

**REGULATORY COMMITTEE  
13th JUNE 2007**

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**CHERHILL/COMPTON BASSETT: EXTENSION OF MINERAL AND  
LANDFILL OPERATIONS AT LOW LANE, LOWER COMPTON FOR  
HILLS MINERALS AND WASTE LTD.  
(Application No. N.06.07009)**

**Purpose of Report**

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

**The Site**

2. The 24 hectare application site, known for the purposes of this report as 'Low Lane', comprises agricultural land to the north of the existing sand quarry and landfill site at Lower Compton, approximately 3 kilometres east of Calne and 2 kilometres north of the A4. The centre of Compton Bassett lies around 1.3 kilometres to the east. Access to the application site would be through the existing site access, using the roundabout on the C15.
3. The southern boundary of the site is a public bridleway and part of the National Cycleway. A footpath runs almost parallel to the bridleway. There is no sign of the footpath on the ground as it would appear that walkers prefer to use the bridleway.
4. The site is bordered to the north and west by a hedgerow and to the east by the road leading from Lower Compton to Compton Bassett. The Abberd Brook flows approximately 80 metres north of the north-eastern corner of the application site.
5. The site is located just beyond the western extent of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
6. The closest residential properties to the application site are Home Farm approximately 460 metres to the east and Freeth Farm 510 metres to the north.
7. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

**Planning History**

8. The application site has no previous planning history.

**Proposal**

9. The existing site at Lower Compton has been used for sand extraction and landfilling since the late 1970s. This application seeks to extend the existing quarrying and landfill activities northwards into the Low Lane site. The Low Lane site would not become operational for landfilling until landfilling on the existing site had ceased.
10. It is proposed to extract 440,000 tonnes of Lower Greensand over six years at a rate of approximately 75,000 tonnes per annum. Topsoil and subsoil would be stripped from the footprint of the proposed screening bund and stored on site for use in future restoration. The overburden would be excavated and used to extend the existing screening bund along the eastern edge of the site. As the screening bund would be permanent the outer slope would be grass seeded and planted as soon as it was completed.

11. Following soil stripping the site would be worked dry by pumping water to existing lagoons. The sand would be extracted in six phases using a loading shovel and transported internally by dump truck to the adjoining Compton Bassett site for processing. There would be no stockpiled material or mineral processing on the Low Lane site.
12. The planning application is being made at this time as the Low Lane site is only accessible through the (as yet) unworked Old Camp Farm extension to the east of the existing landfill area. The applicant states that if Low Lane is not worked before Old Camp Farm the sand reserves it holds would be sterilised.
13. Once sand extraction had been completed approximately 20 hectares of the site would be lined with clay and a drainage system installed to collect leachate. The void would then be landfilled in a series of 25 cells with non-hazardous household and industrial waste. Landfilling would take place over nine years at a rate of approximately 120,000 tonnes per annum. The landfill would be compacted prior to being capped and restored. Landfill gas would be extracted from the landfilled cells and used to generate electricity, as takes place at present on the existing site.

#### Restoration

14. The site would be progressively restored to agricultural grassland and nature conservation. Extensive tree and hedge planting is proposed on the restored land. Native species would be used and a hedge line re-established across the restored area marking the historic parish boundary. Small ponds would be created in the north-east of the site and would be planted with waterside vegetation to provide a wetland habitat.
15. The applicant is responsible for the site until such time as the waste has ceased to produce significant levels of landfill gas and leachate.

#### Environmental Impact Assessment

16. The application is accompanied by an Environmental Statement (ES). The ES reports the findings of an EIA of the proposals which covers the potential impacts of the development on hydrology, ecology, noise, dust and air quality, archaeology, landscape and visual amenity. The findings of the EIA and the methods of mitigating potential impacts are summarised in the report.
17. A request for further information was made by Officers in June 2006. Additional information was received in August 2006 and sent out for consultation. Additional ecological reports and restoration proposals were submitted in December 2006 and were also sent out for consultation.

#### Planning Policy

18. The following policies are considered relevant to this application:
  - Policies MSP1, MSP3, MSP5, W3, and W4 of the Wiltshire and Swindon Structure Plan 2016
  - Policies 1, 2, 6, 8 and 19 of the adopted Wiltshire and Swindon Waste Local Plan 2011 (WLP)
  - Policies 31, 34, 37 and 38 of the Adopted Wiltshire and Swindon Minerals Local Plan 2001
  - Policy NE15 of the North Wiltshire Local Plan 2011

19. All the policies considered relevant to this proposal are set out in **Appendix 3**.
20. National Planning Policy Guidance (PPG) Notes and Planning Policy Statements (PPS) set out Government Guidance on planning issues. PPS1 (The Planning System: General Principles), PPS10 (Planning for Sustainable Waste Management), PPS9 (Biodiversity and Geological Conservation), PPS23 (Planning and Pollution Control), MPS1 (Planning and Minerals), MPS2 (Controlling Effects of Mineral Extraction) and MPS7 (The Reclamation of Mineral Workings) are also considered relevant to this application.

