycled be used. Viability of ATT's should be considered – planning permissions elsewhere

have been abandoned.

- General amenity – Noise: disturbance to nearby residents; odours: process would generate smells; fly nuisance. Hawkeridge: amenities affected by traffic;
- Regional development – the facility would process waste from beyond Wiltshire. Insufficient quantities of waste in Wiltshire to justify the development.
- Safety – applicant has poor record in terms of fires, flies, odours. Potential explosion risk.
- No information relating to connection to grid – where? How?
- Planning history – previous application (18/03816/WCM) refused. 2015 planning permission (14/12003/WCM) for ATT irrelevant now. Apparent confusion at July SPC meeting must not happen again.
- Wiltshire Council – the Council's interests should not override proper planning.

Bradford on Avon Preservation Trust: Comments - *Although this site is located at a distance from Bradford on Avon we are concerned about the visual impact of the chimney from distant points in the landscape. We seek to ensure that consideration is given to views from the hillside at Bradford on Avon.*

The objections from Molly Scott Cato MEP are as follows:

I am writing to lodge my objections to the proposed Advanced Thermal Treatment Facility (ATTF) in Westbury. As MEP for the area, I have been contacted by a number of Westbury residents who are very concerned about the plans for the plant.

I also submitted objections to the previous application, Reference Number 18/03816/WCM, in June 2018. From my understanding of this new application little has changed beyond the height of the buildings, so my reasons for objection remain unchanged.

Overcapacity of waste treatment plants –

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.

Air Quality –

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 **support** is summarised as follows –

- Government policy - until measures are in place to reduce the amount of waste, particularly plastic waste, it is better to produce electricity from it than to put it into landfill. There are increasing efforts to recycle some waste but again until these are efficient enough to deal with this very sizeable issue, it is better to produce electricity from it.
- Technology – good use of technology; no issues relating to traffic, smells, etc. from similar facilities existing elsewhere. Duty to deal with our waste. Will complement existing facilities at the site.

9. Planning Issues

The main issues to be considered in this case are firstly the principle of the proposal in the context of the existing consent for an ATT facility and the site allocation as both employment land and as a strategic waste site; 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.

9.1 Principle

On the issue of the principle of the development, it is material here that planning permission has already been given for an ATT facility at the application site. The proposal is to effectively 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 was granted (this including the publication of the revised National Planning Policy Framework in July 2018), significant weight must be given to it as a material consideration.

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 and some of the adjoining countryside, which lie approximately 6.5 km to the south of Trowbridge, are 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. The Waste Development Plans define ‘waste treatment’ as including Mechanical Biological Treatment, Anaerobic Digestion, Energy-from-Waste, and Combined Heat and Power facilities. In line with this, the estate already supports the MBT plant, and there is the further extant planning permission for an energy from waste plant (an ATT facility) 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 (ATT) 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.

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’.

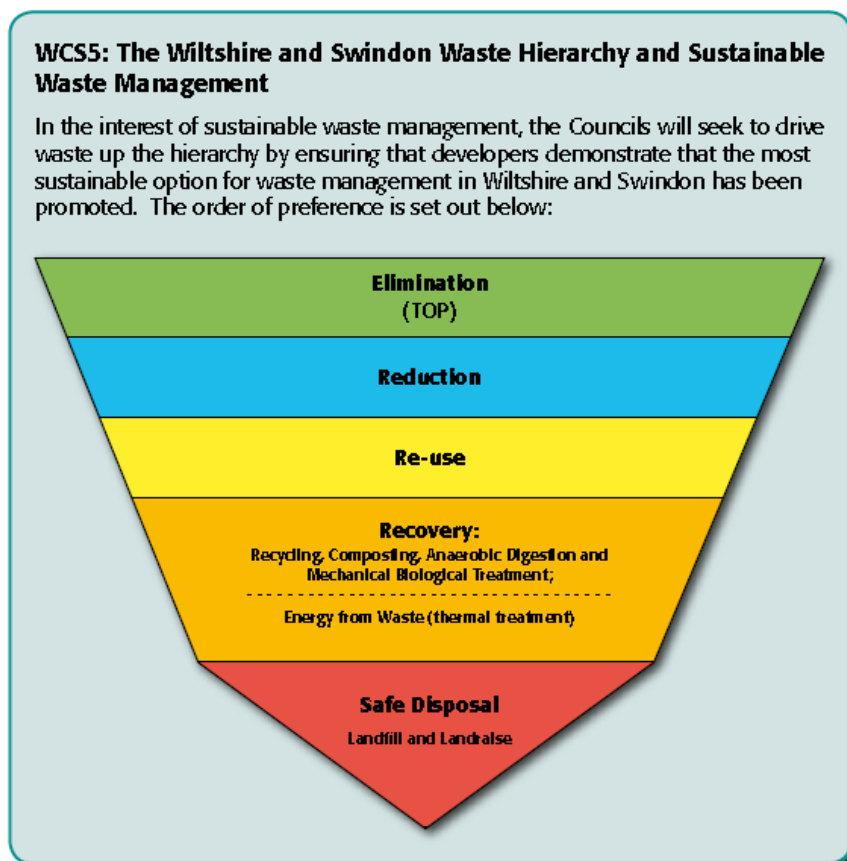
The Wiltshire and Swindon Waste Hierarchy -

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. The term ‘R1’ refers to a classification contained in annexes included in EU Waste Framework Directive (WFD) which set out lists of what are considered to be recovery or disposal operations. The WFD sets out the waste hierarchy and it requires that a waste management route defined as recovery should be used ahead of an alternative that is classified as disposal. R1 status means that an EfW plant is classed as a ‘recovery’ facility rather than a disposal facility. The criteria for achieving R1 status is set out in the WFD and acts as a performance indicator for the level of energy recovered from waste. The Environment Agency (EA) is responsible for the R1 certification process, which is separate to the environmental permitting regime operated by the EA, and the planning application process. Operators of UK plants do not have to obtain R1 status, however in a guide to EfW published by DEFRA it was advised that for planning purposes operators “strive towards demonstrating that energy from waste is a recovery operation according to the WFD definitions”. In the case of Northacre, the applicant has confirmed within the ES that the proposed development is defined as a recovery operation by the WFD and is in accordance with its aims.

