

**REGULATORY COMMITTEE**  
**12<sup>th</sup> JULY 2006**

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**PURTON: CHANGE OF USE OF PERMITTED EXTRACTION AND LANDFILL SITE  
TO ALLOW THE DISPOSAL OF HAZARDOUS WASTE AT  
PARKGATE FARM LANDFILL SITE FOR HILLS MINERALS AND WASTE LTD.  
(Application No. N.05.07021)**

**Purpose of Report**

1. To consider the above application and to recommend that planning permission be granted subject to conditions.

**The site**

2. Parkgate Farm is a permitted but non-operational Landfill Site located approximately 7 km west of Swindon and approximately 500 metres north-west of the village of Purton. The main Gloucester to Swindon railway line runs along the north-eastern boundary of the site, the remainder surrounded by farmland. The land around and within Parkgate Farm slopes gently down to the north-west and is generally semi-improved pasture land which has been used primarily for grazing. Immediately to the north of the railway line is the operational Purton Landfill Site that has largely been restored to agriculture with the remaining void presently receiving hazardous waste. Access to the landfill has already been established by a bridge over the railway line. A haul road joins this to the existing waste reception area and weighbridge at the entrance to Purton landfill.
3. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

**Planning History**

4. In brief the history of the site is as follows:

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| <u>N.95.0871</u> | In 1995 planning permission was sought by Hills Aggregates Ltd. for the extension of an established clay extraction and landfill site, the construction of a bridge and embankments and the provision of ancillary facilities. Permission was granted subject to conditions in October 1996.  |
| <u>N.04.2795</u> | In 2004 planning permission was sought by Hills Minerals and Waste Limited under Section 73 of the Town and Country Planning Act 1990 for extension of an established clay extraction and landfill site, construction of a bridge and provision of ancillary features, without compliance with conditions 1, 3 and 6 of Permission N.95.0871 to allow the disposal of hazardous waste at Parkgate Farm, Purton. The application was withdrawn following legal advice indicating that because the disposal of hazardous waste constitutes a material change of use by virtue of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 it was deemed inappropriate for the Waste Planning Authority (WPA) to determine the application under Section 73 of the Town and Country Planning Act 1990. |

## **Proposals**

5. Parkgate Farm Landfill Site currently has permission to dispose of waste from inert, commercial, industrial and municipal sources, which includes household waste. Permission is sought to change the use of approximately one third of this site to permit the disposal of hazardous waste.
6. This application proposes that the wastes to be accepted at Parkgate Farm will largely be the same as those that have been dealt with at Purton Landfill in recent years. These wastes are considered hazardous largely because they have the potential to cause pollution of the environment through contact with groundwater or surface water. Wastes that are explosive, corrosive, oxidising, highly flammable or infectious are not permitted to be landfilled under any circumstances. It is proposed that a significant amount of the waste at Parkgate Farm will be contaminated soils that arise in the re-development of brownfield sites. These soils have the appearance and many similar characteristics of inert materials but generally contain increased levels of possible contaminants such as chemicals, metals or hydrocarbons.
7. The application proposes that approximately 6 hectares of the Parkgate Farm working area would be used for hazardous waste disposal. If permission were granted, disposal would be dependent on the grant of a Pollution Prevention and Control (PPC) Permit and the closure of Purton Landfill. It is estimated that the area identified for hazardous waste will have an eighteen year life based on the proposed levels of input.
8. The remainder of the site would accept non-hazardous waste from commercial, industrial and municipal sources which are currently permitted under the 1996 permission. It is proposed that the non-hazardous landfilling will not commence until Chapel Farm Landfill near Blunsdon is complete. The non-hazardous waste landfilling of Parkgate Farm is estimated to commence in 2014 and has a planned life of nine years, corresponding with the proposed completion of the hazardous waste landfill in 2023.
9. It is proposed that the hazardous phase of Parkgate Farm would accept approximately 50,000 tonnes per year of waste for disposal. When the proposed hazardous and non-hazardous elements of Parkgate Farm are operational together (in years 10-18) the total annual quantity disposed of is estimated at 150,000 tonnes.
10. Permission has been granted on the site for non-hazardous landfilling of 150,000 tonnes of waste per year for 12 years. The current proposal to apportion a hazardous waste disposal area and a non-hazardous waste area would not exceed this input level but would necessitate the extension of the operational life of the site to 18 years. In years 1-9 of the site's life the inputs would be 50,000 tonnes per annum of hazardous waste. In years 10-18 the total input of hazardous and non hazardous waste would be 150,000 (50,000 tonnes of hazardous waste plus 100,000 tonnes of non-hazardous waste).
11. Access to the site is gained from the Cricklade Road via Mopes Lane and across the relatively recently constructed bridge spanning the railway. With hazardous waste inputs proposed at 50,000 tonnes per annum, it is estimated that the waste would arrive in 20 tonne loads on average, culminating in waste inputs generating nine vehicles per day.

12. The full planning application is accompanied by an Environmental Statement (ES) submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
13. A second application to vary conditions of permission N.95.0871 has also been submitted. The applicant proposes a revision to the phasing of the permitted development to accommodate the area for hazardous waste disposal and an extension of time for the completion of the site to reflect the increased recycling rates and diversion of waste away from landfill since the site was first planned.

### **Planning Policies**

14. The following policies are considered relevant to this application:
  - Policies HE2, W3 and W4 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006)
  - Policies RB21, RC2, RC17A and RE13 of the Adopted North Wiltshire Local Plan (2001)
  - Policies BD1, HE6, NE9, NE12, NE13 and NE15 of the North Wiltshire Local Plan 2011 Revised Deposit Draft November 2004
  - Policies 1, 2, 3, 6, 8, and 19 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 (March 2005)
15. All relevant planning policies are set out in the attached **Appendix 3**.
16. National Planning Policy Guidance (PPG) Notes and Planning Policy Statements (PPS) set out Government policy on planning issues and provide guidance to local authorities and others on the operation of the planning system. PPS 10 (Planning for Sustainable Waste Management), PPS 7 (Sustainable Development in Rural Areas), PPS 9 (Biodiversity and Geological Conservation), PPS 23 (Planning and Pollution Control) and PPG 24 (Planning and Noise) are all considered relevant to this application for planning permission.

