

REGULATORY COMMITTEE
13th DECEMBER 2006

WHITEPARISH: DEVELOPMENT AND OPERATION OF INERT WASTE RECYCLING
AT BRICKWORTH QUARRY, HARESTOCK, FOR CLEANSING SERVICE GROUP
(Application No. S.06.8004)

Purpose of Report

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

The Site

2. The one hectare application site is located within Brickworth Quarry which lies to the south-west of the A36 and A27 Brickworth Corner Junction. The quarry is within a Special Landscape Area (SLA). The New Forest National Park lies approximately 1 kilometre to the south and the village of Whiteparish, 1km to the east. The closest properties are Harestock Cottage and Fineview on the opposite side of the A36 from the quarry and approximately 600 metres from the application site.
3. The application site is set 4 metres down within a worked out area of the quarry and screened to the south, east and west by an established tree plantation.
4. Brickworth Quarry is identified in the Wiltshire and Swindon Waste Local Plan 2011 as a 'Preferred Area for Local Waste Management' with a potential use as 'inert waste recycling only ancillary to landfill uses.'
5. A location plan is attached at **Appendix 1** and site plans at **Appendices 2 and 3**.

Planning History

6. The planning history of the site is as follows:

<u>S.88.1402</u>	Permission refused for extraction of sand with re-instatement to agriculture using selected fill materials.
<u>S.91.0446</u>	Permission granted for proposed extraction of sand with reinstatement to agriculture using selected fill materials.
<u>S.94.1617</u>	Permission granted for variation of Condition 1 of S.91.0446 to extend latest commencement date to 10 th March 1999.
<u>S.98.1159</u>	Permission granted 16 th December 1998 for variation of Condition 1 to extend latest commencement date to 10 th March 2004.
<u>S.00.1519</u>	Permission granted 1 st August 2001 for construction and use of private access road and new access on the A36, plus relocation of site infrastructure.
<u>S.00.1630</u>	Permission granted 8 th May 2001 for modification of conditions of S.98.1159 for use of alternative access.

<u>S.01.0939</u>	Permission granted 3 rd August 2001 for variation of Condition 1 of S.00.1630 to extend latest commencement date to 31 st October 2002.
<u>S02/0489</u>	Permission refused for modification of Condition 8 of S.01.0939 for alternative access.
<u>S.02.0509</u>	Permission granted 28 th October 2002 for modification of Conditions 9 and 15 of S.00.1519 to extend period for approval of landscaping and dust suppression schemes.
<u>S.03.0592</u>	Permission granted 16 th May 2003 for modification of Condition 22 of S.01.0939 for use of an alternative access.
<u>S.05.8012</u>	Permission granted 2 nd November 2005 for modification of conditions 4, 17, 18, 24 and 30 of permission S.03.0592.

Proposals

7. This application proposes to develop an inert waste recycling facility within Phase 1C of Brickworth Quarry to allow for the importation, processing and export of construction and demolition material (concrete, bricks, soil etc).
8. The recycling facility would consist of a mobile screener, a hut for the operator, stockpiled material and two skips for storing non-recyclable material such as wood, plastic and metal. It is anticipated that the recycling facility would have a throughput of 300-400 tonnes per day.
9. The inert material would be sourced from building sites in south-east Wiltshire, east Dorset and the north-west side of Southampton and transported to Brickworth in bulk tipper lorries. The material would be stockpiled prior to passing through a screener to separate waste into over-sized, mid-sized and under-sized material.
10. The over-sized material would be stockpiled and crushed once sufficient quantities have been stockpiled (approximately every 8-10 weeks for a period of 1-2 weeks). Mid-sized material would be blended into the crushed concrete and under-sized fines would be sold off-site as low grade soil or used in the restoration of the quarry, subject to Environment Agency approval.
11. The applicant has stated that it expects the recycling facility to process and export up to 85% of the incoming waste. 10-12% of unsaleable residues comprising clays and clayey soils would be used on-site for daily cover or, subject to Environment Agency approval, as subsoil for restoration purposes. One to three per cent of the material not suitable for recycling or restoration, for example, metal, wood and plastic would be exported to the applicant's Pound Bottom site for disposal.
12. The recycling facility would be located 4 metres below the surrounding ground level on a hardcore surface. A ditch would be constructed around the facility to minimise surface water draining into the site. The ditch would drain into a sump which would be pumped periodically to a proposed pond near to the existing weighbridge and office.
13. The life of the waste recycling facility would be commensurate with the life of the quarry and landfill, i.e. 31st October 2012. Operational hours would be 07.30 - 17.30 Monday to Friday and 07.30 - 13.00 Saturday. The facility would create two extra jobs on site.
14. The operation of the waste recycling facility would require a Waste Management Licence from the Environment Agency.

