

**MELKSHAM WITHOUT: PROPOSED INSTALLATION OF A
CONCRETE BATCHING PLANT AT SAHARA SANDPIT, SANDRIDGE HILL,
MELKSHAM, FOR TARMAC LIMITED
(Application No. W.06.09012)**

Purpose of Report

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

The site

2. The application site is within part of Sahara Sandpit Quarry which is located approximately 2 km to the east of the town of Melksham. The A3102 runs immediately to the south of the quarry. The site is located within the designated Special Landscape Area (SLA) defined as 'the higher land of the Spye and Bowood Parklands' and is surrounded by a number of County Wildlife Site designations to the north and to the south. Part of the southern area of Sahara Sandpit is recorded as a Regionally Important Geological and Geomorphological Site (RIGS), designated for the interest in the exposed Corallian Beds in the Jurassic System.
3. The application site is low lying and an amount of screening is afforded by surrounding vegetation, in particular a mature mixed woodland to the western boundary. The local area comprises of a diverse series of landuse over a varied landform which includes steep wooded slopes to the west and south and open expansive agricultural levels to the east.
4. A location plan is attached at **Appendix 1** and a site plan is attached at **Appendix 2**.

Planning History

5. In brief the planning history of the site is as follows:

<u>760/W</u>	In 1949 planning permission was sought by Mr. A. Freeman for the conversion of a field to a sandpit at Sandridge Park. Permission was granted in December 1949.
<u>5896/W</u>	In 1959 planning permission was sought by Sahara Sandpit Ltd. for the extension of the quarry to the north for sand extraction. Permission was granted in 1959.
<u>W.95.0425</u>	In 1994 permission was sought for the importation of inert filling material to aid the restoration of the sandpit. Permission was granted in September 1995.

- W.96.0007 Permission was sought by Sahara Sandpit Ltd. for a temporary waste transfer and recycling station at the site. Committee resolved to grant permission subject to the signing of a legal agreement pertaining to highway improvements. The legal agreement was not signed and the application was subsequently withdrawn.
- W.97.0869 Permission was sought by Sahara Sandpit Ltd. for an extension to the quarry with restoration using imported inert fill. The application was refused planning permission in October 1998.
- W.98.0869 In 1998 an application for the determination of new conditions was submitted under the Environment Act 1995: Review of Mineral Planning Conditions by Mr. M. Freeman. Permission was granted with the new schedule of conditions in October 1998.
- W.05.09021 In 2005 an application was submitted under Section 73 of the Planning Act to continue tipping operations without compliance with Conditions 3 of permission W.95.0425 (to extend the period of operations to 31st December 2014). Permission was granted in November 2005.

Proposals

6. Sahara Sandpit extends to approximately 10 hectares on Sandridge Hill. The extraction of sand from the site commenced following the granting of the original planning permission in December 1949. Permission is sought for a concrete batching plant which would occupy an area within the southern half of the former quarry site measuring approximately 0.43 hectares. This area is currently being used for the storage of sandstone boulders which have been excavated on site, along with other site won material and imported material to be used in the restoration of the site.
7. Concrete is manufactured by mixing aggregates, sand and water with Portland cement in controlled proportions. The concrete batching plant would comprise of:
 - Site aggregate and sand stocks contained within three sided enclosures
 - An aggregate reception hopper with transfer and distribution feed conveyor
 - Aggregate storage hoppers, complete with a weigh feed proportioning system and inclined conveyors to the enclosed truckmixer loading house
 - Free standing cement weigher capsule with inclined screw conveyor leading to the loading house
 - Horizontal silos to store the Portland cement and other specialist powders as required equipped with screw conveyors to the free-standing weigher capsule
 - Water supply and recycling settling system feeding the loading house
 - Internal access road and mess facilities
8. The applicant proposes to tie the batching plant to the established restoration end date of the sand quarry, i.e. 2014, proposing the duration of development to be in the region of 8 years. The applicant states that the plant would have to be removed by this date so as not to compromise the restoration of the site in accordance with the previously approved restoration scheme.