### **Consultations**

17. **North Wiltshire District Council** - does not object to the application but comments that the proposal would result in the extension of the existing traffic/noise/potential odour issues. However, acknowledges that the choice of other sites is limited due to the unique geology of the application site and that the pressure of lack of hazardous waste landfill within Wiltshire/Swindon area means that this site is the only one that would appear suitable. Following the submission of further information, states that the setting out of the consideration of alternative sites in the region plus the Environmental Plan goes some way to overcoming original concerns.
18. **North Wiltshire District Council Environmental Health Officer (EHO)** - requested further information from the applicant in order to be satisfied that an incident at Purton Landfill in September 2004 could not be repeated at the application site. The EHO also suggested a noise condition specifying noise levels at specific properties. Following the submission of further information and scrutiny of the original ES, the EHO has no adverse comments to make on the application pertaining to odour and the incident at Purton landfill.

19. **Purton Parish Council** - initially acknowledged that procedures are in place to manage the waste and, if adhered to and managed correctly, the site would be as acceptable as it can be. Therefore, with the proviso that controls would be strictly implemented and enforced, raised no objection. However, following the submission of further information, the Parish Council states that the application has the intention to make Parkgate a regional hazardous waste facility and therefore objects to the proposal.
20. **Lydiard Millicent Parish Council** - objects to the application on the grounds that it is believed the site would become a regional facility and that the Rural Buffer is an inappropriate location for a hazardous waste landfill. Also states that it believes the proposal to be contrary to emerging guidance in the Waste Local Plan 2011.
21. **Broad Town Parish Council** - objects to the proposal stating that whilst the Purton site has been a waste disposal site for many years, the owners have never applied for it to become a regional facility and as the area is in a Rural Buffer further development would be contrary to the Local Plan 2011 and Waste Local Plan 2011.
22. **English Nature** - provided advice on Protected Species. Following the submission of further information, English Nature is satisfied with the great crested newt mitigation scheme and advises that the WPA must be assured that necessary surveys and mitigations for bats have been carried out prior to application determination.
23. **Environment Agency (EA)** - no objections but recommends a number of conditions pertaining to surface water.
24. **Network Rail** - states that the change of use does not materially affect the elements of the proposal that may impact upon Network Rail interests. Therefore, provided that the site is operated in accordance with the conditions stipulated in the original planning consent, Network Rail has no further comments with regard to this proposal.
25. **Kennet and North Wiltshire Primary Care Trust (PCT)** - following advice from the NHS Health Protection Unit, the PCT opinion is that the deposit of hazardous waste on a site currently having planning permission for non-hazardous waste disposal should not significantly increase the risk of adversely impacting on public health. Details of the methodology to be employed (working practices and equipment to be used) would be considered in-depth in the PPC Permit application.
26. **Countryside Section (Landscape)** - no objections in terms of landscape as no significant changes to the original application are proposed.
27. **Countryside Section (Ecology)** - further information was requested for protected species. The County Ecologist was subsequently satisfied with the further details submitted.
28. **County Archaeologist** - states that the Sites and Monuments Record had been checked and nothing of archaeological interest would be affected by the proposal.
29. **Highways Development Control** - no observations.
30. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

## **Publicity**

31. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. Letters of representation have been received from 12 objectors whose concerns are outlined below:-
- (i) Potential impact on local residents
  - (ii) Impact on farmland
  - (iii) Extension of the life of the landfill
  - (iv) The belief that the site would become a regional facility for hazardous waste disposal
  - (v) Waste proposed to be accepted
  - (vi) Monitoring of operations
  - (vii) Risk of airborne pollutants
  - (viii) The completeness and accuracy of the submitted ES
  - (ix) Credibility of consultants contributing to ES
  - (x) The need for an Environmental Management Plan (EMP)
  - (xi) Noise of operations
  - (xii) Odour
  - (xiii) Operation outside of hours
  - (xiv) Effect on walkers and users of the countryside
  - (xv) Attraction of scavenging birds and animals
  - (xvi) Concerns regarding waste handling stemming from incident at Purton landfill in September 2004
  - (xvii) Traffic and lorry routing
  - (xviii) Effect on trees growing on restored landfill
  - (xix) Lack of consultation by Hills Minerals and Waste Ltd.
32. **Campaign to Protect Rural England (CPRE)** - objects to the application on the grounds that there is insufficient information in the ES about alternative sites in the south-west and insufficient evaluation of noise, odour, vehicle routing and cultural impact. Also believes the proposal conflicts with Plan policies.
33. Copies of the representations received will be available in the **Members' Room**.
34. An open Public Forum was held on the 25<sup>th</sup> April 2005 by Hills Minerals and Waste Ltd. prior to the submission of the current planning application. 60 people from Purton and surrounding areas attended as well as officers from the County Council. The concerns raised on the day were those outlined in the letters received in response to the application.

## **Planning Considerations**

35. This planning application proposes the change of use of the permitted mineral extraction and landfill site to allow the disposal of hazardous waste at Parkgate Farm, Purton. Given the nature of the development the proposals have been subject to an Environmental Impact Assessment (EIA) and an ES has been submitted with the planning application. The ES has been taken into account in the consideration of this application.
36. 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 the application are:-
- Sustainable Waste Management
  - Particulate matter and odour
  - Traffic and highways
  - Amenity of residents
  - Noise
  - Geology and the water environment
  - Visual impact
  - Ecology
  - Other considerations