Licensing

15. Planning permission S.91.00446 allowed Brickworth Quarry to be reinstated to agriculture through the landfilling of dry commercial and industrial waste and other non-hazardous waste. However, the landfilling component of that permission cannot take place until the applicant has secured a Pollution Prevention and Control Permit (PPC) from the Environment Agency.
16. The applicant has not yet applied for a PPC Permit as sand from the quarry has proved to be of lower quality than initially anticipated and Phases 1A and 1B of the quarry have been infilled with quarry fines and spoil. No licence is required to landfill quarry spoil. It is anticipated that the application for the PPC Permit for Phase 3 will be made in late 2006/early 2007.
17. Landfilling of residual waste from the recycling facility may also require a PPC Permit. The applicant has been granted an exemption from the Permit for 'reclamation or improvement of land'. This would allow the applicant to spread residual waste on top of the filled cells but not place it directly into the void.
18. The applicants intend to use residual waste from the recycling facility to contribute to infilling that part of the void in Phases 3A and 3B which remains following the spreading of existing quarry spoil. Subsequently, further residues from the recycling facility would be utilised to complement the infilling of the next phase of landfill operation. It is also proposed to import clean inert wastes to restore voids regardless of the outcome of the application for the recycling facility. The restoration of Phases 3A and 3B would be undertaken as shown below:
 - Restored to agriculture with soil, topsoil and grass seed mix
 - Clean, unsaleable inert material from recycling facility plus selected imported clean inert wastes (maximum 2 metres depth)
 - Overburden and interburden (quarry spoil)
 - Undisturbed material lying below mineral extraction
19. Residual wastes would initially be used for infilling part of Phase 1B and in the event of a PPC licence being granted, would be utilised as daily cover in the landfill operation in the remaining phases. The applicant states that the inert waste recycling facility would aid the restoration process and contribute to the shortening of the lifetime of the site as an active landfill.

Phasing

20. The phases in which the site should be worked are set out in planning permission S.05.8012. Phased extraction and restoration was required to minimise the area of disturbance caused by the sand extraction and ensure that the quarry was restored as working progressed. If planning permission for the recycling facility is granted, it would be necessary to remove Phase 1C from the restoration sequence to allow the development of the facility on this Phase and to allow mineral extraction to continue without Phase 1C being restored. A Section 73 application to amend the permitted phasing of working and restoration has been submitted by the applicants and is subject to a separate report to the Committee.

Restoration

21. The applicant has stated that the proposal for waste recycling would not prejudice the phased restoration of the quarry as the waste recycling facility would be able to operate whilst Phases 3 and 4 of the quarry are worked and subsequently filled with waste. The area occupied by the recycling facility would be restored using stockpiled material accumulated from Phases 3 and 4.

Noise

22. Noise measurements were taken at the applicant's Pound Bottom site, which uses plant and machinery similar to that proposed at Brickworth Quarry. A noise survey was then undertaken at Harestock Cottage adjacent to the A36 and The Lodge on Brickworth Road. The survey concluded that there would be no significant impact on the residential dwellings situated close to the A36 or A27. The survey also showed that the likely noise levels associated with the development would comply with the criterion for waste recycling as provided in Mineral Planning Statement 2 (Controlling and Mitigating the Environmental Effects of Mineral Working in England).

Dust

23. During dry weather, site roads and stockpiled material would be sprayed with water from the newly created pond. The mobile crushing equipment is designed to suppress dust during operation and would be set 4 metres below ground level to limit windblown dust.

Traffic

24. A traffic assessment, undertaken by an independent consultant, concluded that the maximum expected activity would amount to 138 HGV movements per day for a short period when sand extraction, waste import and waste export were occurring. For the majority of the remaining life of the site vehicle movements would be below 100 per day.
25. Of these 138 movements it is anticipated that the recycling facility would generate 31 loads (62 vehicle movements) per day. This would equate to an additional two lorries per hour leaving the site. To reduce overall vehicle movements, lorries bringing inert waste to the quarry would be reloaded with processed waste for export.
26. All vehicles approaching from the east would travel on the A36. No traffic would travel through Whiteparish unless making deliveries in the village and environs.