9. All vehicle movements associated with the proposed development would access the site by way of the existing access off the A3102 at Sandridge Hill. The raw materials for the process would be imported into the site by HGV. The sand (approx. 30% of the mix) would be imported from Tarmac's existing facility at Eysey Manor Farm, adjacent to the A419 in the Cotswold Water Park. The stone (approximately 60% of the mix) would be imported from Tarmac's Halecombe Quarry close to the A361 near Frome and the cement would be imported by tanker from the Westbury Cement Works on the A350. The application proposes an average of 44 HGV movements a day associated with the development.

Planning Policy

10. The following policies are considered relevant to this application:
- Policies C1, C2, C3 and C9 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006)
 - Policies C1, C3, C4a, C6 and C7 of the Adopted West Wiltshire District Plan 1st Alteration (June 2004)
11. All relevant planning policies are set out in the attached **Appendix 3**.
12. National Planning Policy Statements (PPS) set out Government policy on planning issues and provides guidance to local authorities and others on the operation of the planning system. PPS 1 (Delivering Sustainable Development), PPS 7 (Sustainable Development in Rural Areas) and PPS 9 (Biodiversity and Geological Conservation) are all considered relevant to this application for planning permission.

Consultations

13. **West Wiltshire District Council** - objects to the application on the grounds that it would have an unacceptable impact on the SLA by reason of its visual intrusion in an area of open countryside. Also considers that the proposal has not been submitted with sufficient information to ascertain the full impact of it on the landscape and neighbouring amenity.
14. **West Wiltshire District Council Environmental Health Officer** - considers that in light of the noise assessment the proposal should not raise significant noise issues. Concern has been expressed regarding the lack of information submitted regarding the control of dust from the proposed development.
15. **Melksham Without Parish Council** - objects strongly to the proposal primarily stating that it considers the application to be contrary to planning policy. Objections also relate to residential amenity, inappropriate industrial use in the countryside, site restoration and inadequate infrastructure.
16. **Bromham Parish Council** - objects to the proposal believing it to be contrary to planning policy, detrimental to the local environment, impact on adjacent residents and would utilise a substandard infrastructure for this type of activity.
17. **Natural England** - initially objected to the application due to insufficient ecological information. However, following further clarification from the applicant this objection was withdrawn.
18. **Environment Agency** - no objections but recommends a number of conditions pertaining to surface water and drainage.

19. **Wiltshire Wildlife Trust** - objects to the application on the basis that the proposal is inconsistent with local planning policies. Remains concerned with regard to insufficient information on biodiversity.
20. **Wiltshire Geology Group** - no objections as the proposal would in no way affect the RIG site.
21. **Countryside Section (Landscape)** - considers that the proposal would result in unacceptable changes in the landscape with the loss of rural character and tranquillity contrary to planning policy.
22. **County Countryside Section (Ecology)** - initially objected to the application due to insufficient ecological information. However, following further clarification from the applicant stated no objection to the proposal subject to a number of conditions pertaining to reptiles and amphibians and management of the screen bund for biodiversity purposes.
23. **Local Highway Authority** - no objection subject to a legal agreement pertaining to total lorry movements associated with the site and the maintenance of vehicle records by the owner to prove compliance.
24. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

Publicity

25. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. 35 letters of representation have been received raising the objections and concerns outlined below:-
 - (i) The proposal is contrary to Planning Policy
 - (ii) Industrial use in the countryside
 - (iii) Visual Impact
 - (iv) Restoration of the site
 - (v) Concern that the development would become permanent
 - (vi) Inappropriate road network
 - (vii) Increase in HGV movements with associated environmental impacts, noise, pollution, severance of community, risk of accidents.
 - (viii) Noise of operations
 - (ix) Unacceptable operating hours
 - (x) Dust
 - (xi) Impact on wildlife
 - (xii) Light pollution
 - (xiii) Devaluation of property
26. Copies of the representations received are available in the **Members' Room**.
27. **Campaign to Protect Rural England (CPRE)** – objects to the proposal on the grounds that they believe it to be unsustainable, that the application represents an industrial use in the countryside, the significant increase in vehicle movements and the potential environmental impacts.