### **Sustainable Waste Management**

37. Parkgate Farm as a site for mineral extraction and non-hazardous landfill has already been established and planning permission granted. This application therefore specifically considers the impacts that could arise as a result of the change to the permitted development to allow hazardous waste disposal.
38. Whilst Parkgate Farm is a permitted landfill site, the proposed sub-division for the disposal of hazardous waste represents extended capacity for a waste stream already managed at Purton landfill. The proposals must therefore be viewed as an extension to an existing site and be judged against Policy 19 of the Adopted Waste Local Plan (WLP). Policy 19(b) requires that new proposals should incorporate on-site recovery as part of the pre-treatment of waste. Pre-treatment of waste is required by the Landfill Regulations 2002, unless inappropriate for the waste, to remove anything recyclable and to reduce the volume of the waste prior to it being landfilled. In the case of hazardous wastes, the producer must carry out this pre-treatment at source, an activity which is closely monitored by the EA. The provision for management and control of any leachate or gas generated from the waste has been assessed within the ES and addresses Policy 19(b). The main considerations to be assessed under Policy 19(d) are whether the proposals comply with Policies 1, 2 and 5 to 10 of the WLP.
39. With regard to Policy 2 relating to the need for the proposal, the WLP has estimated that between 2003-04 to 2010-11, approximately 379,200 tonnes of hazardous waste (formerly special waste) produced in the Plan area will require management in Wiltshire and Swindon. This equates to an average of 47,400 tonnes per annum. The WLP also anticipates that capacity for hazardous waste disposal will continue beyond the Plan period based on current rates of disposal. At present Purton Landfill site is the only site in Wiltshire and Swindon permitted and licensed to accept hazardous waste and must form part of the capacity beyond the Plan period to which the WLP refers. In 2005 planning permission was granted to extend the life of the Purton Landfill Site for a further two years, taking the life of the site to July 2007. Consequently, once the Purton Landfill Site closes there will be no capacity within the Plan area to cater for Wiltshire and Swindon's hazardous waste arisings.

40. Assuming inputs of hazardous waste into Purton Landfill Site have been at approximately 60,000 tonnes per annum for the past two years, the amount to be managed for the remaining five years of the Plan period is approximately 259,200 tonnes which equates to approximately 52,000 tonnes per annum. The application proposes to landfill 50,000 tonnes per annum. Consequently, a local need to cater for Wiltshire and Swindon's hazardous waste arisings can be demonstrated in accordance with Policy 2(b). The site can also be shown to play an identified role in assisting Wiltshire and Swindon in the ongoing provision of hazardous waste disposal capacity in the south-west region for the period up to 2011. Beyond 2011 there is a need to understand the ongoing role such a site could play in continued hazardous waste disposal requirements, which will be addressed through the Local Development Document (LDD) process.
41. A technical paper was produced for the South West Regional Technical Advisory Body (RTAB) in September 2005 to inform regional spatial planning policy for managing hazardous waste. The document underlines the fact that the assessment of hazardous waste has been an increasing priority both nationally and regionally due to the implementation of both the landfill and hazardous waste regulations in the UK. The RTAB estimates that the region will require an annual disposal capacity of between 65,000 and 80,000 tonnes per annum of general hazardous waste for which specific provision needs to be made. The current application proposes 50,000 tonnes per year, a sizeable proportion (between 63% - 77%) of the predicted amount of hazardous waste requiring disposal in the region. The technical paper concludes that existing hazardous waste landfills located on the eastern boundary of the region are utilised by wastes from other regions and as such represent a national and regional resource and it is at these sites that proposals will come forward for future hazardous waste disposal by virtue of their regional boundary location and proximity to primary transport networks.
42. The RTAB paper has informed the emerging Regional Spatial Strategy (RSS). Policy W3 of the draft RSS states that *'if planning applications come forward for facilities to manage hazardous waste, due to their specialised nature, appropriate consideration should be given to their contribution to national and regional need, and not just local.'* The Policy also asserts that existing sites located on the region's eastern boundary and close to primary road networks are in a good position to serve such regional and national markets as well as fulfilling the local need. Hazardous waste has historically crossed county and regional boundaries, equating in some instances to an import/export balance. The waste is exported to other regions as Wiltshire and Swindon has limited facilities for treating hazardous waste. However, the County's geology provides natural containment conditions that are not available across much of England and Wales for landfilling and therefore hazardous waste requiring landfill is sometimes imported. Due to the nature of hazardous waste, the limited number of disposal facilities and its location within the region, Parkgate Farm would contribute to hazardous waste management on a regional and a national scale. Consequently, the proposal is considered to be in line with draft regional guidance and in accordance with Policy W3 of the Wiltshire and Swindon Structure Plan 2011 as the application would facilitate meeting the waste management needs of the Plan area and making a contribution towards achieving regional self-sufficiency.

43. Policy 1(a) of the WLP relates to the issue of sustainable waste management and how proposals contribute to an adequate and integrated network of waste management facilities. How this proposal contributes to hazardous waste management is discussed above, but it is also necessary to consider how the loss of permitted non-hazardous waste capacity at Parkgate Farm would affect waste management in the Plan area as this permitted capacity has been taken into account in WLP calculations. The applicant has stated that Parkgate Farm would accept 50,000 tonnes per annum of hazardous waste. This would leave the remaining void space for non-hazardous waste accepting 100,000 tonnes per annum. The applicant has proposed these inputs based on calculations with regard to three factors:

- The hazardous waste which is estimated would be produced and require management in Wiltshire and Swindon.
- The County's need to contribute to the region's requirements for hazardous waste disposal.
- The need to preserve sufficient capacity in Parkgate Farm to dispose of the municipal waste stream.

These three issues comprise the fundamental argument surrounding the contribution of the proposal to sustainable waste management.

44. It can be demonstrated that there is a local need to cater for Wiltshire and Swindon's hazardous waste arisings. The need has been identified through the WLP for the Plan period. However, the applicant requests a planning permission for 18 years, far exceeding the Plan period. The regional requirements have been identified through the RTAB technical paper and the draft RSS and it is clear that capacity for hazardous waste will be required through to 2026.