It should be noted that the Waste Framework Directive (WFD) does not specify a minimum level of energy efficiency for recovery facilities primarily dedicated to the processing of non-municipal solid waste, such as this that will deal with commercial and industrial waste.

The Waste Management Plan for England identifies ‘gasification’ as a ‘other recovery’ operation, alongside anaerobic digestion, incineration with energy recovery and pyrolysis which produce energy (fuels, heat and power). Similarly, the adopted Wiltshire and Swindon Waste Core Strategy (Policy WCS5) identify EfW (thermal treatment) as ‘recovery’, as shown below. The Waste Core Strategy does not require energy from waste proposals to achieve a specific energy efficiency threshold in order to be classified as recovery operations.



9.2 Landscape / Visual Impact

This detailed matter is considered first in view of landscape and visual impact being the single reason for refusal in the last planning application.

Policy background –

Core Policy 51 (‘Landscape’) of the WCS re-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. The policy states that 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

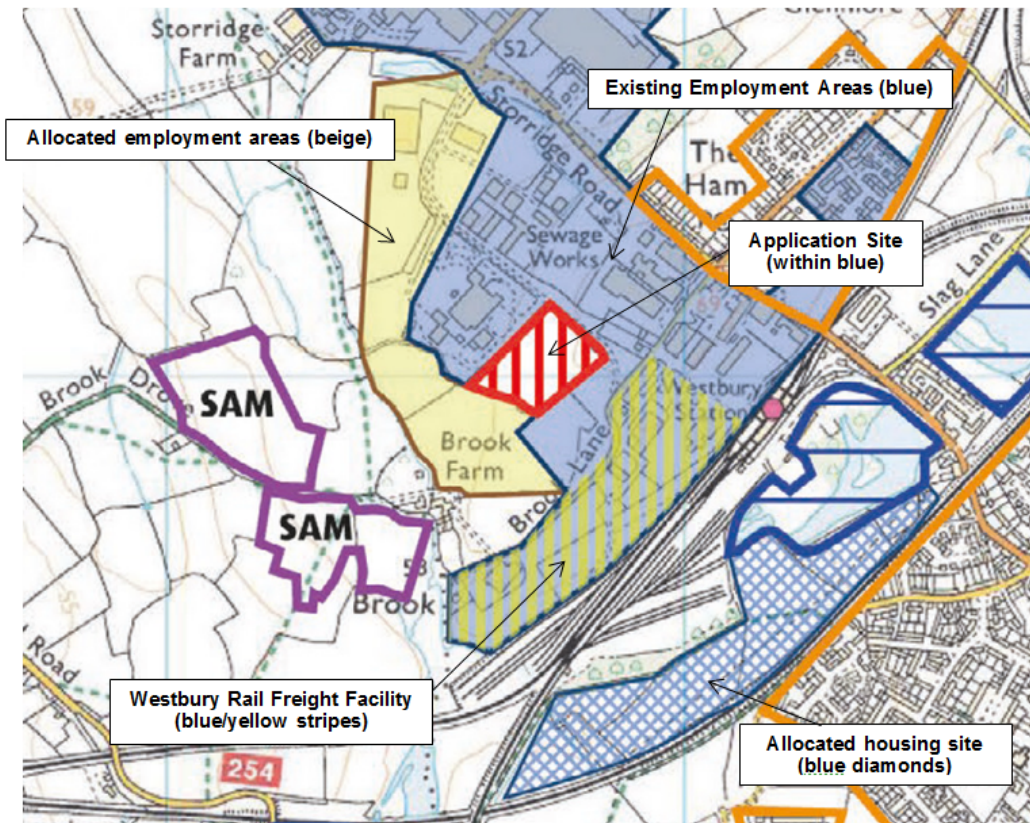
studies; and proposals will need to demonstrate that the following matters in particular have been taken into account and landscape conserved and enhanced as appropriate:

- 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.

The Wiltshire and Swindon Waste Development Control Policies DPD Policy WDC7 (Conserving Landscape Character) further requires proposals for waste management development to include an assessment of the adverse impacts on the landscape character, this informed by the Wiltshire Landscape Character Assessments. The policy states that proposals for waste management development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape, and proposals in proximity to settlements must safeguard their character, setting and rural amenity through the implementation of mitigation measures that incorporate an acceptable separation distance, landscaping and planting, appropriate to the existing landscape setting.

Core Policy 57 ('Ensuring high quality design and Place Shaping') 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.

Meanwhile, Core Policy 35 ('Existing Employment Sites') seeks to retain the defined Principal Employment Areas in employment uses, and supports renewal and intensification of employment uses thereon; and Core Policy 32 ('Spatial Strategy for the Westbury Community Area') allocates 3.8 ha of new employment land at Northacre Industrial Estate on land to its west side (that is, adjacent to the application site). These designations are illustrated on the following plan contained within the Landscape and Visual Impact Assessment (LVIA) with the planning application (with annotations added).



**Extract from LVIA 'Site Location and Planning Context Plan'
showing Core Strategy designations within vicinity of site (annotations added)**

2018 refusal and resulting revised application –

As already set out, in July 2018 the Strategic Planning Committee refused planning permission for an alternative ATT facility to that approved previously, the single reason for refusal relating to the harmful visual impact on the wider area and landscape, this by reason of the height, bulk and location (on rising ground) of the proposed development. As a consequence of this reason for refusal the current application proposes a revised layout and design. The main changes are as follows:

- Re-profiling and regrading of the site to reduce the base (finished floor) level of the site from a sloping site at 64.7m AOD (with a slope to the west) to a level site at 62.0m AOD.
- Reduction in the height of the process buildings.
- Changes to the layout which move the waste feedstock and preparation building away from the south west corner of the site.
- Reduction in total building footprint by 376 sq m.
- Adoption of a bespoke colour scheme to break up the mass of the buildings and reduce their visual impact.

The height of the whole development will be lowered by re grading of the site by around 2 m average. The maximum height reduction of the main building is slight – from 37.8m to 36.8m – but this is material in the context of other changes to layout and colours of the external materials. Changes to layout reduce significantly the bulk of the rear elevation facing west towards the open countryside, and reduce the overall footprint of the main

building. On external material colours, it is now proposed to use shades of grey and green. The reasoning is explained in the Environmental Statement as follows:

“The colours and finish have been selected to reduce the overall visual mass of the built elements, by breaking them up into discrete elements which helps them blend better with the landscape / skyline. The colours chosen are a mix of greens and greys – the green tones in particular minimise the degree of contrast with the landscape.

