

**ALDERBURY: RESTORATION OF FORMER RAILWAY CUTTING TO ITS ORIGINAL  
AGRICULTURAL/FORESTRY USE, BY USE AS A LANDFILL SITE FOR THE TIPPING OF  
INERT WASTE MATERIALS, UTILISING AN EXISTING VEHICULAR ACCESS AT LAND AT  
MATRON'S COLLEGE FARM, WHADDON, FOR J. LEECH & SON  
(Application No. S.05.8011)**

**Purpose of Report**

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

**The Site**

2. The site lies along a disused railway line which runs to the south of the village of Whaddon. The southern part of the former track runs through a cutting and is the subject of this planning application. To the north the track bed runs along a short stretch of embankment and then through a shallow cutting. Much of this northern part is currently used as an access track from Matron's College Farm to the arable fields on either side of the railway line.
3. A location plan is attached at **Appendix 1**, a site plan at **Appendix 2** and an aerial photograph of the site and its environs at **Appendix 3**.

**Planning History**

4. In brief, the planning history of the Matron's College Farm site is as follows: -
  - S.91.1702 Planning permission refused on 26<sup>th</sup> October 1992 for the formation of a new vehicular and pedestrian access to Matron's College Farm and use of former railway cutting and adjacent land as landfill sites for the reasons that the development would cause detriment to the local landscape and there was insufficient need for a waste facility in the locality to outweigh such detriment.
  - S.93.0137 Planning permission granted on 31<sup>st</sup> July 1996 to form new vehicular and pedestrian access to Matron's College Farm and use of part of former railway cutting as a landfill site for tipping of inert materials. However, this permission was not implemented and so lapsed.
  - S.04.0709 Planning application proposing the restoration of former railway cutting to original agricultural/forestry use by use as a landfill site for tipping of inert materials and field improvement scheme with chalk extraction was withdrawn by applicant on 26<sup>th</sup> July 2004 to enable ecological assessment of site to be conducted at the appropriate time of year.

## **Proposal**

5. Planning permission is sought to carry out a restoration scheme to a former railway cutting by means of use as a landfill site. The scheme would involve the infilling of the cutting with 55,500m<sup>3</sup> of construction and demolition waste and soils and subsoils to recreate the agricultural/forestry use that existed before the railway was constructed.
6. The proposed duration of the restoration scheme is four years, with waste material to be imported to the site over a three year period. Importation of the waste material would generate, on average, 10-20 vehicle movements per day.
7. Vehicular access to the site is proposed from a disused section of highway opposite to the Three Crowns public house. Vehicles would then travel along the bed of the former railway, which is currently used as a farm road. It is proposed that all vehicles using the site would gain access from the A36.
8. Imported waste material would be stored temporarily on a field adjacent to the cutting. The material would then be sorted to separate soils from other material, with the soil being retained for use in final restoration works. A site office and vehicle wheel cleaning equipment would also be erected at the site.
9. An 'Ecological Mitigation and Restoration Plan' has been prepared for the site and provides compensation measures for the loss of habitat that would result from the landfill development.

## **Planning Policy**

10. Policies C1, C3, C9 and W4 of the Adopted Wiltshire Structure Plan 2011 are considered relevant to this application.
11. Policies 1, 2, 6 and 20 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 are considered relevant to this application.
12. Policies C6, C11 and C21 of the Adopted Salisbury District Local Plan 2003 are also considered relevant to this application.
13. All relevant planning policies are set out in the attached **Appendix 4**.

## **Consultations**

14. **Salisbury District Council** - objects to the application for the following reasons:-
  - (i) The proposals would prejudice the vitality of the nearby Three Crowns public house which is a community facility central to the social life of the village.
  - (ii) The level of lorry movements proposed would be totally inappropriate to this edge of village location.
  - (iii) There would be an adverse impact on the landscape.
  - (iv) There is no strategic need for another landfill site along the A36 south of Salisbury;
  - (v) A nearby embankment provides ready and on-site access to suitable infill material, and operations could be completed within a few weeks.
  - (vi) The application refers to builder's waste, which is not designated as inert waste.