45. The need to preserve sufficient capacity in Parkgate Farm to dispose of non-hazardous wastes must also be considered. The applicant suggests that due to increased recycling rates and diversion of waste away from landfill since the site was originally permitted, a third of the site being dedicated to hazardous disposal would not prejudice the waste management of non-hazardous waste in the Plan area. The Joint Municipal Waste Management Strategy, which was approved by the Wiltshire Waste Partnership in February 2006, proposes to increase rates of recycling and composting from the current level of 31.5% to 40% by 2010-11 and 50% by 2020-21. The implication is that demand for landfill from the municipal waste sector will be falling. However, it is still necessary to ascertain whether the amount of permitted non-hazardous voidspace at Parkgate that would be lost if permission were granted is considered significant in the waste planning period.



46. Through the preparation of the WLP the permitted voidspace at Parkgate Farm has been assumed to be solely available for the management of non-hazardous wastes. If permission were granted for the current proposal, it would result in the loss of one-third or approximately 350,000 cubic metres of the reserve. This reserve, either in total or following the loss of 350,000 cubic metres, must be viewed in the context of recent capacity projections. Following on from work undertaken as part of the preparation of the South West RSS, and published within the adopted South West Regional Waste Strategy (RWS), the WPAs have estimated that, at 2006, there remains 5,000,000 cubic metres of non-hazardous landfill voidspace in Wiltshire and Swindon. This capacity is expected to be exhausted between 2010-2015, even with the accomplishment of increased landfill diversion targets. To ensure that capacity requirements outlined by the RSS and RWS are met, an additional 7,300,000 cubic metres are anticipated to be required to provide capacity to 2026. In total, between 2006-2026, in excess of 12,000,000 cubic metres of non-hazardous disposal capacity are anticipated to be used. The proposed loss of 350,000 cubic metres to hazardous waste disposal is considered insignificant in terms of disposal capacity for non-hazardous waste in the region.

#### Particulate Matter and Odour

47. The issues of odour and air pollution have been identified as areas of great concern in objection letters from local residents. The applicant contends that the hazardous waste disposal proposed in this application is at a low intensity compared to the non-hazardous already permitted and would not involve any significant quantities of putrescible or biodegradable wastes that are particularly identified as having the potential to give rise to odour. However a relatively recent incident at Purton Landfill site has highlighted that there is potential for significant odour to arise from isolated contaminated materials.
48. The investigation by the EA into the odour incident at Purton has not yet been concluded. It is understood that the incident affected a significant number of people residing in the Bentham area (to the north-east of the site) who suffered varying degrees of nausea, headaches, sensitive skin and minor bronchospasm. Officers appreciate that the landfill site is not the subject of this application. However, the incident is relevant to this proposal because the waste proposed to be accepted at Parkgate Farm is of a similar nature and it is appropriate to consider whether the proposed site is an acceptable location for hazardous waste in light of its proximity to the village. A number of residents have asked the determination of this application be delayed until the investigation is complete.
49. PPS 10 advises that the detailed consideration of a waste management process and the implication for human health is the responsibility of the pollution control authorities and that where concerns about health are raised which are considered to be material issues, WPAs should ensure through their consultation with the relevant health authorities and agencies that they have advice on the implications for health.
50. North Wiltshire District Council's EHO, the EA and the Kennet and North Wiltshire PCT have been consulted on the proposals. North Wiltshire District Council and the EA have not raised objections to the use of Parkgate Farm to dispose of hazardous waste and the Kennet and North Wiltshire PCT advises that *'the proposal to deposit hazardous waste on a site that currently has planning permission to dispose of non-hazardous waste should not significantly increase the risk of adversely impacting on public health. Details of the methodology to be employed (working practices, equipment used) will be considered in depth in the PPC Permit application.'*

51. The potential for any impact from dust and odour arising specifically from the proposed hazardous landfilling on surrounding properties, as well as the wider environment has been assessed and the outcomes reported in the ES. The report concludes that the waste that would be accepted at the site would consist primarily of contaminated soils with low degradability and so there would be negligible volumes of landfill gas generated at the site. Odour would not therefore be significant. The report also considers that there would be no significant change to the risk from particulate matter and odour as a result of the operation of a reduced area of non-hazardous landfill and a hazardous landfill over that currently permitted for the disposal of non-hazardous waste.
52. Officers consider that the proposal does not represent a significant risk from odour and particulate matter as identified in the ES and thus the application complies with Policy 6(d) of the WLP and Policy W4 of the Adopted Wiltshire Structure Plan. Officers do not consider that the results of the EA investigation would alter this conclusion.

#### Traffic and highways

53. The site is located immediately to the north-west of Purton village. Access to the landfill has already been established by a bridge over the Gloucester to Swindon railway line. A haul road joins this to the existing waste reception area and weighbridge at the entrance to Purton landfill site which leads out onto Mopes Lane (private road owned by Hills Minerals and Waste Ltd.) to link with Cricklade Road (public highway). The potential traffic impact on the local area and village residents has been highlighted as a concern by objectors.
54. The proposal to landfill hazardous waste at Parkgate would not increase the number of vehicles that were proposed when the site was approved for mineral extraction and landfill. Parkgate Farm was approved in 1996 to accept 150,000 tonnes of waste per annum. The current application proposes to accept 50,000 tonnes per annum of hazardous waste in the first nine years, generating less vehicle movements than originally proposed. The applicant has projected that 100,000 tonnes of municipal waste would be disposed off at Parkgate in the final nine years of operation. This would be in tandem with the disposal of hazardous waste in the application site and would bring the total disposed of in years 10-18 of the life of the landfill to 150,000 tonnes per annum, the same as that currently permitted.
55. The total number of deliveries of non-hazardous waste permitted under the current planning permission equates to 56 per day. Under the current proposal, hazardous waste inputs of 50,000 tonnes per annum would arrive in 20 tonne loads on average. This equates to hazardous waste inputs at Parkgate Farm generating nine vehicles per day on average. The applicant has stated that in the final nine years of the life of the site, input of non-hazardous waste would equate to 100,000 tonnes (80,000 tonnes of domestic generating 32 vehicle movements per day and 20,000 tonnes of industrial and commercial resulting in four vehicle movements per day) giving rise to a total of 36 vehicles to the non-hazardous site. With both the hazardous and non-hazardous cells in operation, the number of deliveries proposed would be 45 per day. The applicant states within a further document of clarification that the proposals for the change of use for part of the site to hazardous waste disposal could result in an overall annual reduction of 2,475 vehicles. The County Highway Authority has no comments to make on the proposal.