### **Consultations**

21. **North Wiltshire District Council Planning** – no objection.
22. **North Wiltshire District Council Environmental Health Officer (EHO)** – considers the hours being sought are unacceptable on noise grounds. Recommends operations should be limited to 07.00 - 18.00 Monday to Friday and 07.00 -13.00 Saturday with no working on Sunday, Bank or Public Holidays.
23. **Compton Bassett Parish Council** – strongly objects on grounds of non-sustainability and impact on the local visual and physical environment.
24. **Calne Without Parish Council** – no comments regarding the application.
25. **Cherhill Parish Council** – no objections.
26. **Environment Agency** – no objection subject to conditions. Dewatering will require a licence from the Agency. Water abstraction may also be required. The extension will require a variation to the Pollution Prevention Control (PPC) Permit.
27. **Ministry of Defence (Safeguarding)** – no safeguarding objections to proposal.
28. **Natural England** – satisfied with the mitigation and compensation measures put forward and recommends that they are incorporated as conditions to any planning permission.
29. **Countryside Section** – no objection in principle but the following observations are made:
  - (i) The operations will create landscape and visual impacts on the setting of the AONB. If planting/seeding are undertaken simultaneously with bund construction impacts could be reduced as the planting would become established over the six-year operational period.
  - (ii) The bund facing the AONB needs to be managed to reflect the parkland landscape of the AONB.
  - (iii) The ecological information refers to an integrated planting and management plan that would incorporate monitoring over a five-year period from habitat creation. As planting would be phased some planting will fall out of the management period before some areas are even planted. Recommends that the management plan be implemented from the commencement of works to completion of the final phase of planting and thereafter for a minimum of five years.
30. **Highways Development Control** – no objection.

31. **Archaeologist** – no archaeological interest in the area.
32. Copies of the consultation responses are available for inspection in the **Members' Room**.

### **Publicity**

33. The application has been advertised in the local press and by site notices. A neighbour notification exercise has also been carried out. 28 representations (including Campaign to Protect Rural England and Friends of Compton Bassett and Surrounds) have been received in relation to the planning application and 7 on the additional information. The concerns raised are outlined below:
- Noise
  - Visual impact
  - Environmental impacts
  - Traffic
  - Waste Local Plan 2011 objections
  - Need for additional sand and void space for landfill
34. **Campaign to Protect Rural England (CPRE)** – the extraction proposal is based on 'current extraction levels'. Are the proposals based on the assessment of need derived from mean or annual production rates? To further allocate seven years' supply five years before the current landbank expires is premature and fails to take into account changing patterns of house-building and construction techniques. There appears to be sufficient void space in Wiltshire – how can the inclusion of Low Lane be justified?
35. **Friends of Compton Bassett and Surrounds (FOCAS)** – the proposals seek sand extraction when the building industry is increasing efforts to recycle aggregates - the current extraction proposals do not take this into account. The Government seeks to avoid landfill at all costs - more recycling can be achieved. The WLP allocations show sufficient landfill capacity for 10 years - the calculated need is based on retrospective and incomplete figures. Concludes there is no justification for the enormous increase in landfill void at this time. Existing permissions for landfill within Compton Bassett site should be exhausted first.
36. Copies of the representations are available for inspection in the **Members' Room**.

### **Planning Considerations**

37. This application proposes the extension of an existing sand quarry and the infilling of the resultant void with non-hazardous waste. Given the nature of the development the proposals have been subject to an EIA. The ES has been taken into account in the consideration of this application.
38. The 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:
- |   |                  |
|---|------------------|
| ▪ Need for sand                               | ▪ Traffic        |
| ▪ Appropriateness of landfill for restoration | ▪ Noise          |
| ▪ Visual impact and impact on AONB            | ▪ Dust and odour |
| ▪ Water resources                             | ▪ Rights of Way  |
| ▪ Ecology                                     |                  |
| ▪ Amenity of residents                        |                  |

