

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 27 JULY 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Bridget Wayman (Substitute)

Also Present:

Cllr Nick Botterill, Cllr Matthew Dean, Cllr Gordon King, Cllr Antonio Piazza and Cllr Horace Prickett

101 **Apologies**

Apologies were received from Cllr Tony Trotman and Cllr Pip Ridout. Cllr Ridout was substituted by Cllr Bridget Wayman.

102 **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 June 2022 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

103 **Declarations of Interest**

The Chairman noted the constitutional guidance to Members on determination of items considered by the Committee.

There were no declarations of interest.

104 **Chairman's Announcements**

The Chairman made the following announcements:

- 1) Going forward all meetings of the Strategic Planning Committee and the Western Area Planning Committee will be streamed and recorded to take advantage of the new AV system.
- 2) Explained the process in the event of a fire alarm, requested that everyone turn their phones and laptops to silent during the meeting and indicated that comfort breaks would be taken throughout the meeting as and when needed.

105 **Public Participation**

The procedure for public speaking was detailed. It was noted that the Chairman had exercised discretion available under the proscribed procedure to double the number of slots for objecting and supporting members of the public.

The Committee's exercising of the role of local Planning Authority and need to follow local and national planning policy was noted.

106 **Planning Appeals and Updates**

A written update on appeals received between 8 April 2022 and 15 July 2022 was received from the Head of Development Management.

The Committee heard from Francis Morland who reported that the officer recommendation for the Drynham Lane, Trowbridge entry should have been recorded as 'Refused with Reasons' rather than 'Approve with Conditions' as agreed by the Committee at a previous meeting.

The Head of Development Management acknowledged the matter and confirmed that this would be corrected in the minutes for this meeting.

Cllr Adrian Foster commented on minutes from the Committee's meeting held on 15 June 2022 and asked if the Committee could receive an update on the latest position in relation to the 5 year housing land supply. The Head of Development Management confirmed that a report could be prepared for consideration at a future meeting of the Committee.

107 **20/06775/WCM - Northacre Energy from Waste Facility, Stephenson Road, Northacre Industrial Estate, Westbury, BA13 4WD**

Public Participation

Dr Andrew Murrison MP, South-West Wiltshire, spoke in objection to the application.

Lorraine Alford spoke in objection to the application.

Lynn Roberts, Arla Foods, spoke in objection to the application.

Ian Cunningham, local resident, spoke in objection to the application.

Bill Jarvis, Wiltshire Climate Alliance, spoke in objection to the application.

Jane Russ, local resident, spoke in objection to the application.

David Jenkins spoke in objection to the application.

Cllr Mike Sutton, Westbury Town Council, spoke in objection to the application.

Karin Elder, North Bradley Parish Council, spoke in objection to the application.

The Chairman set out the background to the Committee's previous consideration of the planning application and decisions taken on 22 June 2021 and 20 April 2022, along with relevant detail set out in the report. He reminded the Committee that issues considered by the Committee at previous meetings should not be revisited at this meeting.

Andrew Guest, Head of Development Management, presented a report which recommended that the Committee delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the deciding authority that it would have granted planning permission, subject to conditions, for the Northacre Energy from Waste Facility, Stephenson Road, Northacre Industrial Estate, Westbury.

In addition, the report highlighted the following:

- Two further new material considerations since 20 April 2022, being the implementation of planning permissions 8/9473/WCM for an 'Advance Thermal Treatment Facility' at the site and 19/02481/FUL for an 'underground grid connection'; and an Environmental Permit being issued;
- Details of an appeal against non-determination;
- Responses to reasons for deferral agreed at the Committee meeting on 20 April 2022;
- Traffic impacts of the development in light of the Bath Clean Air Zone and its implications on traffic levels on the A350 (in particular through Westbury); and
- Counsels' opinion on the officers report and recommendation.

Officers reminded the Committee that any changed circumstances and new material considerations since the Committee meeting in June 2021 were addressed in the April 2022 report and this report. The Head of Development Management explained that this report focussed on questions raised by the Committee in April 2022 and on further new considerations since then. He was very clear in advising the Committee that for the reasons set out in the report, there had been no changes that should lead the Committee to conclude differently in its assessment of the application, accordingly, the Committee was recommended to endorse its original decision to grant planning permission subject to conditions, as highlighted above.

The Committee were informed that in view of the appeal against non-determination, the Council is no longer the decision-making authority for the application. By appealing, the applicant had passed this responsibility to the Secretary of State (administered by the Planning Inspectorate), and this was reflected in the officer recommendation.

It was also explained that a number of further representations had been received since publication of the agenda, all in objection, and the Head of Development Management responded to the main issues raised during the meeting.