56. With regard to routing of lorries associated with the site, vehicles carrying waste for disposal would be booked in advance and therefore information on an appropriate route to the site can be provided from the outset. Purton village is restricted by a weight limit of 7.5 tonnes, legally restricting the passage of heavy goods vehicles (Order Ref. 1272). Consequently vehicles must approach the site from the north along the B4553. A Section 106 Agreement was also entered into as part of the original planning permission, prohibiting vehicles using any access into the Parkgate site other than via the constructed railway bridge. This was to ensure that no other rural tracks in the vicinity of the site could be used by construction or waste vehicles. If permission is granted for the change of use at the site a Supplemental Agreement to the original Section 106 Agreement between the WPA and the operator will be signed to ensure vehicles associated with this current development access the site only from the north via the railway bridge.
57. The original planning application was granted for mineral extraction and landfill. The associated vehicle movements relating to the development have been accepted. This current proposal would not change that already permitted and any development using Mopes Lane granted permission since 1996 would have taken into account the permitted use of Parkgate Farm. Consequently, officers consider that the application is in accordance with Policy 6(f) of the WLP.

#### Amenity of residents

58. The impact of the proposal upon people is considered in the individual assessments of the potential adverse effects of the disposal of hazardous waste such as particulate matter, odour, noise, visual impact and traffic. These assessments concluded that residents would not suffer any unacceptable adverse impact as a result of the proposal. However, the potential effect on the amenity of residents is acknowledged and all objection letters have been taken into account in the determination of this application.
59. Policy 6 of the WLP relates to residential amenity with regard to waste development. It states that proposals for new and/or extended waste management facilities will only be permitted where it can be demonstrated that there will be no significant adverse impact on the environment, human health or amenity.
60. A number of objection letters cited concern regarding hours of operation of the landfill site if permission were granted for the current proposal. The hours of operation already permitted would not be altered if permission were granted for the change of use application. The existing hours for extraction and infilling are:

0730 - 1800	Monday - Friday
0730 - 1200	Saturday
Closed	Sundays and Public Holidays

Officers consider these hours to be acceptable within the operational context of the Parkgate Farm site.

61. Public representations also stated concern regarding the potential for scavenging birds. Hazardous waste does not contain the types of waste that generally attract pests and scavengers. They are generally attracted to foodstuffs which occur in household or commercial wastes from restaurants. Monitoring and control measures are required by the PPC Permit for the non-hazardous part of the site. These measures would also be applied to the hazardous landfill if permission were granted for the change of use. The applicant states that landfilling of hazardous waste at Parkgate Farm would not cause any greater impact from the potential problems of pests and birds than that which is currently permitted.
62. In addition to being controlled by a planning permission, the landfill would also be regulated by a PPC Permit issued by the EA. The purpose of a PPC Permit is to regulate activities that have the capability of causing environmental pollution, including harm to human health and the prevention or control of emissions capable of causing such pollution. The Permit would cover the operational standards and the measures for monitoring and controlling any potential emissions from a landfill and its associated activities (eg Gas Utilisation Plants). The applicant states that a PPC Permit for landfilling non-hazardous waste at Parkgate Farm was issued in March 2004. A separate Permit would be required to cover the phases that would be used for the disposal of hazardous waste if the current proposal were granted permission.
63. Communications between local residents and the Purton site have not been consistent in the past. Consequently nuisances have occurred which might have been avoided. The emerging County Council Statement of Community Involvement (May 2005) states that the Council will encourage mineral and waste site operators to form Liaison Groups. Such Groups facilitate regular liaison meetings between the site operator, the Council and the local community, providing a forum in which representatives of the local community can be kept informed of operations and raise with the operator any community issues or concerns. To reinforce its support for local Liaison Groups where they already exist and to facilitate the setting up of new Groups, the Council will adopt and publish a protocol for the setting up and running of local Liaison Groups to be distributed to all operators of minerals and waste sites.
64. In light of the individual assessments on noise, particulate matter, odour and visual impact and pending the establishment of a Liaison Group and the implementation of operational procedures that would be regulated through the PPC Permit, officers consider the proposal to be in accordance with Policy 6 of the WLP.

#### Noise

65. A significant number of objection letters cited concern regarding noise emanating from the landfill site and the potential noise issues that may arise if permission were granted for the current proposal. The impact of noise from mineral extraction and landfill operations was assessed as part of the determination of the original Parkgate Farm proposals. A further report has been submitted as part of this application to assess the potential impact from the change in working direction of the site from that previously approved and the potential for noise emissions to be increased if two areas of the site are operational in the later years of its life.

66. Noise monitoring was carried out on two occasions at a number of representative noise sensitive properties around the perimeter of the site. Assessments were made of the worst-case predicted noise levels at each of the properties if the proposal were permitted. This included considering when additional plant would be operating on site carrying out cell construction, capping and restoration works. The assessment concluded that noise sensitive properties (aside from Parkgate Farm House which is owned by the applicant and is unoccupied) would not be adversely impacted by the revised phasing proposals or working two areas of the site in tandem. The assessment concludes that the noise limits set down in the current planning condition on noise would not be exceeded.