Planning Policy

27. The following policies are considered relevant to this application:
- Policies C9, MSP1, MSP3, W1, W2, W3, and W4 of the Wiltshire and Swindon Structure Plan 2016
 - Policies 1, 4 and 6 of the Adopted Wiltshire and Swindon Waste Local Plan 2011
 - Policy C6 of the Salisbury Local Plan
28. All of the above policies are set out in the attached **Appendix 4**.

Consultations

29. Additional information relating to the planning application was received in July 2006 and sent out to consultation. Following the withdrawal of the Officer's report from the September 2006 Regulatory Committee, a supplementary statement was produced by the applicant in October 2006 to address the reasons for refusal put forward by Planning Officers. Consultation responses to both the original application and both sets of additional information are considered in this report.
30. **Salisbury District Council (Planning)** - no objection subject to, prior to bringing into use the recycling facility, the appropriate licences to allow for the deposit of inert material within the site shall be obtained from the Environment Agency to facilitate the infill and reinstatement of the quarry in accordance with the conditions of the original application. The Council considers it essential that the existing conditions relating to the phasing of the mineral extraction and restoration are implemented so that backfilling and restoration proceed at a rate consistent with the rate of creation of the void.
31. **Salisbury District Council Environmental Health Officer (EHO)** - no objections.
32. **Whiteparish Parish Council** - objects on the grounds of risks to residents from undetected, unfiltered chemical pollution from crushed concrete. Some of the particles may be carcinogenic and release of these is unacceptable. Presumably the precedent has been set that the quarry is a brownfield site and therefore has preference for planning purposes for future development/continued use. The Parish Council strongly rejects such an implication.
33. **Environment Agency** - no objection subject to conditions to control water pollution. A PPC Permit will be required should the applicant wish to dispose of under-sized fines in the quarry void.
34. **English Nature** - there are four Sites of Special Scientific Interest within 5 kilometres of the application site but it is not considered there will be any impact from the proposed facility.
35. **Highways Agency** - no objections.
36. **Countryside Section** - no objections.
37. **Highways Development Control** - no highway objections subject to the imposition of the lorry routing agreement which prevents access to and from the A27. A small amount of traffic would access a waste disposal facility at Pound Bottom via the B3080 through Downton and that the applicant is aware of the 7.5 tonne weight restriction to be imposed on this route. The applicant rightly points out that the route will be available for access purposes only and that a very small number of vehicles will continue to use this route.

Publicity

38. The application was advertised in the local press, by site notices and neighbour notification. 192 letters of representation have been received in relation to the planning application and a further 68 on the additional information. The key concerns raised are outlined below:
 - (i) There is no functioning inert waste landfill operation at the site to support a recycling operation.

- (ii) Proximity principle - the recycling centre can only process waste imported over a great distance for the sole purpose of sorting, crushing and then export.
 - (iii) Three different HGV traffic movements are quoted in the application.
 - (iv) No mention is made of consultation with the New Forest National Park Authority regarding routing agreements.
 - (v) Present routing controls do not cover the extra 24 or more HGVs that will come from the east and could approach the site from Whiteparish.
 - (vi) Dust - no dust assessment has been submitted. Crushed concrete carries environmental and health hazards.
39. Other concerns were HGV drivers using Moor Lane and Newton Lane, the recycling facility being ongoing business without limitation and the detrimental impact on main route into Salisbury and surrounding area.
40. **Whiteparish Preservation Group** - strong objection as:
- (i) There is no functioning inert waste landfill operation at that site to support a recycling operation.
 - (ii) The application for waste recycling plant should be refused until the applicant has received a waste deposition licence.
 - (iii) The existing routing agreement should apply to any new permission.
 - (iv) Traffic predictions are contradictory and misleading.
 - (v) Backfilling - traffic predictions based on landfilling are unrealistic.
 - (vi) There is no mention of consultation with the New Forest National Park Authority regarding routing agreements.
41. Copies of the consultation replies and representations are available in the **Members' Room**.