### Need for Sand

39. A number of objection letters have questioned the need to release more sand reserves at this time and it is appropriate to look at the existing situation to assess whether the landbank is sufficient. Policy MSP5 of the Wiltshire and Swindon Structure Plan and Policy 34 of the Minerals Local Plan state that stocks of permitted reserves will be maintained throughout the plan period in accordance with Government Guidance. Minerals Policy Statement 1 (MPS1) states that in the case of sand and gravel, Mineral Planning Authorities should aim to maintain a landbank sufficient for at least seven years' supply. Policy 10 of the draft Regional Spatial Strategy (RSS) (June 2006) reiterates the Mineral Planning Authorities' role in supplying mineral to meet the South West contribution to national requirements.
40. The requirement is to maintain a landbank sufficient for seven years' supply. As of January 2006 the landbank for sand in Wiltshire was four years.
41. In addition to general policies regarding the maintenance of landbanks there are a number of Development Plan policies relating specifically to sand working. Policy 37 of the Minerals Local Plan states that permission for the winning and working of soft sand will only be granted where the development would meet an actual or forecast shortfall in the soft sand landbank based on the mean annual production rate derived from Regional Aggregates Working Party's (RAWP) apportionment of the Government's most recently approved aggregate forecasts. The current landbank figure of 4 years is based on these figures and so there is a shortfall to be met.
42. Policy 38 of the Minerals Local Plan supports extensions to existing soft sand workings provided that the development would meet an actual forecast shortfall in the sand landbank or the mineral would be sterilised if planning permission were not granted. The policy states that extensions to existing quarries are likely to have benefits over new sites in that the infrastructure is likely to be in place and the environmental impacts may be less pronounced. If this application is approved, sand and landfilling operations would utilise the existing processing facilities and the leachate/methane treatment facilities on the applicant's established site.
43. In summary, the current soft sand landbank figure has been calculated as four years' supply as of January 2006. Therefore, there is a demonstrated need for soft sand in Wiltshire. In terms of policies for soft sand extraction, landbank maintenance and contribution to local, regional and national need, the proposal is in accordance with Policies 37 and 38.
44. FOCAS states that the need for primary aggregates extraction is falling as the construction industry increases its efforts to use recycled aggregate. Officers concur that the reclamation and use of recycled aggregate in the construction industry has increased, but there will always be a need for primary aggregate for certain products. Structure Plan Policy MSP1 states that use of recycled aggregate should be maximised but also recognises the need for primary material and that a contribution to meeting local, regional and national need for minerals should be maintained at a level appropriate to the nature and extent of the Plan area's mineral resources. The applicant advises that soft sand is generally used in processes where there are limited opportunities for substituting secondary aggregates and this is accepted by Officers. Therefore, although increased recycling of inert material could be predicted to have a positive impact on the amount of gravel required, it is not predicted to significantly reduce the demand for soft sand.

### Appropriateness of landfill for restoration

45. Restoration involves returning the land either back to its previous use or a new suitable use following quarrying. There are a number of options for restoring minerals sites including forestry, agriculture and amenity. This application seeks to restore the site to agriculture and nature conservation through landfilling.

46. The proposal would create some 2.1 million cubic metres of void space. However, the Wiltshire and Swindon Waste Local Plan 2011 (adopted 2005) identifies a relatively small shortfall of 250,000 cubic metres in municipal void over the plan period to 2012.
47. On the basis of the shortfall figure, the need for additional landfill void at this time, has been questioned by local residents, the CPRE and FOCAS. FOCAS argue that as waste planning does not take into account the full impact of increased waste recycling, changing habits of residents and major retailers, future projections of waste production and recycling should be reviewed before any additional landfill capacity is provided.
48. The Low Lane site is not allocated for waste management in the Adopted Wiltshire and Swindon Waste Local Plan 2011 (WLP). However, the WLP makes policy provision for extended or new landfill facilities to ensure that adequate capacity provision can be made throughout the Plan period. Policy 19 of the WLP states that extensions to existing sites will only be permitted where it is demonstrated that the proposal:
- (i) Is necessary for operational or restoration purposes
  - (ii) Provides for on-site recovery of waste
  - (iii) Makes provision for the management and control of leachate and landfill gas
  - (iv) Complies with Policies 1, 2 and 5 to 10 of this Plan

#### Method of restoration

49. Mineral workings may be restored at low level, to land or water as they may be wholly or partly filled with waste materials. In this case, the applicant is proposing that the restoration of the site be achieved by using the void created for landfilling non-hazardous domestic, commercial and industrial waste. This is the method of restoration which has been used on the adjacent areas within the wider Lower Compton site. The restoration profile proposed is deemed to tie in with the restored areas of the site, the permitted contours on the remaining areas to be worked and the need to integrate the bund around the site with the finished profile. In light of the need to provide landfill capacity, the restoration design maximises the available voidspace.