Planning Considerations

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

- Planning policy and countryside protection
- Visual impact
- Environmental considerations

Planning policy and countryside protection

29. Sahara Sandpit extends to approximately 10 hectares on Sandridge Hill, within the designated SLA recorded as 'the higher land of the Spye and Bowood Parklands'. Policy C9 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006) states that the prime reason for their identification is conservation of the natural beauty of the landscape. Consequently they should be protected from inappropriate development. The applicant correctly acknowledges within the planning application that proposals within the SLA should have regard to the need to protect the character and scenic quality of the area. The applicant then identifies that within the policy text, it is cited that 'whilst non-essential development in the open countryside should be avoided, there are certain types of development including minerals extraction that need to be accommodated where development is acceptable, the siting, design and scale of proposals should be sympathetic with the landscape'. Despite the applicant's argument that the plant has been sympathetically designed to ensure a minimal impact on the landscape, the fact remains that this application has no functional link to the quarry, all raw materials would be imported. It is not a mineral related proposal and is thus considered contrary to Policy C9 by virtue of its inappropriate location in the designated SLA.
30. This stance is further reiterated at a more local level through Policies C1 and C3 of the West Wiltshire District Plan 1st Alteration (June 2004). Policy C1 relates to the protection of the countryside in general indicating that inappropriate development proposals in the open countryside will not be permitted. More specifically Policy C3 states that 'the landscape character of SLAs will be conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes'. The policy does reflect that development essential to the economic and social wellbeing of the rural community may be permitted as long as it has regard to appropriate environmental considerations. The proposed concrete batching plant cannot be considered to fall within these criteria. Consequently, the development should be viewed as contrary to Local Plan policy.
31. PPS 1 states that sustainable development is the core principle underpinning land use planning, a principle that is also established within Policy DP1 of the Wiltshire and Swindon Structure Plan 2016. A fundamental element in achieving sustainable development is the protection and enhancement of the countryside. Paragraph 17 of PPS 1 states that the Government is committed to protecting and enhancing the natural environment, identifying that *'the condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities'*. The proposed batching plant cannot be considered to respect the principle of sustainable development as it represents a non-essential industrial development in the open countryside which would have the potential to negatively impact on local communities. The strength of feeling that this is the case has been expressed through objection letters from statutory consultees and a significant number of local residents.