#### Geology and the water environment

67. The proposal area is underlain by blue-grey clays of the Upper Oxford Clay of the Upper Jurassic age. Prior to the submission of the original 1995 planning application, geological investigations were carried out on the Oxford Clay on the Parkgate Farm site. The Oxford Clay was shown to be highly consistent across the site and no groundwater was encountered in drilling the exploratory boreholes. The principal risk to water from any landfill site arises from the percolation into groundwater of leachate created by the waste as it breaks down. The ES states that no groundwater was found in the monitoring points established around the site.
68. The Oxford Clay that the site is located within is stated as being a non-aquifer with negligible permeability. The ES affirms that if any leachate from the landfill were to permeate out of the engineered containment cell, no significant amount would be able to percolate through the Oxford Clay. To prevent a build up of leachate within the landfill cell, leachate collection measures would be provided in the base of each cell and would be pumped out when necessary and disposed of at an appropriate treatment facility. The nature of waste such as contaminated soils is such that they do not have a high moisture content, nor do they biodegrade significantly. Consequently, the amount of leachate which is produced within hazardous waste cells is less than that in non-hazardous waste disposal sites.
69. The River Key flows between 250 and 400 metres north-west of the permitted landfill site and constitutes the principal surface water receptor at Parkgate Farm. The ES states that perimeter ditching around the working area would control and contain any surface run-off to prevent suspended solids being carried into the river and any rainwater coming into contact with the waste would remain in the engineered cell with no discharge directly into watercourses. The long term monitoring for the presence of groundwater and the surface water as well as the quality and quantity of leachate would be controlled by the terms of the PPC Permit.
70. The assessment of the impact of the proposal on the water environment takes into account current environmental legislation and Water Policy outlined in PPS 23: Planning and Pollution Control (Annex 1). The ES concludes that there would be no significant increase in the potential risk to ground or surface water from the proposal to dispose hazardous waste to that already granted permission. The EA has no objection in principle to the proposal subject to various conditions relating to surface water. Officers consider that the proposal is in accordance with Policy 6(h) of the WLP.

### Visual Impact

71. The change of use of part of Parkgate Farm landfill for hazardous waste disposal would necessitate a change to the approved phasing and direction of working as well as eventually having two areas of landfill operating in tandem. The ES incorporates a visual assessment which looks specifically at whether the findings of the landscape and visual assessment previously presented in the original 1995 application are affected by the revised proposals and also assesses the potential impacts arising from the change.
72. The ES records that the proposed change to landfill operations would result in a significant reduction in land-take for operational areas in the first nine years. For the remaining life of the site during years 10 to 18 the land-take for operational areas would not be significantly greater than that required under the existing permitted scheme. It is proposed that the site would still be progressively restored with the main difference being that for half the life of the site two separate working areas would be undergoing progressive restoration independently and the working would progress at a slower rate and would be extended to a period of 20 years rather than the 12 previously proposed. The ES has considered the change in magnitude of impacts resulting from the proposed revision to direction of working and phasing of restoration, assessing the impact as being small. On this basis, the impact of the proposed development on the character of the landscape and individual viewpoints does not require any mitigation measures (eg planting schemes, screen bunds, wetland features and interim restoration) additional to those proposed in the 1995 assessment and secured under the 1996 planning permission.
73. Policy NE15 of the North Wiltshire Local Plan 2011 Revised Deposit Draft relates to the general landscape character of the countryside, stating that development will be permitted *'if it does not adversely affect the character of an area'*. This protective stance is further reiterated in Policy 6(k) of the WLP which states that waste management facilities will only be permitted *'where it can be demonstrated that there will be no significant adverse impact on important local landscapes.'* The ES has assessed the potential impact of the scheme on the landscape character and visual amenity of the surrounding area, including the Great Western Community Forest, as not being significantly altered from that already permitted. The County Landscape Officer does not object to the proposal stating that there would be no significant changes to the original permission. Consequently, officers consider that the proposals are in accordance with land-use planning policy with regard to that which has already been permitted and the proposed alteration in the phasing and progressive restoration.

### Ecology

74. The existing ecological baseline within the area permitted for clay extraction and landfill at Parkgate Farm and the ecological impacts that are likely to occur as a result of land-use change have been assessed. The ecological evaluations made in the ES report are based on extended Phase 1 field survey and on records sought from local wildlife organisations. In addition, detailed studies were carried out for great crested newts, water voles and badgers. The site at present comprises semi-improved sheep-grazed pasture with species poor hedges containing a few mature trees dividing the fields. The area is low-lying and damp, and features a network of seasonally wet ditches and a number of ponds.

### ***Great Crested Newts***

75. Great crested newts are a European Protected Species and it is illegal to capture, kill or disturb them or to damage or destroy the breeding site or resting place. On the basis of surveys in 1995 and 2002 and pond sampling in 2005, a small population of great crested newts were found in a pond located within the newly planted woodland area approximately 200 metres to the east of the current proposal site.
76. The applicant has submitted the DEFRA licence obtained for great crested newts with an accompanying method statement. The submitted report is considered by the County Ecologist to provide adequate information on baseline and mitigation measures for great crested newts. Given implementation of the mitigation measures described in the Method Statement, it is considered that no significant effect to the great crested newt population would occur as a result of the current proposal. Consequently, officers consider the proposal to be in accordance with Policy 6(j) of the WLP, Policy RC17A of the Adopted North Wiltshire Local Plan (2001) and the aims of the Wiltshire Biodiversity Action Plan (BAP) and PPS 9: Biodiversity and Geological Conservation.

### ***Bats***

77. The ES identifies at least five mature trees situated outside the application site for hazardous waste that would require removal as part of the clay extraction and landfill permitted in 1995 and that have potential to support bat roosts. Bats and their roosts receive stringent protection under the Habitats Regulations (1994) and surveys for these protected species are required to be undertaken prior to granting planning permission. Because the potential tree roosts are located outside the boundary of the application site it is not possible to require these surveys in relation to the current proposal.

### ***Reptiles***

78. Reptiles are protected under the Wildlife and Countryside Act 1981. The potential for the presence of protected faunal species was considered during the Phase 1 Survey, but it was concluded that there was no habitat with strong potential for them. This relates to the fact that the proposed works area comprises short grazed grassland lacking in sheltering habitat for reptiles. Consequently no further surveys were considered necessary. The County Ecologist concurs that a reptile survey is not required.