Whilst the colours selected for the approved development (14/12003/WCM) were designed to match those of the Northacre Resource Recovery Centre immediately to the east, the current proposals are deliberately different to provide a contrast and reduce the visual mass.”.

Landscape and Visual Impact Assessment –

The application is accompanied by a revised Landscape and Visual Impact Assessment (LVIA) (October 2018) which assesses the impact of the changes in the current application. It does this by applying established LVIA methodology - to define baseline conditions, and then to assess the landscape and visual effects of the proposal. It also considers mitigation as necessary, and the residual effects (that is, those effects likely to be reduced over time as a consequence of proposed tree planting or other factors).

Landscape effects –

Landscape character is defined in the LVIA as *“the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, landform, soils, vegetation, land use and human settlement. It creates the particular sense of place experienced in different areas of the landscape”*. The degree to which a particular landscape type or area can accommodate change arising from a particular development, without detrimental effects on its character, will vary with:

- Existing land use;
- the pattern and scale of the landscape;
- visual enclosure / openness of views, and distribution of visual receptors;
- the scope for mitigation, which would be in character with the existing landscape, and
- landscape value.

Overall landscape impact is determined by combining the sensitivity of the landscape resource with the magnitude of landscape change.

In terms of baseline conditions, the site is located within the ‘Avon Vale’ National Landscape Character Area. Locally, in 2007, the West Wiltshire District Landscape Assessment (WWDLA) classified the area in which the site is located as being within the ‘Heywood Rolling Clay Lowland’ landscape character area (WWDLA ref. ‘LCA E8’). The WWDLA sets out its characteristics as being:

- Gently rolling topography of the area slopes gradually downwards, moving southwards towards Westbury;
- Human influence strongly visible in the form of West Wilts Trading Estate and junction of two main railway corridors;
- Rural character disturbed by noise and visual intrusion associated with the railway corridors, roads and West Wilts Trading Estate;

- Combination of small, medium and large, farmed fields surround the trading estate, the boundaries of which are delineated by hedgerows in varying condition;
- A series of interconnecting minor roads cross the area;
- Settlement pattern dominated by nucleated arrangement of large warehouses within West Wiltshire Trading Estate but scattered farmhouses to the north and west;
- Generally, a low level of tranquillity throughout the area due to the main roads, the railway corridor and Trading Estate.

The open countryside immediately to the west of the site is located in the 'North Bradley Rolling Clay Lowland' landscape character area (WWDLA ref. 'LCA E3'). Its key characteristics as defined in the WWDLA are:

- Gently rolling farmland based on clay, with extensive views, including views on the chalk downland in the east and south;
- Distinct pattern of small to medium sized fields enclosed by mainly intact hedgerows with mature trees;
- Predominantly pasture with a few scattered ancient woodland blocks;
- Settlements consist of several villages and farmsteads linked by a dense network of mainly secondary roads and footpaths;
- Pylons as a dominant vertical element.

The relevant management and landscape objectives summarised in both of the Landscape Character Assessments focus on conserving landscape diversity and mitigating the "urbanising influence of large towns". They include:

- Managing existing vegetation and planting new woodland to maintain the enclosed character and screen views of intrusive urban edges;
- Developing guidance to ensure that new building and alterations to existing buildings integrate with the character and structure of settlements;
- Seeking of landscape enhancements from trading estate developments and screening of visual distractors.

The LVIA continues by considering the local landscape context of the application site within the wider landscape character areas. It notes, in particular, that:

- The site is situated in the Northacre Trading Estate, which forms part of a significant urban extension north-west of Westbury town centre, and which exerts a significant impact on the open countryside beyond, this in terms of visual amenity, noise and light pollution;
- The site is situated adjacent to open countryside albeit that the countryside immediately to the west is zoned for further employment use (Core Policy 32);
- The site benefits from an extant planning permission for an ATT facility.

Having regard to these baseline conditions, the LVIA sums up the local landscape context of the application site as follows:

"As a result of the heavily developed and disturbed nature of much of the area immediately surrounding the site it is generally overall deemed, when the adjacent open countryside is taken into consideration, to be an ordinary landscape area (one which contains some features of visual value but generally lacks a coherent and aesthetically pleasing composition). Consequently it is considered to be of medium sensitivity⁶ and some

⁶ Landscapes of medium sensitivity are defined in the LVIA as commonly occurring landscape areas with some evidence of alteration or degradation of the character or features, and potentially tolerant of some change and likely to be locally valued.

potential to accommodate further change, as vacant plots are developed and the estate expands westwards onto the adjacent agricultural land”.

In assessing the character the LVIA further adds that the countryside to the west of the site, although exhibiting many of the characteristics identified within the character assessment profiles (referred to above), has been eroded by the extensive development that has taken place within the industrial estates, including the related infrastructure and lighting.

Landscape effects: LVIA conclusions –

In conclusion on landscape effects the LVIA, therefore, states the following –

“6.2 the site itself, is located on the existing Northacre Trading Estate within the E8 (Heywood Rolling Clay Lowland) LCA As previously referenced the existing agricultural land to the west has been allocated for employment uses in the Core Strategy adopted by Wiltshire Council. When the wider context of the adjacent industrial estates is considered this development is compatible with its landscape setting filling in a gap between two existing industrial facilities and helping to reinforce the urban / rural boundary. However, it does in terms of the size of its constituent structures (including the stack) represent a relatively significant development.

6.3 Because of the absence of any significant vegetation and the recent disturbance there are no direct physical impacts on valuable landscape fabric resulting from this development. It is assumed that the existing hedgerow on the southern boundary will be largely retained and subsequently protected during the course of construction works. Consequently, there is deemed to be no significant impact in this regard.

6.4 Although the current scheme is (like the 2015 consented scheme) large scale and non-reversible in nature, the magnitude of landscape change is categorised as No Change to Low Adverse for the site and the adjoining trading estates because:

- It is located on relatively unsightly, disturbed land on an existing industrial estate and is totally compatible with adjoining land uses;
- it is located on a brownfield gap site and will serve to reinforce the existing urban edge of Westbury as stipulated in core strategy CP51
- the existence of large-scale visually prominent industrial buildings to the north-west and south-east of the site mean that it is considered that this development will only result in a minor loss of its existing character, (largely due to the presence of the stack and the scale of the buildings);
- the proposed landscape treatment will partially screen views of the development from the highway and other areas of the trading estate.