15. **Alderbury Parish Council** – objects to the application on the following grounds:-
- (i) The applicant would not be in a position to enforce the assurances that lorries would not pass through the villages of Alderbury and Whaddon,
  - (ii) Sympathises with the landlord of Three Crowns public house and the owner of Alderbury Park Caravan Site that the frequency of lorry movements would have a serious adverse effect on their businesses.
  - (iii) The egress route emerges onto a complex ‘chicane’ junction where several minor accidents have already occurred.
  - (iv) The proposals represent an entrepreneurial alternative use of the land and such diversification is contrary to Policy C21 of the District Local Plan.
  - (v) The proposals would have an adverse impact on the Special Landscape Area.
  - (vi) Neither the County Council nor the Environment Agency has a successful track record of policing waste sites and polluting material could be tipped at the site.
  - (vii) The lack of strategic need. With very substantial landfill capacity at Brickworth Quarry, the application site is irrelevant in terms of adding landfill capacity to the area.
16. **Environment Agency** – no objections. Confirms that the disposal operations will require a full application for a Waste Management Licence/Pollution Prevention and Control Permit and that the sorting and storage operations may also require registration or licensing.
17. **English Nature** – notes that the site has good ecological value, with the disused railway line providing an important wildlife corridor through the largely arable land to either side. Considers the site’s biodiversity interest may be such that it would meet County Wildlife Site criteria.
18. **Highways Agency** – confirms that the A36 is a virtually de-trunked route and has no comments to make.
19. **Local Highway Authority** – advises that the anticipated number of daily HGV movements does not present any highway capacity or road safety issues as there is a good highway network leading to the A36, but the access to the site would need to be upgraded to achieve an acceptable standard.
20. **Countryside Section** – considers the application site to be of substantial ecological value as the railway cutting provides an important wildlife corridor through arable land. Advises the biodiversity interest of the disused railway may be such that it would meet the criteria for designation as a County Wildlife Site. Recommends that retention of the existing biodiversity interest should prevail over the use of the site as a landfill site.

### **Publicity**

21. The application has been publicised by way of the local press and by site notice. 62 letters of representation have been received. Copies are available for inspection in the **Members'** Room. The concerns raised are as follows:-
- (i) Previous permission for landfilling lapsed – this does not suggest that there is a pressing need for landfill at this site.
  - (ii) New landfill site at Brickworth Quarry negates need for another site locally.
  - (iii) The development will generate a substantial increase in the number of heavy lorries in and around the village.

- (iv) Traffic associated with the site would have a detrimental effect on adjacent businesses.
- (v) Lorries accessing the site would use the road through the village as a short-cut, particularly when A36 is congested.
- (vi) Routing of lorries could not be policed; the applicant has no control over drivers using site.
- (vii) Lorries would create noise, dust and leave mud on local roads.
- (viii) The development would impact on wildlife.
- (ix) Landfill operations will be an eyesore.
- (x) The site would be visible from the National Trust viewpoint on Pepperbox Hill.
- (xi) Landfill operations would impact on users of the public right of way that crosses the site.

### **Planning Considerations**

22. This planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The main issues to be considered with regard to this application are:-

- Sustainable waste management
- Impact on biodiversity
- Traffic impact
- Visual impact
- Farm diversification

#### **Sustainable waste management**

23. Since planning permission was granted in 1996 to use this former railway cutting as a landfill site there has been a material change in planning circumstances due to the adoption by the County Council in March 2005 of its first Waste Local Plan. The Plan sets the planning framework for decisions to be made on waste planning applications by the Council for the period up to 2011.
24. The application site is not one that has been identified in the Adopted Waste Local Plan as a landfill site for construction and demolition wastes. In general, the landfill capacity available in the Plan area for construction and demolition wastes is thought to be adequate. Moreover, only 4km (2.5 miles) to the south of the application site lies Brickworth Quarry; an active quarry that is to be progressively restored by infilling with waste material. Therefore, the applicant's suggestion that there is a need for a small landfill site in the local area is tenuous.
25. The application is submitted on the basis that the proposed landfill operation would restore the railway cutting to its former agricultural/forestry use. However, the detailed restoration scheme submitted as part of the application actually proposes a nature conservation afteruse. As English Nature and the County Ecologist have pointed out, the railway line already provides an important wildlife corridor and so it is questionable as to whether landfill is an appropriate and necessary means of 'restoring' the disused railway line to a nature conservation afteruse.
26. The applicant has not demonstrated that there are no other practical options for achieving beneficial restoration and afteruse of the disused railway line. Consequently, the proposed restoration scheme is considered to be contrary to Policy 20 of the Waste Local Plan.