#### On site recovery of waste

50. Policy 19 of the Waste Local Plan which requires that extensions to landfill sites should incorporate on-site recovery as part of the pre-treatment of waste. The applicant has stated that the incoming waste would have been pre-sorted by householders for kerbside collection thus recyclable and compostable material would have been removed. The Landfill Directive states that from October 2007, producers of commercial and industrial waste will need to pre-treat/sort their waste prior to landfilling. The kerbside recycling schemes and the impact of the Landfill Directive should mean that the unrecyclable element should be all that remains for disposal thus the proposal would be in accordance with Policy 19.

#### Management of leachate and landfill gas

51. Policy 19 also states that sites should make provision for the management and control of leachate and landfill gas. Leachate would be collected and treated via the existing systems in the adjacent landfill. The landfill gas would be used in the generation of electricity.

## Compliance with Policies 1 and 2 of the Waste Local Plan

52. Policies 1 and 2 of the WLP reflect a key objective of the WLP to enable the provision of an adequate integrated network of waste management facilities to cater for Wiltshire and Swindon's waste arisings. The landfill capacity required to 2026 has been calculated using the draft RSS's sub-regional apportionment figure. At present, there is no requirement for additional void space. However, with the exception of two sites, the estimated life span of landfill sites in Wiltshire is 2012. Therefore, provision will need to be made for additional capacity in the future.
53. In the period 2016-2026, there will be a requirement for around 10 million cubic metres of void space. A proportion of this requirement will be provided for by existing sites. However, new sites will also need to be designated. Whilst PPS10 states that landfill should be the last option for waste disposal, it is nevertheless one which must be adequately catered for. Despite increasing recycling rates, landfill void will be required for the disposal of residual waste for the foreseeable future, thus new facilities will need to be identified.
54. The application site has been identified as a potential site for Strategic Waste Management in the draft Wiltshire and Swindon Waste Site Allocation Development Plan Document. This document was published in March 2006 and represents the first published stage of the process of allocating sites for future waste management development and together with three other documents, will form the Waste Development Plan Documents (Waste DPD). The DPD is intended to replace those aspects of the 'saved' Waste Local Plan responsible for the identification of preferred areas for waste management development.
55. The Adopted Waste Local Plan will be saved until March 2008 or until the policies and proposals in the draft DPD are adopted. However, the DPD is an important material consideration in determining any application for new waste management site allocations. The weight which the DPD is to be given depends upon the stage in the preparation and adoption process that the DPD has reached and the more weight should be given to the DPD as each successive stage is reached. The DPD is currently in its final draft and ready to go out to public consultation. It is expected that the examination in public will take place during September to October 2007.
56. Although the RSS and Waste Development Plan Documents (DPD) are not yet adopted, they are emerging policy and thus are material considerations in determining this planning application. PPS10 states that Local Development Documents (LDD) should look ahead to the next ten years and there is a demonstrated need for landfill void in this period. For this reason it is not considered that permitting the application would prejudice emerging plans or policies or the outcome of the DPD process.
57. In summary, the potential void space at Low Lane was taken into account during the development of the Wiltshire and Swindon Waste Site Allocation Development Plan Document – Issues and Options Report (March 2006). Despite increasing rates of recycling, there is a need for additional void space. The current capacity is expected to be exhausted between 2010 and 2015. To ensure that capacity requirements outlined by the RSS and RWS are met, an additional 10,000,000 cubic metres are anticipated to be required to provide capacity for municipal and Industrial and Commercial Waste to 2026. Officers are satisfied that landfill is an appropriate and necessary means of providing beneficial restoration and afteruse of the site.

## Visual impact and impact on AONB

58. The detrimental effect of the proposal on the AONB and Conservation Area of Compton Bassett has been raised by a number of local residents.

59. Whilst the application site is adjacent to the North Wessex Downs AONB, it is in agricultural use and not itself within any landscape designation. However, the working and subsequent landfilling of the application site would permanently change the topography of the area and it is vital that this change would be appropriate in the landscape. The ES visual assessment which assessed the potential impacts arising from the proposal stated that the final contours of the restored site would be integrated into the adjacent landforms to the north, west and south. The impact on the landscape was considered to be moderate. The bund on the east of the site would be designed and planted to provide biodiversity gain and to reflect the adjacent Compton Bassett Park which is in the AONB.
60. Policy NE15 of the North Wiltshire Local Plan 2011 relates to the general landscape character of the countryside, stating that development will be permitted *if it does not adversely affect the character of the area*. Similarly, Policy 6(j) of the WLP 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*. Policies MSP3 and 8 of the WLP state that mineral sites should be restored to a state which will preserve or enhance the overall quality of the environment and be capable of supporting a beneficial afteruse at the earliest opportunity.
61. North Wiltshire District Council does not object to the application. The County Council's Landscape Officer has no objections to the proposal in principle but seeks to mitigate the landscape and visual impacts on the setting of the AONB during the operational phase of the site. The recommendation is that the planting/seeding of areas off-site should be undertaken simultaneously with the bund construction to reduce the impact of the development and give planting a chance to become established. The applicant has agreed to this request and a condition to ensure the bund is planted as soon as it is completed can be imposed on any permission.
62. A detailed landscaping scheme and five year aftercare scheme can also required by condition.