6.5 Consequently the significance of landscape effects, for the site and trading estates (ie. areas within the E8 LCA) can be deemed to be Slight Adverse⁷, at most.

6.6. In relation to this development there is deemed to be, taking into account the increased volume of built form and the predicted low levels of associated lighting and noise impacts, a minor to partial alteration to the key characteristics or features of the countryside that immediately adjoins the site (..... within the *North Bradley Rolling Clay Lowland LCA*) [WWDLA ref. LCA E3]. Overall the magnitude of landscape change for the open

⁷ A ‘Slight Adverse’ effect is where the development does not quite fit the landform and scale of the landscape. Notably, although not visually intrusive, the development will impact on certain views into and across the area; and it cannot be completely mitigated because of the nature of the proposal itself or the character of the landscape through which it passes.

countryside to the south-west and north-west of the site is deemed to be Medium Adverse, due to the following factors:

- the height and scale of the visible structures (although these are likely to be partially screened over time by development on the designated employment land located to the south-west and north-west) which significantly reduces the amount of skyline visible between the existing pollarded willows located along the Biss Brook;
- there is anticipated to be no light spillage from this development into the adjacent agricultural field and it is understood that measures will be taken, to keep noise levels within acceptable limits.

The magnitude of change is not considered to be high because:

- The landscape proposals associated with the development incorporate a screen mound in the south-western corner of the site ..., augmented by predominately native species trees and shrubs along most of the southern boundary;
- the landscape character is already defined by industrial development at its urban edge. This has already been degraded by the adverse effect of Westbury Dairies, and to a lesser extent other trading estate buildings located either side of it;
- the retention of the hedgerow on the south-west boundary means that there will be no associated physical impacts (and hence no alteration of the existing field pattern) on the LCA.
- the site will not ultimately be located on the boundary of the area allocated for employment once the land to the west is developed for this purpose, as indicated in the adopted core strategy.

6.7 Since the open countryside to the south-west and west (ie. areas within the E3 LCA) has consequently been deemed to be of Medium Landscape Sensitivity as discussed above, the overall level of landscape effect has been categorised as Moderate Adverse⁸.

.....

6.9 In comparison with the (2015 scheme) future baseline scenario the current proposed configuration is considered to represent a minor deterioration in landscape quality of the open countryside (E3 LCA) due to the overall greater mass of the buildings, something which is considered to further erode the rural characteristics of the existing landscape. Consequently there is considered to be a Small degree of magnitude of change with a resulting Slight Adverse landscape effect”.

These conclusions of the LVIA are agreed. Notably, that the effects of the proposal on the Heywood Rolling Clay Lowland landscape character area (which in the locality of the application site is essentially the Northacre Industrial Estate) would be ‘Slight Adverse’, whereas the effects on the North Bradley Rolling Clay Lowland landscape character area (which is essentially the presently open land to the west of the industrial estate) would be ‘Moderate Adverse’, although this reducing to ‘Slight Adverse’ when the extant planning permission is factored-in.

A Slight Adverse effect is where development does / would impact on views and cannot be fully mitigated. In the context of this industrial estate, where there are established industrial buildings – some sizeable and themselves presenting a slight adverse effect – a further

⁸ A ‘Moderate Adverse’ effect is where the development is out of scale with the landscape, or at odds with the local pattern and landform. Such effects are not possible to fully mitigate for, that is, mitigation will not prevent harm to the landscape in the longer term as some features of interest will be lost or their setting reduced or removed; and they will have an adverse impact on a landscape of recognised quality or on vulnerable and important characteristic features or elements.

industrial building presenting a further slight adverse effect, is not considered to be inappropriate or out of keeping. Indeed, It can be reasonably said that this industrial estate is now an established location for such developments.

A Moderate Adverse effect is where there is a greater impact than Slight Adverse, this as a consequence of, in particular, the scale of development/proposed development being at odds with the pattern and landform of the landscape. In this case, and notwithstanding the harm arising from the moderate adverse effect identified, the proposal is considered to be acceptable, this in view of the proximity of other sizeable industrial developments (including the Arla Dairies complex) and their not dissimilar impacts to those of the proposal. The moderate adverse effect is also considered to be acceptable in the context of the additional employment land allocation to the west of the site – this will inevitably further change the character of the ‘countryside’ hereabouts, and in view of its area – 3.8 ha – have a likely greater than slight adverse effect on the LCA in any event. Also particularly relevant to the acceptability of the proposal in this context is the ‘fall-back’ position of the extant planning permission, albeit for lower buildings. The LVIA concludes that when this future baseline scenario is factored-in, the current proposal actually represents a smaller degree of magnitude of change with a resulting change to Slight Adverse landscape effect.

Visual effects –

The visual effects of proposed development are the changes that arise in the composition of available views as a result of changes to the landscape and the degree to which these changes affect the overall amenity and character of an area.

The LVIA identifies a number of key local viewpoints, and then assesses the effects of the proposed development on the views. The viewpoints are identified on the following plan forming part of the LVIA. Following this, a table - also taken from the LVIA - sets out the range of effects.



LVIA photograph (viewpoints) locations

Reference, Receptor and Location		Range of Effects		
		Sensitivity	Magnitude	Significance
Views from the north-west				
A	Corner of Brokerswood Lane	Medium	Small	Slight Adverse
B	Biss Brook valley public footpath	Low to Medium	Small to Medium	Moderate to Slight Adverse
C	Stephenson Road looking south-east	Low	Small	Slight Adverse to Negligible
PM2	Public footpath on eastern edge of Round Wood	Medium to High	Medium	Moderate Adverse
Views from the south				
D	Town centre car park	Low	Medium	Slight Adverse
E	Public footpath on rounded hilltop south-east of town centre	Medium to High	Small	Slight Adverse
F	Leighton Close, Westbury Leigh	Medium	Small	Slight Adverse
G	Biss Close, Upton Scudamore	Medium to High	Small	Moderate to Slight Adverse
H	Public footpath south-east of Dilton Marsh church	Medium	Small	Slight Adverse
I	Penleigh Road	Medium	Small	Slight Adverse
Views from the west				
J	St Mary's Lane, Dilton Marsh	High	Small	Moderate Adverse
K	Scotland Lane	High	Small	Moderate to Slight Adverse
PM1	Public footpath north-west of Brook Farm	Medium	Large	Substantial to Moderate Adverse
PM3	Public footpath east of Scotland Lane	Medium to High	Medium	Moderate Adverse
Views from the east				
PM4	Top of scarp slope by Westbury White Horse	High	Small	Moderate to Slight Adverse

The LVIA notes that the development would be visible from a range of viewpoints situated on higher ground to the west and south of the site. It further notes that the visual impact is significantly less than might otherwise be due to "... *its location immediately adjacent to Westbury Dairies [Arla], which due to its colour and size is an extremely prominent local landmark ...*" which "... *serves to anchor the proposed buildings in the landscape and indeed from some vantage points to the north largely screening them from view*".