### Impact on Biodiversity

27. Both English Nature and the County Ecologist have highlighted that the disused railway line subject to this planning application is of high ecological value, as it provides an important wildlife corridor through the largely arable land to either side. The site provides valuable areas of regenerating chalk grassland, chalk scrub habitat and bare chalk cliffs that are important for bats, badgers, reptiles, breeding birds and terrestrial invertebrates. Indeed, it is considered that the site's biodiversity interest may be such that it would meet County Wildlife Site criteria.
28. The proposed landfill development would result in the destruction of a substantial area of this important habitat. The applicant has therefore proposed a number of ecological mitigation measures intended as compensation for the loss of the biodiversity interest and to provide a benefit to nature conservation. These measures are contained in a 'Ecological Mitigation and Restoration Plan'.
29. However, Officers do not consider that the proposed 'Ecological Mitigation and Restoration Plan' would result in habitat and biodiversity enhancement because the restored area would be of very similar size to that which exists at present. It would also be some time (i.e. up to ten years) before the habitat creation proposed within the restoration plan was able to provide biodiversity value sufficient to compensate for that which would be lost.
30. The County Ecologist has also expressed concern that not all nature conservation issues and mitigation measures have been adequately addressed in the submitted 'Ecological Mitigation and Restoration Plan'. For example, there are several badger setts within or adjacent to the application site but the Plan does not identify which setts are to be retained and which would be closed. Neither does the Plan make any provision for long-term management of the habitat to be created.
31. The proposed restoration/landfill scheme would cause significant harm to the biodiversity interest of the disused railway line, such harm cannot be prevented and the proposed mitigation and compensation measures are considered inadequate. Consequently, the proposed restoration scheme is considered to be contrary to Policy 6 of the Waste Local Plan and Policy C11 of the District Local Plan.

### Traffic impact

32. This application proposes a different means of access to that approved in 1996. Under that permission access to the former railway line was have to been provided via a new junction at a point directly opposite the Whaddon Business Park entrance, whereas this application proposes to make use of a section of disused highway that remains to the north of the Three Crowns public house. This alteration follows discussions between the applicant and the Local Highway Authority and seeks to overcome potential conflicts between heavy lorries using the landfill site and vehicles accessing the Business Park.
33. The disused highway is currently gated to prevent unauthorised access and would need to be upgraded to a suitable standard. The Local Highway Authority has advised that the proposed level of traffic (10-20 vehicle movements per day on average) over a three year period would not present any highway capacity or road safety concerns given the good standard of highway network that leads from the roadway to the A36 Alderbury Bypass. However, Officers are concerned that the level of traffic resulting from the proposed infilling could be a major source of disturbance to the local community.

34. Nuisance derives from noise, vibration, emissions and the physical size and impact of vehicles as they pass. Vehicles accessing the proposed site would pass close by the Three Crowns public house, Whaddon Farm House and Alderbury Park Caravan Site. Both the District and Parish Councils have expressed concern that traffic from the landfill operation could adversely effect the viability of the two businesses and consider that the level of lorry movements would be inappropriate to this edge of village location. Officers share these concerns.
35. Officers are also aware that earlier this year, the District Council granted planning permission for seven office units to be built on land at the point where vehicular access to the former railway line is proposed. This development also involves the creation of a new access utilising the disused roadway that lies opposite the Three Crowns public house. Officers are concerned that the applicant has failed to take account of this development or demonstrated that the access arrangements for the landfill development are compatible with those approved for the office development.
36. A further concern in relation to traffic is that of the route vehicles would take to and from the site. Whilst it is proposed that vehicle access to the site would be directly off the A36 Alderbury Bypass, there is concern locally that drivers would use the road through the villages of Whaddon and Alderbury to avoid traffic congestion on the A36.
37. The applicant has suggested some measures that could be put in place to ensure that access to the site was only gained from the A36 (e.g. using only 'booked' drivers who would be advised of the route and the erection of signs at the site). Officers accept that there are ways in which restricting lorries to particular routes can be attempted as part of a planning decision, but are concerned that they can also be difficult to enforce especially where lorries calling at a site are not in the control of the operator.
38. Whilst the proposed means of access may be preferable in highway safety terms to that previously approved, the environmental impact of heavy lorries on the neighbouring land uses identified would be unacceptable. Consequently, the proposed restoration scheme is considered to be contrary to Policy 6 of the Waste Local Plan.