#### Water Resources

63. The Water and Drainage Impact Assessment contained in the ES identified the potential effects on surface water drainage and quality together with groundwater flow and quantity during operation and post closure of the site. The Assessment stated that without mitigation an increase in surface water run-off into the Abberd Brook could lead to flooding of adjacent land. Surface run-off could also contain high concentrations of organic compounds and other potential polluting substances which, left unmanaged, would have a negative effect on the Abberd Brook.
64. Mitigation in the form of design, engineering and management practices would be required to prevent these potential impacts on water flow and quality. Groundwater flow would be managed through the applicant's existing groundwater management system and discharged in accordance with the existing discharge consent. All surface water contaminated by site activities would be pumped to the existing surface water treatment facility at the landfill site. This facility includes lime dosing, settlement and a reed bed to filter final solids and metals and remove excess ammonium.
65. Dewatering would occur during the sand extraction phase but the assessment considered that the dewatering would have a negligible effect on local water features including abstractions. The application site is outside any Source Protection Zone designated by the Environment Agency and is not located within the floodplain of local watercourses.



66. The post site closure surface water management system would incorporate balancing ponds to accommodate the increased run-off from the site. This would have the effect of protecting the Abberd Brook from discharges in excess of the natural run-off rate of the site
67. Concern has been expressed that the excavation would affect the local aquifers, exacerbating any potential local drought effects on the surrounding clay deposits. There is also concern that the surrounding habitat of the Abberd Brook would be destroyed by the proposal as the altering hydrology of the land would have a detrimental effect on the Brook and associated known aquifers and water meadows.
68. PPS23 states that in considering planning applications, the Planning Authority should satisfy itself that the potential for contamination is properly assessed and that management measures are put in place for dealing with unacceptable risks.
69. The Water and Drainage Impact Assessment concluded that compliance with the criteria set out in the Environment Agency's PPC Permit would ensure that the site would not pollute groundwater. As a result it is considered that the development would have a negligible effect on both ground and surface water quality locally. The aquifer that would be extracted is not exploited for its water and does not provide significant flow to local watercourses. The Abberd Brook would be improved by restoring a more natural channel profile and removing overhanging vegetation to reduce shade. The Environment Agency has not objected to the proposal and it is considered that potential releases can be adequately regulated under the pollution control framework.

#### Ecology

70. The design of the site in terms of working and restoration has sought to avoid those habitats which are of value to local wildlife. Apart from the loss of two woodland copses, direct disturbance of natural habitat has been largely avoided by siting the works within an area of arable agriculture. Surrounding habitats would be protected by landscape bunding, protective fencing along hedges and directing of site traffic along fixed routes. New woodland habitat would compensate the loss of the two copses in the long term and a total of 6 hectares of new native woodland would be established on arable land outside the bunded area - more than doubling the amount of woodland cover currently on the site.
71. The proposed wetland in the north-east corner of the site would comprise ponds ranging from shallow pools to permanent ponds. These would be left to colonise naturally and would be managed to promote a diverse range of plants and invertebrate life. The ponds would be constructed under the supervision of an ecologist and/or landscape architect.
72. A bat survey recorded low numbers of bats. However, the ecological report stated that a licence would be required from the Department for the Environment, Food and Rural Affairs for works on the site. As part of the licence bat boxes would be installed on mature trees along the site boundary.
73. Badger activity was identified in woodland to the edge of the site. To avoid disturbance to badgers a fenced exclusion zone would be established between the woodland and the boundary of the works. No machinery or storage of material etc. would be allowed in this zone.
74. To avoid disturbance of nesting birds, woodland clearance would be scheduled to avoid the period March to August, i.e. the nominal bird breeding season.