The LVIA acknowledges that the most prominent structure in most views would be the 75m stack, although it concludes that its visibility would diminish when seen against the sky at a distance.

In the main, the significance of the effects on all identified views would be only 'Slight Adverse' to 'Moderate Adverse' having regard to the mass of existing buildings in these views (notably the dairy), and the distance and/or fragmented nature of the views in what is a vast landscape and/or townscape anyway. The exception is the view from the public footpath running north-west of Brook Farm, where the effect – due in part to proximity – would be 'Substantial – Moderate Adverse', but, again, read in the context of the other buildings and the further employment land allocation. This adverse effect in isolation is not considered sufficient to sustain an objection to the proposal's overall lesser impact in all other views.

The distant view from the east – from the popular 'beauty spot' by the Westbury White Horse – is concluded to be 'Moderate to Slight Adverse'. The ES states,

"Although the proposed buildings and associated stack will be clearly visible from the top of the scarp slope adjacent to *The White Horse* (in suitable weather conditions) they occupy an extremely small proportion of the overall panoramic views available. The small part of the view affected is already influenced by existing industrial development at the dairy, MBT and adjacent industrial sites. Visitors to this location would be exposed to the whole panorama (which includes the former Lafarge cement works buildings) thus reducing the prominence of the Northacre Renewable Energy site still further. There is considered to be a minor deterioration in the quality of that part of the view that looks towards Westbury, largely because of the contrast in colour between the stack and the woodland beyond and the intensification of industrial development in proximity to the dairy. While this viewpoint is located approximately 4km to the east of the Northacre Renewable Energy site the town of Westbury does act as a focal point within the wider view and does tend to draw the eye in that particular direction, although there are likely to be some visitors who will focus more on the surrounding countryside and White horse. Taking all the above factors into consideration the overall magnitude of change is deemed to be Small and the resulting level of visual effect is classified as Moderate to Slight Adverse".

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 - as proposed in this revised application – 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 visual amenity would be acceptable.

Landscape and visual impact, and the 'planning balance' -

Overall, it is considered that as a consequence of the application site being allocated employment land *and* lying within an 'ordinary 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 recognised 'adverse' impacts on the landscape character of the adjoining landscape character area and on views from the close-by footpath would not in isolation amount to a sustainable reason for refusing planning permission, particularly when the fall-back position of an extant planning permission and other benefits arising from the development in general (notably, the wider benefits for waste management and sustainability) are applied to the 'planning balance'.

The other benefits have been set out by the applicant as:

- Improved financial and environmental savings for businesses in Wiltshire producing non-recyclable waste. Businesses operating in Wiltshire producing non-recyclable waste would have the opportunity for their material to be dealt with locally instead of exported at great expense to other areas of the UK or overseas. This would save those businesses money, and the associated environmental benefits of less road miles and a non-landfill solution.
- Both the money generated from the 'gate fee' and the power generated would be used in the UK from UK produced waste rather than mainland Europe benefitting. This would positively impact on the regional and UK economy. Currently 3.5m tonnes of material is exported from the UK to Europe for use by European energy plants creating heat and power. The UK is paying a premium for this, with the economies of the other countries benefitting.
- Offer a 'better than market gate fee' for Wiltshire Council's material from the adjacent MBT Plant. This is because the revised scheme is deliverable in terms of capital investment and operational costs of running the plant, as a result Northacre Renewable Energy would be able to pass this benefit through to the municipal contract. The estimated savings against waste export/landfill or utilising other UK energy from waste schemes are substantial over the life of the treatment contract.
- During construction the impact on the local economy would be significant for a typical project of this scale.

Other mitigation –

In addition to the proposed changes to the layout, massing, height and external materials for the main building, it is also proposed to form a landscaped bund on part of the land to the west of the application site by utilising soil and subsoil material extracted through the planned lowering and levelling of the application site. The bund is the subject of a standalone planning application (18/09550/FUL) – next on the agenda.

It has been demonstrated in the preceding paragraphs that the proposed ATT facility is acceptable in any event in terms of its impacts on landscape character and views, regardless of this separately proposed bund. But this said, the bund and its related landscaping, if approved, would further soften the 'rear' elevation, and so enhance views towards the site from the west. It would also avoid the need for extracted material to be removed from the site by road and disposed of further afield.

The actual merits and impacts of the bund in isolation are assessed separately under its planning application – next on the agenda.

9.3 Traffic & Highway Safety

Policy background –

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.

Transport Assessment –

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 (dated 2 October 2018) 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 TRICS⁹ 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 flows¹⁰ 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, there is a change in circumstances since the last application in that it is now proposed to level and lower the site, this resulting in some 45,000 cu m of surplus soil and sub-soil. It is proposed to use this on adjoining land to form a bund; however, as this bund is the subject of a standalone planning application, the TA covering note has considered the implications of moving the material off-side. The TA covering note states the following:

“.... the material would be exported in 15 cu m loads over a 26-week period, operating 5.5 days per week. That equates to 21 lorry loads per day, or 42 daily HGV movements which would be routed to the north via the WWTE (Link Road), B3090 and A350 for processing at another site operated by Hills. Over a 10-hour working day, an average of 4 HGV movements an hour might therefore be expected on the route to/from the A350.

Traffic survey data recorded in October 2016 for planning application no. 17/12342/OUT shows weekday AM/PM peak hour movements through the first three roundabouts on the B3097 / A350 route as follows:

	Weekday AM Peak Hour		Weekday PM Peak Hour	
	All Vehicles	HGVs	All Vehicles	HGVs
Link Road/ B3097 Roundabout	1,061	91	1,285	62
B3097/ A363 Roundabout	2,103	93	2,119	81
A363/ A350/ B3097 Roundabout	2,464	117	2,640	95

In the context of the above existing traffic flows, which do not take account of extensive committed development, it is clear that an additional 4 HGVs an hour during the short-term

⁹ TRICS (Trip Rate Information Computer System) is a database of trip rates for development types used for transport planning purposes, specifically to quantify the trip generation of new developments.