### ***Hedgerows***

79. The hedgerow is protected under the Hedgerow Regulations (1997) and classified as a UK BAP Priority Habitat. This is also reiterated within the Wiltshire BAP and Policy 6(j) of the WLP also advocates the protection of features identified as being important for biodiversity.
80. In light of the protection afforded to hedgerows, adequate mitigation for their loss must be considered. This would include the replanting of hedgerows along existing lines following completion of landfilling. The approved restoration plans (Drawing No. P952/5) incorporated into the original 1996 permission illustrate the replanting of the hedgerows in their current locations. The County Ecologist states that it is important that the hedgerows are planted with appropriate native species. Details of the planting methodology and aftercare of the hedgerows are also required. These mitigation measures could be made subject to a condition attached to any permission granted. This approach to managing the ecological resource on the site is in accordance with Plan policy and Government guidance.

81. A Section 106 Agreement was entered into as part of the original planning permission relating to the conservation of botanically rich grassland and woodland planting. If permission is granted for the Change of Use at the site a Supplemental Agreement to the original Section 106 Agreement between the WPA and the operator will be signed to ensure the nature conservation measures are carried out.

#### Other Considerations

82. The archaeological potential of the site was assessed when the planning application was determined in 1996. A condition was included on the original planning permission requiring the applicant to provide access to an archaeologist nominated by the WPA. The County Archaeologist raised no objection to the current proposal and in further discussion stated that it was not deemed necessary to attach an archaeological condition to any permission granted.
83. In response to a number of objections regarding the waste handling and environment of the site, the WPA requested the applicant submit an EMP. The EMP considers the management of environmental impacts relative to the proposed landfilling of hazardous waste at Parkgate Farm. This document identifies the legislative framework in which the site would operate and also details the management structure, external reporting protocols and community relations. The proposed monitoring regime is also briefly outlined as well as the environmental emergency procedures and the roles of instrumental regulatory authorities.
84. A number of representation letters have questioned the accuracy of elements of the submitted ES. To ensure the credentials of all consultants involved in the ES, a statement of experience was submitted by all professionals involved. This illustrated that the submitted surveys and assessments were carried out by consultants qualified to undertake such work. Statutory consultees have also not questioned the methodologies employed or the results reported. Officers recognise that the submitted ES is a decision-making tool and consider that the document has met the requirements specified in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

#### Conclusion

85. The application has been considered in accordance with the Development Plan and other material planning considerations. Full account has been taken of the ES that accompanied the planning application.
86. Officers consider that the proposal accords with policy in meeting the waste management needs of the Plan area and making a contribution towards achieving regional self-sufficiency, as well as assisting the region in contributing to national need.
87. The submitted particulate matter and odour assessment and consultation with the EHO, the EA and the PCT has indicated that the proposal would not represent a significant risk to health.
88. In light of the individual assessments on particulate matter, odour, noise, visual impact and the operational procedures that would be conditioned, officers consider that the impact on residential amenity would be at an acceptable level.
89. The planning precedent for vehicle numbers associated with Parkgate Farm has been set by the original permission and that the current proposal purports to reduce the number of vehicles that would use the site.



90. The ecological resource has been appropriately assessed and mitigation measures submitted in accordance with policy and legislation.
91. The current proposal, located on an already permitted landfill site is considered to be in accordance with WLP policy and emerging regional guidance. Overall it is considered that there are no material reasons which would justify a refusal of planning permission.

### **Recommendation**

92. That:

- (i) Authority be given to the Solicitor to the Council to prepare a Supplemental Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure vehicle routing and nature conservation.
- (ii) Subject to the completion of the legal agreement referred to above, planning permission be granted subject to the following conditions:

#### **Standard**

1. The development hereby granted shall commence within **five** years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990*

#### **Duration**

2. All operations granted by this permission shall have ceased and all plant, machinery, structures, (including the bridge over the railway) hardstandings, security fences and haul roads shall be removed and the site restored in accordance with Drawing No. P952/5/A entitled 'Final Restoration' within 18 years from the date of commencement of development.

*Reason: For the avoidance of doubt and to not prejudice the long term restoration of the site.*

#### **Hours of work**

3. Except in emergencies, in order to maintain safe working (which shall be notified to the Waste Planning Authority as soon as practicable), no operations or activities authorised or required by this permission shall be carried out and plant shall not be operated on the site other than during the following hours:-

0730 - 1800 Monday to Friday  
0730 - 1200 Saturday

No working shall take place at any time on Sundays and Bank or Public holidays.

*Reason: To protect the amenities of local residents and visitors to the area.*

#### Method of working

4. No mineral except Oxford clay shall be removed from the site.

*Reason: To ensure the development is carried out in a satisfactory manner and to regulate the use of the land.*

5. No more than 20,000 cubic metres of clay per annum shall be removed from site. This figure shall exclude the clay required for lining and capping the existing landfill site.

*Reason: For the avoidance of doubt and to safeguard the local environment as well as the amenity of surrounding residents.*

6. No more than 5,000 cubic metres of clay shall be stockpiled on the site at any one time. The height of any stockpile shall not exceed 2.5 metres in height and the location of such stockpiles shall be agreed with the Waste Planning Authority.

*Reason: In the interests of visual amenity.*

7. The input of hazardous waste into the site shall not exceed a level of 50,000 tonnes per annum.

*Reason: In the interests of highway safety and to safeguard the amenities of local residents living along transport routes to/from the site.*

8. From the date of this permission the operators shall maintain records of their quarterly input and shall make them available to the Waste Planning Authority within 14 days of the last day of March each year.

*Reason: In order that the Waste Planning Authority can monitor the level of waste input into the site.*

9. This permission shall only relate to the deposit of hazardous waste.

*Reason: For the avoidance of doubt and to regulate the use of the land.*

#### Depth of working

10. The maximum depth to which clay shall be extracted from the site shall not exceed 10 metres.

*Reason: For the avoidance of doubt and to restrict the depth of working for geotechnical and hydrological purposes.*

#### Restriction of Permitted Development Rights

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no building, structures, fixed plant or machinery shall be installed, erected, modified or placed within the site without the prior written approval of the Waste Planning Authority.