Planning Considerations

42. This planning application proposes an inert waste recycling facility at Brickworth Quarry. The main issues to be considered with regard to this application are:
- Whether the proposed inert recycling facility is ancillary to landfill use
 - Development in the open countryside
 - The environmental impacts of recycling facilities

Recycling ancillary to landfill use

43. Salisbury District Council, Whiteparish Preservation Group and a significant number of local residents have raised the issue of there being no inert waste landfill operation at the site to support a recycling operation and stated that permission should not be granted prior to a waste deposition licence being approved.

44. Brickworth Quarry is identified in the Adopted Wiltshire and Swindon Waste Local Plan 2011 as a 'Preferred Area for Local Waste Management' with a potential use as 'inert waste recycling only'. Policy 4 of the Waste Local Plan states that local waste management facilities will be permitted at locations, including Brickworth Quarry, where proposals comply with other policies of the Waste Local Plan.
45. The preferred areas for local facilities are also identified in the Proposals Map and Inset Plans contained in Annex 1 to the Waste Local Plan. Included with the Inset Map are 'site profiles'. These profiles provide more detailed information concerning the sites, including what potential uses a site could accommodate.
46. The site profile for Brickworth Quarry states that the site has potential for the development of an inert waste recycling facility where that facility would be ancillary to the permitted landfilling operations. This requirement for such development to be ancillary to the landfill operations was identified and approved through the Waste Local Plan Public Inquiry process, a requirement which has subsequently been incorporated into the adopted Waste Local Plan. In particular the Inquiry Inspector in his report concluded *inter alia* that:

"it seems to me that a recycling facility would only be justified where it was primarily required to ensure that better use was made of waste materials that would otherwise be landfilled at this location. I therefore agree with the Waste Planning Authority that the site profile should be modified to make it clear that recycling operations would be ancillary to the landfill use".

(Inquiry into objections to Wiltshire and Swindon Waste Local Plan 2011- Report of the Inquiry Inspector, para 5.52.9).

47. Whilst the site profile does not have the full weight of policy, i.e. no policy in the Waste Local Plan states that applications must be in complete compliance with the site profiles, the site profiles are a material consideration and must be given some weight.
48. At present no waste material is being imported to the site. Reclamation of phases 1a and 1b has been achieved through the backfilling of quarry spoil and fines. Moreover, the applicant is proposing that the recycling facility would process and export up to 85% of the waste material imported to the site, with only 10-12% of the waste being used in the restoration of the quarry. This percentage split does not support the notion that the recycling facility would be ancillary or incidental to the primary use of the site as a quarry and inert landfill site. Rather, the facility would be a stand-alone operation, independent of the quarry workings and with only a small percentage of material being used for restoration purposes.
49. The applicant contends that restoration of the quarry would not be prejudiced by the recycling facility because the facility could operate whilst phases 3 and 4 of the workings are restored with imported waste. Again this suggests that the recycling facility would be operated independently of quarry restoration operations. Therefore, the proposed facility must be viewed as a stand-alone operation and contrary to the stated proposals for Brickworth Quarry contained in the Waste Local Plan.

50. The supplementary information (October 2006) provided details of the changes in the inert waste recycling market. The applicant states that the number of vehicles arriving at Inert Waste Recycling Facilities containing loads which have a predominantly recyclable content is starting to reduce. This is thought to be as a result of pressure on construction sites to operate more effectively and segregate materials at source. The applicant has seen the proportion of residues arising from another of their Inert Recycling Facilities increase from approximately 15% to 30%. Assuming this trend for residual waste to increase, waste material entering the recycling facility at Brickworth Quarry will be divisible approximately as follows:
- 70% Secondary aggregate supplied to the construction market - exported off-site as bulk loads to construction sites or collected by passing trade
 - 27-29% unsaleable residues - combined with imported clean inert waste for on-site restoration
 - 1-3% unrecyclable material requiring disposal off-site at a licensed landfill
51. Although the proportion of residual waste proposed for use in restoration is greater than the 10-12% initially proposed, the development still appears to be a recycling facility with an element of landfilling rather than a landfill with an element of recycling. In addition, as part of the 27-29% unsaleable residues would be made up from imported material, there is still no clear indication that the recycling facility would be ancillary to landfill.

Development in the open countryside

52. Structure Plan Policy C9 and Salisbury Local Plan Policy C6 state that within the SLA proposals for development should have regard to the need to protect landscape character and scenic quality. A local resident was concerned about the visual impact of the recycling facility as the A36 is one of the main routes into Salisbury. As a result of the application site's location below ground level and the extensive woodland plantations to the south and west, the potential visual impact of the site would be very limited.
53. As the proposed development would be set down within the quarry and would not be visible from the A36 or properties, the impact on the landscape character would be limited, and temporary. Therefore, the proposal is not contrary to Policies C6 and C9 and the County Council's Countryside Officer does not object to the application on landscape grounds.