75. To ensure the success of mitigation measures and habitat creation an Integrated Planting and Management Plan would be prepared by the applicant. The Plan would incorporate a strategy for monitoring the newly created habitats over five years. This can be secured by condition.
76. The ecological survey concluded that as a result of the wetland habitat creation, stream channel restoration, woodland and hedge planting, it is anticipated that the proposed operations could be accommodated with net ecological effect in the medium to long term that is neutral or minor positive. Although the application site has no official designation for its biodiversity value, in line with PPS9 the working and restoration plan has been designed to safeguard protected species and provide opportunities to build in beneficial biodiversity features. The proposals are in accordance with the Development Plan objectives of compensating for habitat loss through habitat creation.

#### Amenity of Residents

77. Any quarry or landfill site has the potential to affect the amenity of local people and the local environment. Policy W4 of the Structure Plan states that proposals for waste management facilities should have regard to effects on local amenities and the local environment.
78. The main potential effects of the extension are traffic, noise, dust and odour. A local resident stated that the existing site creates these problems, therefore allowing the extension would double the nuisance to local residents. Landfilling of Low Lane would not commence until it had ceased at the existing site. Therefore, the existing and extension site would not be landfilled at the same time. Nevertheless, mitigation of these potential effects needs to be considered.

#### Traffic

79. HGV traffic exporting mineral and importing waste would do so via the existing route, i.e. A4 and C15. No new access is proposed. It is anticipated that the mineral extraction would generate an average of 22 movements per day and waste importation an average of 74 movements per day, giving a total of 96 movements, i.e. 48 in and 48 out. HGVs would not travel through Compton Bassett as a 7.5 tonne weight restriction is in force. These HGV movements would replace those generated by the existing sand and waste operations - they would not be additional.

#### Noise

80. An assessment has been undertaken to assess the potential main noise contributors from mineral extraction and subsequent waste disposal and the results are reported in the Environmental Statement. The assessment undertook measurements at a number of noise sensitive properties in order to establish typical levels for the area. Noise modelling software was used to predict the impact of the proposed operations at Low Lane.
81. The report concluded that assuming the worst case operational scenario, the predicted noise from site operations alone would under no circumstance breach the 55dB(A) external noise guidance value to prevent serious annoyance in accordance World Health Organisation Guidelines 1999.

82. To protect the amenity of residents the EHO stressed that a 6 metres high screening bund must be constructed. The EHO objects to the proposed operating hours of 06.00 - 20.00 Monday to Saturday and Bank/Public Holidays and recommends the following hours be implemented:

07.00 - 18.00 Monday to Friday

07.00 - 13.00 Saturday

No working on Sunday or Bank/Public Holidays

83. The operating hours proposed by the applicant have not been approved on any other facility within Hills Resource Recovery Centre. It is considered that the proposed operating hours are excessive and did not provide sufficient protection for local residents, particularly on weekends and Bank/Public Holidays. Without a case being made by the applicant for the proposed operating hours at Low Lane officers concur with the hours recommended by the EHO.
84. Noise levels for normal mineral extraction and waste tipping and other temporary operations have been suggested in the Noise Report and would be imposed on any permission.

#### Dust and odour

85. The soil stripping and handling and the placement of soils has the potential to create dust and the landfilling of household waste has the potential to create odour. The air quality report contained in the Environmental Statement concluded that if odour and dust were not mitigated, there was a potential risk of nuisance to properties to the north/north-east. However, with appropriate mitigation, the impacts were considered to be negligible.
86. MPS2 states that residents can potentially be affected by dust up to 1 kilometre from the source, although concerns about dust are most likely to be experienced within 100 metres of the source. There are no residential properties within 100 metres of the application site boundary. Construction of the soil screening bund would restrict windblown dust during the mineral operations and the site manager would carry out his/her own dust monitoring. The EHO has not objected to the application on the grounds of dust. However, a condition requiring details of dust suppression measures should be submitted to and approved by the County Planning Authority prior to commencement of development and imposed on any permission granted.
87. Measures to mitigate odour included minimising the tipping area at any one time to reduce the surface area of waste and facilitate covering of the waste. Fan assisted atomisers which capture odours have been successfully used to reduce odour emissions from the green waste composting site at Lower Compton and could be used around the landfill site. The fans operate by spraying a fine mist which attracts odour contaminants, causing the droplets to fall to earth under gravity. This is more effective than merely using a spray to mask the smell. The installation of a gas extraction system would significantly reduce the potential for venting of landfill gas which could create an odour nuisance.
88. Odour and litter would be controlled through the operator's waste management licence.

#### Rights of Way

89. It is proposed that the bridleway would be temporarily diverted to the north and east of the site. The diversion would be in place prior to commencement of works and it is intended that the existing line of the bridleway would be reinstated upon restoration of the site.