#### Visual amenity

39. The application site lies within an area designated as a 'Special Landscape Area'. The landscape in this area, whilst generally not of such high quality as within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, is considered worthy of being preserved. Therefore the Development Plan requires that only development which is essential to the rural economy or desirable for the enjoyment of its amenities shall be permitted. The development of infilling the former railway cutting with waste material does not fall within that criteria.
40. Whilst the landfilling would take place within the cutting, waste materials delivered to the site would be temporarily stored on a strip of land next to the cutting in stockpiles of up to 4.0 metres in height. This area would also be used to sort soils from other imported materials, with the soils remaining in storage until needed for use in final restoration works. In addition to the plant and machinery that would be required to undertake these operations, a site hut/office would be erected for the purposes of site management. It is also likely that this area would have to be provided with security fencing.
41. The stockpiles of waste material, plant and machinery, site office and fencing would all be highly visible from the bridleways that pass to the east and south of the site. Passing views would also be available from the A36 and the minor road that runs parallel to it.

42. Officers consider these elements of the proposed development would impact significantly on the character of the Special Landscape Area. Consequently, the proposed restoration scheme is considered to be contrary to Policy 6 of the Waste Local Plan and and Policy C6 of the District Local Plan.

#### Farm diversification

43. The applicant contends that the proposed infilling would provide a “useful” farm diversification. Therefore, regard must be made to Policy C21 of the Salisbury District Local Plan.
44. Policy 21 supports proposals for diversifying employment opportunities and traditional farming activities provided that the proposal does not result in inappropriate levels of traffic generation and that there is no adverse impact of the activity on either the landscape, the local built environment or nature conservation interests.
45. In light of the concerns set out in the above paragraphs, Officers consider the proposed development to be contrary to Policy C21 of the District Local Plan.

#### Conclusion

46. The application site is not identified in the Adopted Waste Local Plan and the proposed restoration/landfill scheme would cause significant harm to the biodiversity interest of the disused railway line. The disused railway line provides an important wildlife corridor and the measures put forward by the applicant to mitigate and compensate for the loss of this habitat are inadequate. Officers conclude that on this point alone, planning permission should be refused.
47. Officers do not consider there to be any material considerations to support the applicants contention that the need for the restoration/landfill scheme is so important as to outweigh the local biodiversity interests present. The applicant has not demonstrated that there are no other practical options for achieving beneficial restoration and afteruse of the disused railway line.
48. The proposed development is also objectionable in relation to the traffic impacts that would result and the adverse impact the landfill operation would have on the character of the local landscape.

#### Recommendation

49. That planning permission be refused for the following reasons:-
1. The proposed landfill/restoration scheme would cause significant harm to the biodiversity interest of the disused railway line, such harm cannot be prevented and the proposed mitigation and compensation measures are considered inadequate. Consequently, the proposed development is considered to be contrary to Policy C3 of the Adopted Wiltshire Structure Plan 2011, Policy 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 and Policy C11 of the Adopted Salisbury District Local Plan 2003.
  2. The applicant has not demonstrated that there are no other practical options for achieving beneficial restoration and afteruse of the disused railway line. Consequently, the proposed development is considered to be contrary to Policy 20 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 and Policy C11 of the Adopted Salisbury District Local Plan 2003.

3. The storage mounds, plant and machinery and building associated with the proposed development would give rise to adverse visual and landscape impacts on the Special Landscape Area. These components of the development would appear as alien features and would be out of character with the locality. Consequently, the proposed development is considered to be contrary to Policy 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 and Policy C6 of the Adopted Salisbury District Local Plan 2003.
4. The applicant has not demonstrated that the impacts of traffic movement on the local community can be satisfactorily controlled or that other recreational, cultural and tourism assests can be adequately protected from such impacts. Consequently, the proposed development is considered to be contrary to Policy 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011.
5. The proposed landfill/restoration scheme would result in inappropriate levels of traffic generation and would adversely impact on the landscape, the local built environment and nature conservation interests. Consequently, the proposed development is considered to be contrary to Policy C21 of the Adopted Salisbury District Local Plan 2003.

**GEORGE BATTEN**

Director of Environmental Services

Report Author

**JASON DAY**

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**The following unpublished documents have been relied on in the preparation of this Report:**

Consultation replies