¹⁰ 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.

groundworks period would have no material impact on the operation of the highway network”

Following groundworks, HGV construction traffic is predicted to reduce to 2-5 per day. This level is also considered to be low impact in this context.

The conclusion of the TA and TA covering note are agreed by the Council’s highways team. 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.

9.4 Westbury Air Quality Management Area

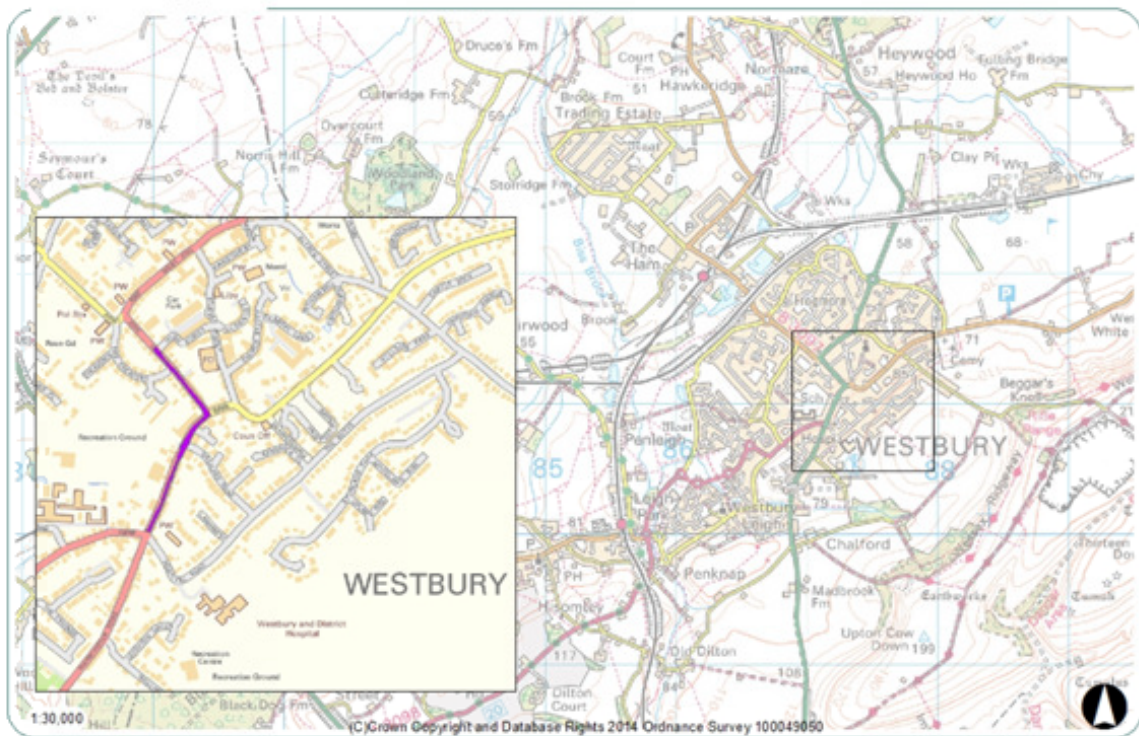
Core Policy 55 relating to air quality requires development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental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

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

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

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

Westbury Air Quality Management Area



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, as the TA predicts. 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 would be required in any event. The TA offers the Travel Plan as referred to previously. In addition, the Council’s Public Protection Team 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.

9.5 Residential Amenity (including effects of noise/vibration, air quality, odours, flies, etc.)

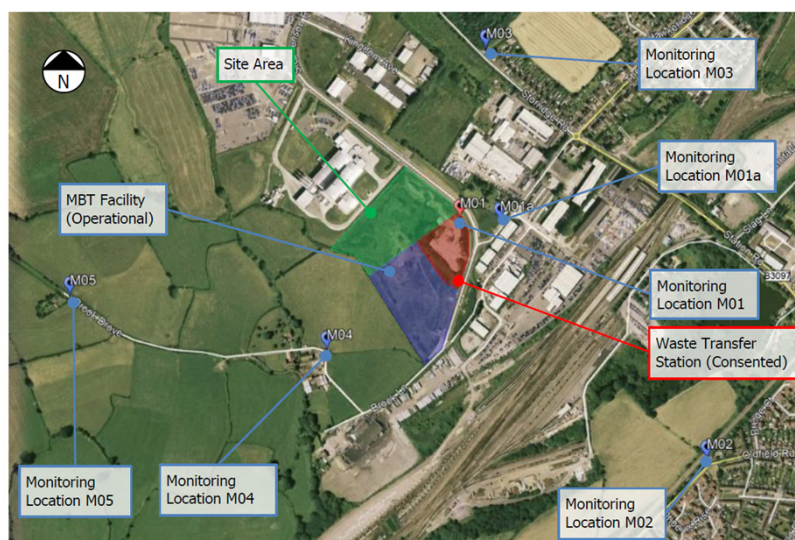
Policy background –

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 (Ensuring high quality design and place shaping) 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’ report (28 September 2018). 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 Enzygo report).

The background noise survey data is that recorded following surveys carried out across the area in February/March 2018. 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 M01a’ is the nearest residential property):



Noise Assessment 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 report concludes that the noise impact from the revised design in this planning application during its operation would be “negligible / neutral” during both daytime and overnight periods, and so would not result in any significant noise impacts. This is, in fact, a slight improvement over the consented ATT which would generate a “negligible / neutral to minor” effect at receptor M01a (albeit that even this would be below the level at which BS4142:2014¹¹ would consider it to be an adverse impact).

On construction noise, the noise assessment report proposes construction noise thresholds based on the survey work and in accordance with BS5228¹². These measures would be included in the CEMP (Construction and Environmental Management Plan), which is a matter for planning conditions.

The noise assessment report confirms this in the following terms:

“The Enzygo report [*that is, the noise assessment report with 14/12003/WCM*] concluded that the noise impact during the operational phase would be negligible / neutral to minor during both the daytime and overnight periods.