Members then had the opportunity to ask technical questions of the officers present. Details were sought on impact on traffic flows to and from the site and generally within the county boundary; the capacity of the site in comparison to need in a sub-regional context; that assumptions were being

made of the Clean Air Zone's impact on traffic movements in the Westbury area due to the independent transport assessment being undertaken by Tolvik prior to the introduction of the Bath Clean Air Zone; the options open to the Committee to agree a way forward and the impact of the decision made; the assumption that controls on plume direction and particulates would be in place following the issue of the environment permit by the Environment Agency; the impact on residential amenity; the movement of commercial and industrial waste out of the county; how waste is managed over the next 20 years; the weight given to the DEFRA consultation on Environmental Targets required by the Environment Act and specifically the proposed target for 'halving the waste that ends up at landfill or incineration by 2042'; impact on the local environment and controlled waters; the discharge of surface water to the foul water network; how ash would be transported between sites and the weight given to objections from Parish and Town Councils.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Gordon King, Unitary Member for Westbury East, then spoke in objection to the application. He highlighted the opposition from residents in Westbury and the many surrounding parishes in the region, with concerns around potential pollution and poor air quality. In addition to health concerns there were concerns on the impact of achieving carbon reduction climate targets, that the proposed incinerator did not meet best available techniques, that it would consume recyclable materials, involved transportation of much waste from outside Wiltshire, and would have significant environmental impacts.

A statement was then read on behalf of Councillor Suzanne Wickham, Ethandune Division, in objection to the application. This highlighted concerns over the impact on highways and traffic in particular on the villages around Westbury, on the landscape as it was stated the proposal was contrary to Core Policy 51, and air quality in respect of Core Policy 55.

The local Unitary Division Member for the site within Westbury West, Councillor Matthew Dean, then spoke at length in objection to the application. He stated 1 in 10 residents of Westbury had contacted the council to object to the application, an unprecedented level of interest and opposition for a planning matter. He detailed the planning history of the site, stating that at no point had it been envisaged to include incineration, or be of such a nationally significant scale. He noted a previous refusal of an application on the grounds of scale, and considered the larger proposal could similarly be refused. He raised the issue of housing which would be visible from the site, and the significant traffic problems which already existed in Westbury, and that the cumulative impact of any such proposal was too much. He considered there was no community benefit to the proposals, and noted the objections of Arla Foods to the potential impact on their dairy production business and its many employees, which he said had not been addressed by the applicants. He also commented on the weight being given to the DEFRA consultation on Environmental Targets

required by the Environment Act and urged the Committee to reconvene once the results of the consultation were published.

The Committee then took a break from 13.48-14.05.

Cllr Christopher Newbury left the meeting at 14.00.

The Committee then debated the application. The very high number of objectors to the application including from many local and regional parishes was noted. Officers explained the process for the application being considered at appeal by the Planning Inspectorate and encouraged the Committee to ensure that a decision is made at this meeting for either a grant or refusal. Officers also pointed out that the Planning Inspector would take into account any changes in circumstances, as detailed in the report, at the appeal.

Cllr Sarah Gibson moved that the Committee, if Wiltshire Council was still the decision-making authority in this case, would have refused the planning application. This was seconded by Cllr Carole King.

The Committee commented on the following - that the proposals were contrary to a number of policies relating to managing the impact of waste and sustainable transport of waste; that attention should be given to the consistent evidence on air pollutants and their effect on health outcomes; concerns raised on the impact on climate change and damage to the local economy; impacts on the water sources and storage plan; the weight given to the DEFRA consultation on Environmental Targets required by the Environment Act; increasing traffic flows through Westbury and subsequent impacts on air quality; traffic congestion in Westbury and surrounding villages and the impact of the Bath Clean Air Zone.

Officers advised the Committee that the reasons raised during the debate to refuse the application would be difficult to defend at appeal. It was suggested that the Committee vote on the motion and that any reasons for refusal are delegated to the Head of Development Management, in consultation with the Chairman, after the meeting.

On the motion of Cllr Gibson, seconded by Cllr Carole King, at the conclusion of debate it was,

Resolved:

That having taken into account all relevant new material considerations together with the environmental information previously considered, to delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority that it would have refused planning permission.

Note:

The committee delegated final preparation of its reasons for refusal to the Head of Development Management in consultation with the Chairman.

A recorded vote having been requested by the requisite number of members, the vote was as follows:

For the motion (8)

*Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Howard Greenman
Cllr Carole King
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill*

Against the motion (1)

Cllr Bridget Wayman

Abstention (0)

108 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.35 am - 3.40 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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