## **Conclusion**

90. The application has been considered in light of the Development Plan and other material planning considerations. Full account has been taken of the Environmental Statement that accompanies the planning application.
91. Granting permission would enable the use of the existing haul road, weighbridge and processing facilities in the existing site. The proposal would provide sufficient sand reserves to boost the sand landbank and create landfill void space to meet the demonstrated shortfall in Wiltshire in accordance with Policies 34, 37 and 38 of the Minerals Local Plan and Policies 1,2 and 19 of the Waste Local Plan.
92. Granting this application would not prejudice the outcome of the DPD process and therefore would not represent a case for refusing the application on the grounds of prematurity.
93. The restoration scheme is appropriate to the area and would provide adequate mitigation/compensation for biodiversity loss and also enhance biodiversity in accordance with Policy 8 of the Waste Local Plan and Policy 31 of the Minerals Local Plan. Noise, dust, odour and hydrological impacts could be controlled by condition and through the provisions of the Environment Agency Licence.

## **Recommendation**

94. That planning permission be granted for the following reasons and subject to the following conditions:

There is a demonstrated need for sand and landfill void space in Wiltshire and the proposal would boost the sand landbank and create void space to meet the demonstrated shortfall in Wiltshire.

The restoration scheme is appropriate to the area and provides for adequate mitigation/compensation for biodiversity loss and also enhances biodiversity. Noise, dust, odour and hydrological impacts could be satisfactorily controlled.

1. The development to which this permission relates shall commence within three years of the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority seven days prior to commencement.  
  
*Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. Extraction of minerals shall cease by the 31<sup>st</sup> December 2013.  
  
*Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.*
3. The deposition of waste at the site shall cease no later than 31<sup>st</sup> December 2018. Within 12 months of the completion of landfilling, the site shall be restored in accordance with the scheme to be submitted to and approved in writing by the Mineral Planning Authority under Condition 4 of this permission.  
  
*Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.*

4. Prior to the commencement of any on-site works a detailed working and restoration plan showing the order of working and restoration of Old Camp Farm and Low Lane shall be submitted to the Mineral Planning Authority for approval. Upon approval, the scheme shall be implemented.

*Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.*

#### Removal of plant and buildings

5. No later than 12 months from the cessation of tipping, all plant and machinery, foundations, hardstandings and access roads no longer required in connection with the workings, restoration or future agricultural use of the site shall be removed from the site.

*Reason: In the interests of the visual amenity of the area.*

#### Site operations

6. All commercial mineral vehicles leaving the Lower Compton site with mineral shall be sheeted. Commercial waste vehicles leaving the Lower Compton site shall be checked to ensure they have been completely emptied of waste.

*Reason: For the avoidance of windblown dust and litter.*

7. No commercial vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent mud, dust or other detritus being deposited on the highway.

*Reason: In the interests of highway safety and to prevent mud being deposited on the highway.*

8. Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings, structures or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission.

*Reason: There is an important need to secure control over additional plant and machinery to safeguard the adjacent Area of Outstanding Natural Beauty designation.*

#### Operating hours for all activities relating to mineral extraction

9. Except in emergencies to maintain safe working (which shall be notified to the Mineral Planning Authority in writing within seven days), no operations relating to mineral extraction shall be carried out on the site except between the hours of:

07.00 - 18.00 Monday to Friday  
07.00 - 13.00 Saturday

No operations shall be carried out at any time on Sunday, Bank and Public Holidays.

*Reason: To protect the amenities of local residents.*

## Noise

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or beepers whose noise levels adjust automatically to surrounding noise levels.

*Reason: To ensure the minimum disturbance from operations.*

11. During the permitted working hours the freefield equivalent continuous noise level (LAeq 1 hour) for the period due to normal mineral extraction and processing and waste importing and processing operations, excluding temporary operations (see condition below), shall not exceed 55 dB(A) as recorded at any inhabited property.

*Reason: To ensure the minimum disturbance from operations and avoidance of nuisance to the local community.*

12. During the permitted working hours the freefield equivalent continuous noise level (LAeq 1 hour) for the period due to temporary operations, including topsoil and subsoil stripping, cell construction and capping and other works in connection with landscaping, shall not exceed 70 dB LAeq 1 hour as recorded at any inhabited property. Temporary operations which exceed the normal day-to-day criterion shall be limited to a total of sixteen weeks in any twelve month period.

*Reason: To ensure the minimum disturbance from operations and avoidance of nuisance to the local community.*

## Dust

13. Prior to the commencement of operations details of dust suppression measures shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall relate, in particular, to the access road, haul road and other running area used by vehicles. These areas 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. The details shall also include measures for minimising dust nuisance during stripping/movement/replacement of soils and subsoils.