The assessments undertaken in this report, based on the revised layout would be negligible / neutral based on the same impact significance criteria. Given this, it is considered that the proposed facility would not result in any significant noise effects or a change from the consented scenario.

Overall, the assessments indicate that the noise impacts associated with the revised Northacre Renewable Energy Facility would be no worse than those consented under the previous application. Indeed, the comparison presented below indicates that the revised layout would offer a number of advantages over the previous iteration of the site layout. Table 16 below summarises a comparison of the noise impact significance between the two iterations of the site layout.

¹¹ BS4142:2014 – British Standard ‘Methods for rating & assessing industrial & commercial sound’.

¹² BS5228 – British Standard ‘Code of practice for noise & vibration control on construction & open sites. Noise’.

Table 16: Comparison of Noise Impact Significance

Assessment Element	Impact Assessment of Consented Development (2015)	Impact Assessment of Revised Development (2018)
Construction Noise	N/A	N/A
Construction Vibration	N/A	N/A
Operational Noise – Daytime	Negligible / Neutral to Minor	Negligible / Neutral
Operational Noise – Night-time	Negligible / Neutral to Minor	Negligible / Neutral
Off Site Road Traffic Noise	Negligible / Neutral	Negligible / Neutral
Cumulative Impact	N/A	Negligible / Neutral

Overall, the variation to the proposed Northacre site would result in no significant noise impacts which would preclude a revised layout and design being granted”.

These conclusions are agreed by Public Protection Team. 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.

As stated above, 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 operation 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 above in association with 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 facility¹³

¹³ 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 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 (see separate sub-section about Environmental Permitting below). 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”.

Effects of revised design: building downwash –

The presence of buildings can significantly affect the dispersion of emissions as wind blowing around a building distorts the flow and creates zones of turbulence that are greater than if the building was absent. The reduction in the proposed maximum building height from 37.8m to 36.8m means that there is a potential for the assessment findings to change. Accordingly the Air Quality Assessment which informs the Environmental Statement includes an Addendum (19 September 2018) which considers this. Its conclusion states the following:

“The only changes to the previously submitted design that are relevant to the air quality assessment are modifications to the layout of the buildings and their heights. Previously, the maximum building height was 37.8m which has been reduced to 36.8m which will give rise to less building downwash, improved dispersion and a lowering of the resulting ground level pollution concentrations.

The predictions presented in [the] Addendum show that the changes to building heights and layout make no discernible difference to the predicted short-term impacts and marginally reduce the long term impacts. The predicted reduction in long-term (annual average) concentration is not sufficient to justify the re-modelling and assessment of the facility. The conclusions detailed in the submitted assessment (February 2018) are still valid and in the light of the change in building dimensions should be viewed as conservative”.

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.

Air quality / emissions conclusions –

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 ‘*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.

The ES sets out the results of assessments, including a human health assessment, which demonstrate no unacceptable impacts to address public concern. 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.

Environmental Permitting –

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.*

As noted by the Council's Public Protection officer, the application relates to a process that will require an Environment Agency 'Permit' to operate, under the provisions of the Environmental Permitting Regulations 2016 (EPR). These regulations include the requirements of relevant EU Directives, notably, the Industrial Emissions Directive (IED), the waste framework directive (WFD), and ambient air directive (AAD). EPR requires the operator to use the 'best available technology' to ensure that impacts from the site are acceptable, minimised and are compliant with UK and EU air quality and emissions standards.

The EA also consults Public Health England (PHE). The Council's Public Protection officer has liaised with Public Health England (PHE) regarding the planning application and the in-common response is that the proposed ATT plant would be subject to a permit issued by the Environment Agency, and this would govern emissions and impacts from the gasification process and ancillary waste handling activities. The Council's Public Protection officer is 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's response is attached as Annex 2 to this report.

PHE is satisfied that the applicant has approached the environmental impact assessment in a manner consistent with the UK requirements. The applicant has utilised a satisfactory approach and methodology to predict the likely emissions, the range of key pollutants and the impact on the local environment and receptors.

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 Environment Agency assesses impacts of facilities like this on the environment and human health. They use a number of methods, but one of the key assessments for PM₁₀, PM_{2.5} and NO_x is to compare the modelled emissions from the plant with the European air quality standards for these emissions (also taking into PM_{2.5} account the existing levels of pollution around the plant). The EA assumes that the plant operates at its permitted limits 100% of the time (when in reality it won't). For PM₁₀ and they also assume that Total Particulate Matter (TPM) = PM₁₀ = PM_{2.5}; making these assumptions means that the EA assesses the worst-case scenario, which then forms the basis of the 'Permitting' decision.

Concern has been raised by some interested parties about the monitoring of the emissions from the facility. Monitoring is part of the 'Permitting' process; however, as noted in a recent EA briefing note (annex 5 to this report) on particulate matter associated with similar facilities, plants are required to continuously measure total particulate matter (TPM). TPM includes particulates of all sizes including PM₁₀, PM_{2.5}, PM₁ etc. as well as ultrafine particles (i.e. particles with a diameter of less than 0.1 micrometres). When this is considered alongside the assumption made by the EA at the 'Permitting' stage that all TPM could be PM₁₀, or all be PM_{2.5} or PM₁ (and so on), the concern is robustly addressed.

In order to achieve the limits set by the Industrial Emissions Directive (IED), the operator would need to show that they will use Best Available Techniques (BAT). The European Commission produces best available technique reference documents or BREF notes. They contain 'best available techniques' (BAT) for installations such as this. They are subject to review and updating.

Once issued energy from waste permits can set controls on a range of factors. These include detailed requirements through the commissioning phase of the plant, including reports on the performance of the facility against the conditions of the Permit. Additionally, Permits condition and control:

- 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, by submission of extensive records regarding all aspects of the process.

As is evident, Environmental Permitting provides a robust system for application, approval, monitoring and enforcement of matters relating to waste and related emissions. It is at least in part for this reason that National Planning Policy for Waste can advise that *Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies, etc.*

Having considered the likely the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National planning policy for waste, and being satisfied, in light of the consultation responses from the relevant bodies, that control processes, health and safety issues or emissions can or will be adequately addressed by the relevant regulatory body, it is considered the development is an acceptable use of the land in accordance with its development plan allocation as a site suitable for waste management operations.

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. As already stated, 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.