32. PPS 7 relates specifically to development in the countryside. Paragraph 1 outlines the key principles that should be applied to development proposals, the most relevant being cited at (iv) which states that *'the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and the wealth of its natural resources and so it may be enjoyed by all'*. To achieve this, development in the open countryside must be strictly controlled. Officers consider that the granting of planning permission for this proposal would undermine this national policy stance.
33. Possible justification for development in the open countryside is the perceived need for the proposal. The applicant contends that in light of the high level of development planned in the East Melksham area, the demand for concrete would be consistently high in close proximity to Sahara Sandpit. Officers consider that this argument fails to take account of the possibility that any large scale development may well incorporate on-site facilities for the supply of concrete. It must also be noted that if permission were to be granted for the concrete batching plant proposal, there is no legal planning mechanism for tying the plant to supplying concrete to the East Melksham expansion project.
34. The applicant also argues that an urgent need has arisen to locate a concrete batching plant in this area as a result of the loss of the Tarmac plant that was located at Calne. However, concrete batching facilities at Calne are still in operation. It is merely no longer under lease to Tarmac Ltd. but another company. Officers appreciate that the plant at Calne may no longer supply Tarmac's customer base, but to state that there is a shortfall of a concrete batching facility in this area is misleading.
35. In seeking to identify a potential site for the proposed development, the applicant states that regard has been given to two recent planning decisions. Both related, at the time of submission, to the refusal of planning permission for the development of concrete batching plants within established industrial areas. The applicant believed that these two cases highlighted the fact that industrial areas cannot necessarily be considered suitable locations for a batching plant. However, since the submission of the current application both of the above proposals have been determined at appeal. One appeal was allowed after it was found the Local Planning Authority concerns over traffic generation were unfounded. In the other case, the appeal was dismissed as the concrete batching plant was to be sited too close to adjoining residential properties. However, in both cases it was considered that the development of concrete batching plants on land permitted for industrial use was appropriate and in accordance with planning policies. Officers consider that, if anything, these appeal decisions underline the widely accepted view that the most appropriate locations for concrete batching plants are industrial estates or, on sustainability grounds, quarries from which the plant would derive material for the process.
36. Officers consider that the proposal represents an industrial use in the countryside, on a site not allocated for employment or industrial purposes and with no functional link with the quarry in which it is proposed. Officers do not consider there to be any overriding need for a concrete batching plant at this site which outweighs the fundamental principle of protecting the countryside from inappropriate development. This stance is supported by the County Landscape Officer. Consequently, the proposal is considered to be contrary to Policy C9 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006), Policies C1 and C3 of the West Wiltshire District Plan 1st Alteration (June 2004) and Government guidance on development in the countryside.

Visual impact

37. The planning application was submitted with a supporting statement which incorporated a Landscape and Visual impact Assessment. The assessment identifies the site to lie within National Character Area 117 recorded as the Avon Vales, the key characteristics of the area including small woods, large historic parks and undulating clay vale with varied hedgerow pattern and a mixture of arable and pasture land. The submitted Visual Impact Assessment states that due to the inherent nature of the Special Landscape Policy and the character of the study area, the context area is considered to be of moderate-high local value.
38. The study concludes that apart from the clearance of a small number of trees and waste material, the proposal would have a slight to moderate effect on the landscape characteristics of the local environment. However, it must be noted that the study area is assessed to have a medium to medium high sensitivity to change. The main conclusion drawn is that the proposed development has been assessed as having a slight to moderate magnitude of effect on the locally valuable landscape and that the nature of the effect is predicted to be slight adverse.
39. It is established through the Visual Impact Assessment that in a sensitive location there would be a slight to moderate effect on the landscape if the proposal were to go ahead. However, attention must be drawn to the limitations of the assessment and the assumptions that were made within the study on which these conclusions were based. The significant limitations of the assessment stated within the methodology are:
- The full extent of summer/winter visibility has not been determined. Zone of Visual Influence (ZVI) studies are based on the proposed batching plant without existing vegetation and with existing vegetation digitised from ordnance survey data, not field assessment
 - Due to access constraints, the full extent of views and vegetative cover from Sandridge Park were unable to be determined.
- The assessment also states that the predicted effects of the proposal are based on the following assumptions:
- That all existing site related scrub/vegetation is 6 metres tall
 - That the existing conifer trees on the southern A3102 boundary of the site are 10 metres tall
 - That all non-site related woodland is 10 metres tall
40. Officers consider that the combination of the lack of field assessment to ascertain vegetative cover and assumptions on vegetation height to form visual barriers is concerning and raises questions as to the reliability of the conclusions drawn. To amplify, the assumption that all non-site woodland is a consistent 10 metres tall is misleading, as when viewed on-site, the woodland is mixed and therefore part deciduous with vegetation height fluctuating significantly.
41. The planning application proposes hours of working between 07.00 to 17.30 on weekdays, necessitating the requirement for substantial floodlighting of operations in the interests of health and safety. No lighting scheme has been proposed as part of the application and consequently the implications of lighting in the open countryside on the elevated plateau of Sandridge Hill have not been considered within the submitted Visual Impact Assessment. In addition the Visual Impact Assessment has not acknowledged that an increase of 44 HGV movements per day associated with the proposal would also have a significant impact on the landscape.