*Reason: For the avoidance of doubt and to safeguard the local environment as well as the amenity of surrounding residents.*

### Landscaping

12. Before any operations commence on the site, details of size of species and spacing of trees and shrubs, hedgerows and provenance of species to be planted in the landscaping of the site in accordance with drawing entitled 'Final Restoration'(P952/5/A) shall be submitted to and approved by the Waste Planning Authority. Such details shall include proposed timescales and phasing of planting to ensure that certain areas are planted at least two years prior to the commencement of extraction operations. Any trees or shrubs which die within five years of being planted shall be replaced in the next planting season with new stock to the satisfaction of the Waste Planning Authority and maintained for a period of five years.

*Reason: The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interests of visual amenity.*

### Noise

13. Noise from operations on site shall not exceed 55 dB LAeq 1 hour at any residential or noise sensitive property as measured freefield (measurement taken at not less than 3.5 metres from a façade and at a height of 1.5 metres above ground level), except during temporary operations when the limit shall be 70 dB LAeq 1 hour measured in the same manner.

*Reason: In order to protect the amenities of the area.*

### Vehicle Movements

14. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

*Reason: In the interests of highway safety.*

15. All vehicles involved in the transport of either clay from the site or waste into the site shall use Mopes Lane.

*Reason: In the interests of highway safety.*

### Protection of Railway

16. No extractive operations shall take place within a lateral distance of 16.5 metres from the railway boundary fence and outside that distance the working shall be battered at 1 vertical to 1 horizontal downwards from the 16.5 metre berm to a maximum depth of 10 metres below existing ground level, as shown on the cross-section on Drawing No. 315A/5 dated October 1995.

*Reason: In the interests of railway safety.*

17. The proposed soil bund shown on Drawing No. 314A/6 which is to be located adjacent to the railway, shall maintain a minimum 2 metres stand-off from the Network Rail boundary fence and be constructed no higher than 3 metres. This mound should be constructed without damage to the railway boundary fence and in such a manner that the material does not spill onto the railway property or into the railway drainage ditch.

*Reason: In the interests of railway safety.*

18. The exposed side wall of the working adjoining the railway shall be maintained in a stable condition until backfilling takes place and the length of open side wall should not exceed 50 metres as specified on Drawing No. 314A/6.

*Reason: In the interests of railway safety.*

19. No soakaways or lagoons for storm/surface water control storage or disposal shall be constructed within 15 metres of the railway boundary or at any point which could adversely affect the stability of Network Rail property.

*Reason: In the interests of railway safety.*

20. Any cranes and jibbed machines used in connection with the works shall be so positioned that the jib or any suspended load does not swing over railway property. All machinery and plant shall be so positioned and used to prevent accidental entry onto railway property in the event of failure.

*Reason: In the interests of railway safety.*

21. Any trees planted in close proximity to the railway shall be located at a distance in excess of their mature height from railway property so as not to form a hazard to the rail line.

*Reason: In the interests of railway safety.*

#### Rights of Way

22. No extraction operations shall take place within a lateral distance of 12 metres from any public footpath. Beyond that distance from any public footpath the excavation as it adjoins that 12 metre boundary shall be undertaken in such a manner as to provide for a batter of not greater than 1:1.

*Reason: In the interests of public safety.*

#### Water Protection

23. Prior to the commencement of development details of the proposed means of drainage within the site shall be submitted for the approval of the Waste Planning Authority. Such details shall include full information of any alteration/diversions to the existing surface water drainage regime and proposals to control surface water run-off through a suitable settlement system for the restored domed profile of the site. Suitable drainage and other works shall be provided to prevent surface flows or run-off affecting the railway.

*Reason: In the interests of land drainage.*

24. Prior to the commencement of development, details associated with plans for surface water handling in respect of ditch and pond management shall be submitted and approved in writing by the Waste Planning Authority.

*Reason: In the interests of land drainage and to ensure the conservation of wildlife habitats.*

25. Any above ground oil storage tank(s) or chemical storage tank(s) shall be sited on an impervious base and surrounded by a suitable liquid tight bunded compound. No drainage outlet shall be provided. The bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage. The vent pipe shall be directed downwards into the bund.

*Reason: To prevent pollution of the water environment.*

#### Dust

26. Prior to commencing operations, details of fume and dust suppression measures shall be submitted to, and approved by the Waste Planning Authority. These details shall relate, in particular, to the access road, haul road and other running areas used by vehicles which shall be watered or treated with an approved dust laying agent at such intervals as may be necessary to prevent the raising of dust from those areas in accordance with the approved details. These details shall also include measures for minimising dust nuisance during stripping/movement/replacement of soils and sub-soils.

*Reason: To safeguard the local environment.*

#### Soil

27. No movement of soil shall be carried out except when the full depth of the soil to be stripped or otherwise transported is in a suitably dry condition such that the top soil can be separated from the sub-soil without difficulty. All available top soil and all sub-soil shall be stripped, handled and stored separately and all stripping, handling and restoration shall take place under dry conditions to minimise structural damage.

*Reason: In the interests of satisfactory restoration of the site.*

28. No topsoil, sub-soil or overburden shall be exported from the site.

*Reason: In the interests of satisfactory restoration of the site.*

#### Ecological mitigation

29. No trees or shrubs shall be cleared during the bird breeding season (March to August inclusive).

*Reason: In the interests of wildlife conservation.*

30. Prior to commencement of development a detailed Method Statement outlining how any disturbance to the badger sett on the railway embankment will be avoided shall be submitted to the Waste Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of wildlife conservation.*

#### Restoration

31. Clay extraction and tipping operations shall take place strictly in accordance with the phases shown on the submitted Drawing No. 314F/22 dated February 2006. Upon the completion of tipping hazardous waste operations in each phase, the previous phase shall be capped and covered with sub-soil to a finished depth of not less than 1 metre and thereafter finished with a layer of not less than 0.3 metres of top soil. The restored areas shall be graded to accord with the final pre-settlement levels shown on the submitted plan entitled 'Final Restoration' (P952/5/A).

*Reason: In the interests of satisfactory restoration of the site.*

#### **GEORGE BATTEN**

Director of Environmental Services

Report Author

**MARI WEBSTER**

Senior Planning Officer

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

Consultation replies and correspondence