Part of the Environmental Permitting process requires detailed management systems to be developed, these include site specific management, monitoring and mitigation plans for noise, dust, odour, vermin, flies and also a Fire Prevention Plan to be approved.

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.

9.6 Heritage Assets

Policy background –

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 194 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 195 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 196 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 197 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 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.

Heritage Impact Assessment –

The ES includes a chapter relating to heritage, informed by a Heritage Impact Assessment (1 September 2018). 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), Storridge 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.

The Council's Conservation Officer broadly agrees, although considers that there would, in fact, be a degree of harm to the setting of Brook Farm, which should be considered as 'less than substantial'. In such situations the NPPF requires a balanced approach, with any 'harm' caused to the significance of the heritage asset being weighed against the public benefits which may arise through the implementation of the development. In this case there are public benefits – notably the delivery of a handling and disposal service for the area's waste, in accordance with the sustainable development objectives of the NPPF and on land allocated for this purposes. This benefit and circumstance 'tips the balance' in favour of the development rather than in favour of the minor harm to the setting of the listed building.

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. Views from the site towards the closest monument – Moated Site 400m east of Penleigh House – are not considered to contribute towards its significance, which relates mostly to its historic and archaeological interest. It follows that there would be no harm caused to these assets.

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 any harm would be caused to its setting.

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

The Council's Conservation Officer has assessed heritage assets independently. 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, lessened further by the revisions to the design of the development now proposed. 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 related reasons.

9.7 Biodiversity

The Environmental Statement includes a chapter on biodiversity. It is informed by recent surveys carried out at the site (updated 28 September 2018).

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 / Ecological Appraisal to be carried out.

9.8 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.

9.9 Climate Change

The Environmental Statement considers the issue of climate change in terms of both the impact of the proposed development on climate and climate change, and the impact of climate change on the proposed development and its implementation.

The proposed development would emit carbon dioxide as this is an inevitable consequence of thermal treatment of wastes. Carbon dioxide emissions would be addressed in the Environmental Permit requirements, as already discussed. There would be no increase in energy demand as the energy requirements of the development would be drawn from the energy produced. Surplus energy produced would be exported in the form of electricity and heat. Emissions associated with transport would reduce as the development would result in some 2,000 fewer HGV movements (associated with the present export of SRF); and less movements than the potential B1, B2 or B8 use of the site.

The proposal would result in other emissions as previously covered. These would comply with all relevant air quality objectives, and would in any event be subject to the Environmental Permit conditions.

The proposed development would not increase water demand and would not affect any aquifer.

Overall, the proposal would not have a significant effect on climate change, and measures would not be required to protect the development from climate change effects.

10. 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. Accordingly there are benefits for sustainability – both in environmental and economic terms – in allowing a waste recovery facility in this location.

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 significant weight. The current proposal seeks to amend the design – notably by enlargement of the buildings and stacks – to accommodate different equipment and plant, although with a similar net output.

The earlier (2018) application, which also sought to revise the design of the development, was refused planning permission for a single reason relating to the impact of that scheme on the character and appearance of the area and the wider landscape. The current application presents an alternative revised design in which the building and plant is reconfigured (allowing a slight reduction in height, a reduction in overall floor space, and a reduction in 'bulk' of the west facing elevation), and with external cladding materials re-coloured. A comprehensive revised Landscape and Visual Impact Assessment continues to conclude that the effects on views of the site are, in the main, insignificant; and in terms of local landscape character, 'just' slight adverse effects arise against the baseline of the extant planning permission *and* an expanding industrial estate. It follows that 'effects' on landscape are inevitable in any event; and with this on the 'balance' – together with all other material considerations, including the wider benefits for waste management in general – it is not considered to be a sustainable reason for refusing planning permission.

In terms of other detail, the planning application and the Environmental Statement demonstrate that there would be no adverse impacts – or significant effects – on matters of acknowledged importance – notably, the capacity of the highway network, the amenities and well-being of neighbours and the wider Westbury community, heritage assets, ecology and drainage. Specifically on emissions, this is one of various technical matters for separate Environmental Permitting, but in any event the application has demonstrated that the development would operate in accordance with relevant standards and regulations. The effects on visual amenity are, in the main, not significant. The single adverse visual effect on one receptor – that is, the nearby footpath north-west of Brook Farm – does not 'turn the balance' against the proposal having regard to its benefits – notably in terms of improved waste management – and the neutral effects in the majority of other regards.

Environmental Statement –

Environmental information relevant to the proposal has, in the first place, been examined by the applicant, and the information and outcomes of the examination are set out in the Environmental Statement. Wiltshire Council has undertaken its own examination and, where necessary, supplementary examination of the information in the ES. Based on its examination – as set out in this report – Wiltshire Council can reach a reasoned conclusion on the effects of the proposal on the environment.

The reasoned conclusion is as set out above – that is, there are no effects of such significance to prevent planning permission from being granted in this case. Where there are effects – for example, the effects on air quality, transport and biodiversity – these are, in the main, not significant adverse effects. On visual impact, there are some slight-moderate adverse effects from certain receptors and a significant adverse effect on one receptor located close to the proposed development (specifically, the footpath north-west of Brook Farm). In the context of the whole development – and when applying the 'planning balance' – this single effect is considered to be acceptable, and so there are no material considerations of 'great weight' arising from the Environmental Impact Assessment process.

Monitoring measures are not required beyond standard planning conditions relating to, for example, landscaping, highways works, and noise monitoring.

This conclusion in respect of the ES process is up to date in the context of this ES, produced in October 2018.

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-G-03 (Location Plan) dated 10/18
040_A05 REV D (Site Plan) dated 01/09/18
040_A07 REV E 1 to 4 (Site Elevations) dated 01/09/18
040_A08 REV D (Floor Plan) dated 01/09/18
040_A09 REV D (Site Section Levels) dated 01/08/18
040_A10 REV D (Site Traffic Route Plan) dated 01/09/18
NOR-LPO1 REV C (Landscape Plan) undated

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

- 3 Notwithstanding the details set out in the application particulars, no development shall commence on site until details of the colours for the building's external cladding have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: These details are required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first 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.

- 9 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.

- 10 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 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.

- 11 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.

- 12 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.

- 13 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.

- 14 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 11 October 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.

- 15 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.

- 16 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 11 October 2018 accompanying the planning application.

REASON: To safeguard wildlife.

- 17 **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.