Environmental impacts

42. The applicant has failed to appropriately assess a number of potential environmental impacts associated with the proposed concrete batching plant. The information shortfall relates to dust, lighting, biodiversity and restoration of the site.

Dust

43. The potential for dust generation associated with the operation of a concrete batching plant is widely recognised and has been raised as a matter for concern for a significant number of local residents. Whilst the application details a number of superficial good practice measures for dust alleviation, no comprehensive dust management scheme detailing the likely sources of dust, the sensitive receptors or any proposed mitigation measures has been submitted. The District Council Environmental Health Officer has expressed concern at the lack of information regarding dust control.

Lighting

44. As briefly mentioned above, the proposed hours of operation would necessitate floodlighting in the winter months to safely carry out operations. The location of the application site is on an elevated plateau. Consequently, any lighting would be visible from long distance views. Even the most sensitive of lighting schemes would detract from the landscape character, which has been assessed as being of medium to high sensitivity to change.

Biodiversity

45. In response to concerns expressed by Natural England and the County Ecologist, the applicant submitted further information relating to invertebrates, fish, amphibians, reptiles, birds and mammals. This information was assessed by the County Ecologist and Natural England who concluded that, subject to a number of conditions, it was sufficient on the details provided. However, Wiltshire Wildlife Trust states that, in its opinion, there is still outstanding information on the proposed impact on County Wildlife Sites and ecological surveys pertaining to invertebrates, breeding birds and bats. Officers remain concerned with the lack of information submitted pertaining to the potential for dust and its effects on sensitive receptors and floodlighting and its potential to disturb possible bat populations at the site. Officers consider there is still insufficient information to ascertain all direct and indirect impacts of the proposal on the ecology of the area. Consequently, the proposal cannot be considered to comply with Policy C7 of the West Wiltshire District Plan 1st Alteration (June 2004).

Restoration

46. No information has been provided pertaining to restoration of the application site. The application states that the plant would be located on site for a temporary period, to tie in with the overall restoration of the site, thereby ensuring that the plant would not lead to the development of a permanent industrial use in the countryside. However, whilst the area of land subject to this application is within the quarry it is not included as part of the restoration scheme. In other words, it would not be affected by the restoration of the quarry (due by 2014). The applicant's contention that the batching plant would have to be removed by this date is therefore misleading.

Conclusion

47. Officers consider that the proposal represents an industrial use in the countryside, on a site not allocated for industrial purposes and with no functional link with the quarry in which it is proposed. Consequently, the proposal is considered to be contrary to Policy C9 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006), Policies C1 and C3 of the West Wiltshire District Plan 1st Alteration (June 2004) and Government guidance on development in the countryside.
48. It is not considered that there are any material considerations to warrant departing from the Development Plan.
49. The submitted Landscape and Visual Impact Assessment concludes that there would be a slight to moderate magnitude of effect on the locally valuable landscape. Officers consider that the combination of the lack of field assessment and reliance on assumptions for vegetation height to form visual barriers is concerning and questions the reliability of the conclusions drawn.
50. The application is deficient in terms of the lack of sufficient information relating to dust, lighting, biodiversity and site restoration. The applicant has not demonstrated that these impacts are acceptable.

Recommendation

51. That planning permission be REFUSED for the following reasons:
 1. The proposed concrete batching plant would constitute inappropriate industrial development in open countryside designated as a Special Landscape Area. Consequently, the proposed development is considered to be contrary to Policies DP1 and C9 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006), Policies C1 and C3 of the West Wiltshire District Plan 1st Alteration (June 2004) and Planning Policy Statements 1 and 7.
 2. The proposed concrete batching plant would have a visual impact on the landscape, the significance of which has not been adequately assessed.
 3. The applicant has not provided sufficient information on which to determine the application with regard to dust, lighting, biodiversity and site restoration.

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

Consultation replies and correspondence