

REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

1. Purpose of Report

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

2. Main Issues

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

- Waste Policy
- Landscape/Visual impact
- Ecological Impact
- Traffic Impact

3. Site Description

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

4. Relevant Planning History

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

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 Withdrawn 6/7/2009.

5. Proposal

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

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

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

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

Saturday 07.30 – 13.00

No Sunday or Bank Holiday working.

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

6. Planning Policy

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

Policy W4 of the Wiltshire and Swindon Structure Plan 2016

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

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

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

National Land Use Planning

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

PPG 24: Planning and Noise

PPS 5: Planning for the Historic Environment

PPS 10: Planning for Sustainable Waste Management

7. Consultations

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

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

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

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

Highways Agency – no objections

Environmental Health Officer – no objections

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

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

County Archaeologist- no objections

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

8. Publicity

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

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

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

9. Planning Considerations

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

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

Waste Policy
Landscape/Visual Impact
Ecological Impact
Traffic Impact

Waste Policy

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

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

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

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

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

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

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

Landscape/Visual Impact

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

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

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

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

Ecological Impact

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

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

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

Traffic Impact

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

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

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

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

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

10 Recommendation

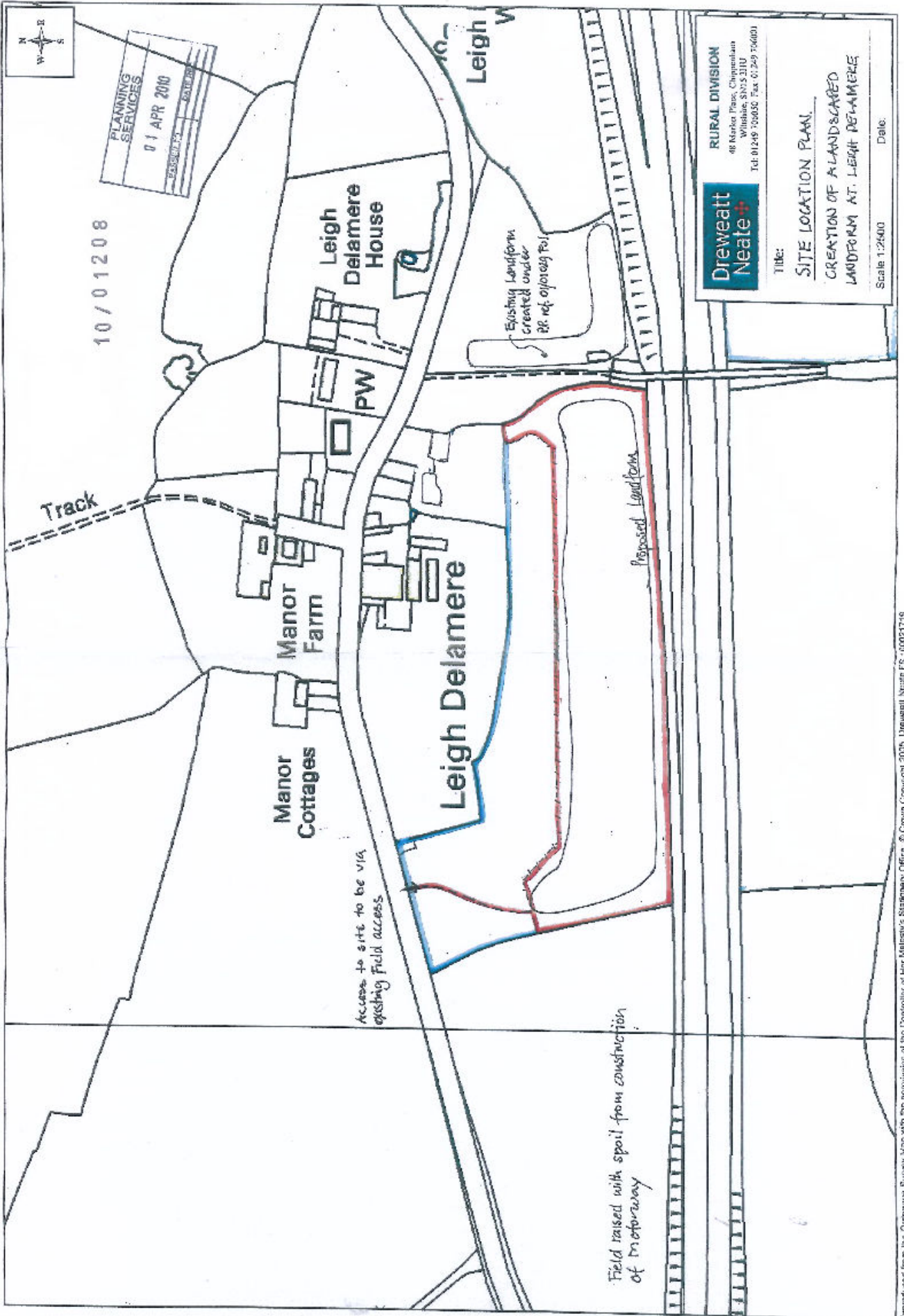
That permission be REFUSED

For the following reason(s):

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

Appendices:	Site Location Plan
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Background Documents Used in the Preparation of this Report:	
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Drewatt Neate

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Title: SITE LOCATION PLAN
CREATION OF A LANDSCAPED LANDFORM AT LEIGH DELAMERE

Date:

Scale 1:2500