Environmental impacts of waste recycling facilities

Dust

54. In response to the concerns of Whiteparish Parish Council and local residents regarding dust, the applicant states that concrete crushing would only be undertaken on an occasional basis. The location of the crusher 4 metres below surrounding ground level and the use of water would significantly limit the potential for windblown dust.
55. There was also concern that fine dust from crushed material could have an impact on the health of local residents if it was inhaled. A report by the Department of the Environment, Transport and the Regions (DETR 2000) 'Controlling the Environmental Effects of Recycled and Secondary Aggregates Production' states that plant used in recycling aggregate was not found to be a significant contributor of PM₁₀ particles i.e. those which can be inhaled deep into the lungs.

56. Mineral Planning Guidance 11 Annex 1 'Dust' relates to surface mineral working but can adequately be used in the consideration of inert waste recycling. The guidance states that residents can potentially be affected by dust up to 1 kilometre from source although concerns about dust are more likely to be experienced within 100 metres of the source. Setting the plant 4 metres below ground level and dousing stockpiles and haul roads in dry conditions would significantly reduce the potential for windblown dust. The mature vegetation between the site and properties would also aid in trapping windblown dust.
57. There are no residential properties within 500 metres of the application site and the EHO has not objected to the application. A condition requiring dust suppression measures to be installed and requiring crushing to stop in windy conditions could be imposed on any permission.

Noise

58. The noise report concluded that the likely noise levels generated by the proposal would be, at minimum, 10 dBA below the existing background noise. Therefore, there would be no significant noise impact on residential dwellings. The EHO has not objected to the proposals.

Conclusion

59. The arguments surrounding the proposal for an inert waste recycling facility at Brickworth Quarry are finely balanced. Inert waste recycling is supported in policy terms and the potential impacts on amenity could be satisfactorily controlled by condition. The recycling facility would not be visually intrusive and being a temporary development would not have a long-term impact on the SLA. The access is adequate, the existing routing agreement could be extended to cover traffic generated by the proposal and there are no objections from the Highway Authority or the Environment Agency to the principle of the facility on this site.
60. However, the requirement for any inert waste recycling facility to be ancillary to landfill operations is because Brickworth Quarry was not considered to be close to any obvious source of waste arisings or end user of recycled products. In terms of the proximity principle, an inert waste recycling facility would only be justified where it was primarily required to ensure that better use was made of waste materials that would otherwise be landfilled at the site. The Waste Local Plan Inspector therefore agreed with the Waste Planning Authority (WPA) that the Site Profile for Brickworth should be modified to make it clear that recycling operations would be ancillary to the landfill use.
61. In line with the Government's guiding principles for sustainable waste management, and advice set out in PPG13 'Transport' and PPS10 'Planning for Sustainable Waste Management', the number and length of journeys should be reduced and waste should be managed as close to its source as possible. Policy 1 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 states that waste management proposals must demonstrate to the satisfaction of WPAs that they have had regard as appropriate to the need to minimise the distance the waste has to be transported. At present the application is seeking permission to operate the recycling facility as virtually separate to the working and restoration of the quarry. The facility would not be ancillary to the operation of the quarry; waste would be imported for processing prior to export, with only a small proportion of the residual waste being added to imported residual waste for landfill/restoration. This would be contrary to the stated aims of the Waste Local Plan and sustainable waste management and so must be viewed as unacceptable.

Recommendation

62. That planning permission be **REFUSED** for the following reason:

The proposed development is considered to be contrary to the policies and proposals for waste management set out in the Adopted Wiltshire and Swindon Waste Local Plan 2011. The proposed facility would not be ancillary to the use of the site as a quarry and inert landfill site with little use being made of the imported materials for the restoration of the site. The proposed facility therefore is contrary to the principles of sustainable waste management which seek to manage waste close to source and to minimise the distance waste has to be transported. As the inert waste recycling facility would not be ancillary to Brickworth Quarry, a site closer to waste arisings and end user of the recycled product is considered to be a more appropriate location.

GEORGE BATTEN

Director of Environmental Services

Report Author

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

Consultation replies and correspondence