



REGULATORY COMMITTEE

MINUTES of a MEETING of the REGULATORY COMMITTEE held at COUNTY HALL, TROWBRIDGE on WEDNESDAY 12 JULY 2006.

PRESENT:

Mr A Molland (Chairman), Mr A Davis, Mr PR Davis, Mr AN Deane, Mrs HM Dixon, Mrs SK Doubell, Mrs MEM Groom, Brig. RWS Hall, Mrs P Rugg, Mrs MSN Taylor, Mr IC West and Mr RS While.

Miss MF de Rhé-Philippe also attended the meeting.

15. Minutes of Previous Meeting

Resolved: To confirm and sign the minutes of the Committee meeting held on 10 May 2006.

16. **Barford St Martin: Erection of Metal Framed/Clad Workshop, Hardstanding for Vehicle Skip Parking Area (Workshop to House Equipment for Vehicle De-pollution) at Little Heath Garage, A30 for Mr T Defeo (S.06.8003)** On considering a report by the Director of Environmental Services,

Resolved: To grant planning permission, subject to the conditions set out in the Director's report.

17. **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 & Waste Ltd. (N.05.07021)** At the beginning of the item, Dr R Pagett, representing Ps and Qs Local Sustainability Group in Purton, made a statement objecting to the proposal.

Mr A Pardoe, on behalf of the applicant, then made a statement in answer to several of the points made by the objector.

The Chairman thanked the speakers for their statements which would be taken into account during the course of the debate.

The Committee then considered the detail of a report by the Director of Environmental Services. The Committee was reminded of the matters it

could debate and of those areas which fell to the Environment Agency to consider. After a full discussion, the following motion was moved by the Chairman,

- “(i) To authorise 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 in (i) above, to grant planning permission, 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 of the date of this permission.

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 post-settlement levels shown on the submitted plan entitled 'Final Restoration' (P952/5/A).

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

Following debate and on being put to the meeting four members requested a recorded vote. Voting on the motion was as follows:

<u>For the Motion</u> (6)	<u>Against the Motion</u> (4)	<u>Abstention</u> (2)
Mr A Davis	Mr PR Davis	Mrs MEM Groom
Mr AN Deane	Mrs HM Dixon	Mrs MSN Taylor
Brig, RWS Hall	Mrs SK Doubell	
Mr A Molland	Mr IC West	
Mrs P Rugg		
Mr RS While		

The Chairman announced that the motion was therefore carried.

18. **Purton: Section 73 Application – Extension of an Established Clay Extraction and Landfill Site, Construction of a Bridge and Embankments and Provision of Ancillary Facilities without compliance with Conditions 1 and 3 of Planning Permission N.95.0871 dated 9 October 1996 at Parkgate Farm, Purton for Hills Minerals and Waste (N.05.07022)** On considering a report by the Director of Environmental Services,

Resolved:

- (i) *To authorise 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 in (i) above, to grant planning permission, subject to the following conditions:*

Standard

- 1. *The development hereby permitted shall be carried out in accordance with the details on plans PGF/04/01 (location plan), P952/5/A (Final Restoration), TAL/04/01 (phasing) and 314F/22 (detailed phasing and schedule).*

Reason: For the avoidance of doubt.

- 2. *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

3. *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 of the date of this permission.*

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

Hours of work

4. *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 hours to 1800 hours Monday to Friday
0730 hours to 1200 hours on 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

5. *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.

6. *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.

7. *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.

8. *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.

9. *The input of waste into the site shall not exceed a level of 150,000 tonnes per annum (100,000 tonnes per annum of non-hazardous and 50,000 tonnes per annum of hazardous waste).*

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

10. *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.

Depth of working

11. *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

12. *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

13. *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

14. *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

15. *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.

16. *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

17. *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.

18. *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 shall 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.

19. *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 the open side wall shall not exceed 50 metres as specified on Drawing No. 314A/6.*

Reason: In the interests of railway safety.

20. *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.

21. *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.

22. *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

23. *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

24. *A margin of 16 metres between the River Key and the edge of the excavation shall be preserved completely unobstructed and clear of all development.*

Reason: To prevent pollution of the water environment.

25. *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.

26. *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.

27. *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 must 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

28. *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 should also include measures for minimising dust nuisance during stripping/movement/ replacement of soils and sub-soils.*

Reason: To safeguard the local environment.

Soil

29. *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 must be stripped, handled and stored separately and all stripping, handling and*

restoration must take place under dry conditions to minimise structural damage.

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

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

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

Ecological mitigation

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

Reason: In the interests of wildlife conservation.

32. *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.

33. *Prior to the commencement of development a detailed methodology outlining the survey measures to be undertaken pertaining to potential bat roosts in the mature trees requiring removal shall be submitted to the Waste Planning Authority. The methodology shall outline any mitigation measures that will be put in place if bat roosts are discovered within the site.*

Reason: In the interests of wildlife conservation.

Archaeology

34. *Access to the site shall be afforded at all reasonable times to archaeologists nominated by the Waste Planning Authority for the purpose of observing excavations in order to record items of interest and finds.*

Reason: In order to safeguard the retention of archaeological finds.

Restoration

35. *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 post-settlement levels shown on the submitted plan entitled 'Final Restoration' (P952/5/A).

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

19. **Ashton Keynes: Retention of a Single Mobile Classroom with Toilets and an Office at Ashton Keynes C of E Primary School, Gosditch (N.06.07016)** On considering a report by the Director of Environmental Services,

Resolved: To grant planning permission, subject to the conditions set out in the Director's report.

20. **Wildlife and Countryside Act 1981 – Section 53 The Wiltshire County Council (Sheet ST 92 NE) (Ebbesbourne Wake No. 24) Rights of Way Modification Order No. 11 – 2005** At the beginning of the item, Mrs M Masters, the landowner's agent, made a statement objecting to the proposal.

The Chairman thanked the speaker for her statement which would be taken into account during the course of the debate.

The Committee then considered the detail of a report by the Director of Environmental Services in which the Committee was requested to:-

- (i) consider the objections received following the making of the Wiltshire County Council (Sheet ST 92 NE), (Ebbesbourne Wake No. 24), Rights of Way Modification Order No. 11, dated 14th July 2005, under Section 53 of the Wildlife and Countryside Act 1981, to add a byway open to all traffic (BOAT) at Ebbesbourne Wake, and
- (ii) determine the County Council's recommendation which should be attached to this particular Order when it was referred to the Secretary of State for decision.

The Deputy Head of Legal Services responded to the points made by the landowner's agent and advised the Committee on the legal tests that had to be satisfied. The Committee was advised that they should consider whether the evidence was sufficient to show, on the balance of probabilities, that the right of way could be reasonably alleged to subsist; if they were satisfied of this, then the Modification Order should be confirmed.

After further discussion,

Resolved: To forward the Modification Order made under Section 53 of the Wildlife and Countryside Act 1981, to add a byway open to all traffic at Ebbesbourne Wake, to the Secretary of State for decision, with a recommendation from the County Council that the order be confirmed without modification.

21. **Marston: Bridleway 10 – Objections to Definitive Map Modification Order** On considering a report by the Director of Environmental Services,

Resolved: To forward the Order and the objections made to the Planning Inspectorate with an advisory note that the County Council has adopted a neutral stance towards confirmation of the Order.

(Duration of meeting: 10.30am – 12.55pm)

The Officer who has produced these minutes is Roger Bishton, Democratic & Members' Services, direct line (01225) 713035 or e-mail rogerbishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115.