*Reason: To safeguard the local environment and local residents.*

## Soil

14. No movement of soil shall be carried out except when the full depth of soil to be stripped or otherwise transported is in a suitably dry condition such that the topsoil can be separated from the subsoil without difficulty. All available topsoil and subsoil must 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 the satisfactory restoration of the site.*

15. All topsoil and subsoil stripped prior to mineral extraction shall be stored separately and retained on-site for use in site restoration. No indigenous topsoil or subsoil shall be used for daily cover during the operations. No overburden shall be exported from the site until the soil screening bund to the east of the working area has been completed.

*Reason: To ensure that the site is satisfactorily restored.*

#### Landscape and Aftercare

16. Prior to the commencement of works on site a fully integrated landscape planting and management plan relating to planting outside of the extraction area and the planting of the bund shall be submitted to and approved in writing by the Mineral Planning Authority. Such plan shall include planting and seeding outside of the extraction area and on the bund shall take place during the first available planting season following the completion of the bund construction.

*Reason: To reduce the visual impact of the development on the AONB.*

17. Prior to the commencement of the development hereby permitted an aftercare scheme showing the steps to be taken to restore the site in accordance with Drawing No. 759/PL11A of the Ecological Environmental Statement dated 28<sup>th</sup> October 2006 shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall specify the steps to be taken and the periods during which they are to be taken and be related to the restoration of the site in accordance with the conditions of this permission. The scheme shall include provision for an annual site meeting to discuss the detailed steps necessary on the restored land. The steps to be taken shall cover a period of five years from the completion and reinstatement of topsoil over each phase of the site. Aftercare of each restored area of land shall take place for a period of five years beginning when restoration is completed. Following completion of the formal five-year aftercare period on any phase of the site, the land and planting shall be subject to normal agricultural and good estate practices for its maintenance and support.

*Reason: To ensure the productive afteruse of the land and to ensure the success of the newly created habitats.*

18. No work shall commence on site until a stand-off zone between the boundary of the development and existing hedges and woodland has been clearly defined by a fence with driven posts to the approval of the Mineral Planning Authority. The stand-off distances shall be as follows:
- |                   |  |
|-------------------|--|
| Hedges            | - 4.0 metres stand-off from the drip line of the hedge to the foot of the bund |
| Hedges with trees | - 5.0 metres stand-off from the drip line of the tree to the foot of the bund  |

No placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.

*Reason: To ensure that the development does not encroach on existing planting causing root damage and to conserve the habitat at the woodland/hedge edge as a feeding/refuge corridor for wildlife.*

19. The capped landfill site shall be covered with a minimum 0.8 metres even depth of subsoil and 0.2 metres even depth of topsoil in the correct sequence. The quality of soil shall be appropriate for the site and its proposed restoration. The finished surface shall be left free from rubble and stones.

*Reason: To ensure that the site is satisfactorily restored.*

20. The clearance of woodland and felling of trees shall only take place between the end of August and the beginning of March, or following a search by a qualified person for active birds nest.

*Reason: To avoid the nominal bird nesting season.*

21. No work to the Abberd Brook shall take place without the prior consent of the Environment Agency.

*Reason: To ensure the works do not damage existing habitats and/or are undertaken with the licences in place.*

### Water Management

22. No development approved by this permission shall be commenced until a detailed design of the surface water attenuation scheme and control point incorporating pollution prevention measures has been submitted and approved in writing by the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

*Reason: To prevent the increased risk of flooding and to prevent pollution of the water environment.*

23. The development shall not commence until a surface water drainage operation and maintenance manual has been submitted to and approved in writing by the Mineral Planning Authority. The surface water drainage scheme shall be implemented in accordance with the approved manual.

*Reason: To ensure that surface water drainage facility functions for the lifetime of the development.*

### Pollution Prevention

24. Any chemical, oil or fuel storage on the site shall be sited on an impervious surface with bund walls. The bunded areas shall be capable of containing 110% of the container(s) total volume and shall enclose within their curtilage all fill and draw pipes, vents and gauges. There shall be no drain through the bund floor or walls.

*Reason: To minimise the risk of pollution of watercourses.*

### Rights of Way

25. The diversion of Bridleway Cherhill 33/Compton Bassett 24 shall be in place prior to the commencement of works. The original alignment of the Bridleway shall be reinstated upon restoration of the site.

*Reason: In the interests of users at the right of way.*



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

Consultation replies and correspondence