

REGULATORY COMMITTEE
17th SEPTEMBER 2008

DEVIZES: AGRICULTURAL RECLAMATION AND IMPROVEMENT WORKS
INCLUDING IMPORTATION OF INERT WASTES AS AN EXTENSION TO AN EXISTING
PERMITTED SITE, BROADWAY FARM, NURSTEED
FOR A.G. EDWARDS AND SON
(Application No. K/58622)

The Site

1. The 4.5 hectare site comprises agricultural land to the south east of Devizes. To the north of the site is agricultural land which has been improved through the incorporation of inert waste soils.
2. The site is bordered to the west by a belt of mature trees which front Windsor Drive and a recent residential development. The site levels fall east-west to a small stream within the belt of trees.
3. To the south of the site are paddocks and to the east, agricultural land.
4. Access to the site is via the roundabout on Windsor Drive onto an existing track (Byway 14), off which there is a temporary, hardcore access track.
5. The site is not covered by any landscape or nature conservation designations and no public rights of way (other than Byway 14) would be affected. The North Wessex Downs Area of Outstanding Natural Beauty (AONB) lies approximately 700 metres to the east.
6. A location plan is attached at **Appendix 1**.

Planning History

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

<u>K/41604</u>	Reclamation of agricultural land by raising levels with sub and top soil. Approved 22 nd June 2001.
<u>K/50068</u>	Agricultural reclamation and improvement works including importation of inert waste as extension to existing permitted site. Approved 24 th March 2005.

Proposal

8. In March 2005, planning permission was granted for the importation of inert waste for agricultural improvement works to land to the north of the application site. The works included improvements to drainage, revising the topography to allow surface water run-off and providing higher quality soils.
9. Given the success of the improvement works, the applicant now seeks to improve the quality of the agricultural land across the wider site. Here, the clay soils have a tendency to become waterlogged and are consequently of low agricultural value.

10. A soil survey has been undertaken to determine the physical characteristics of the site and to assess the agricultural soil resource that would be affected by the development proposal. The soil is currently of relatively poor (Grade 4) quality and the intention is to improve it to Grade 3a or 2 (i.e. good to very good).
11. It is proposed to import and deposit approximately 35,000 cubic metres of inert construction waste, soils and spoils up to a maximum depth of 2 metres. It is anticipated that 7,000 cubic metres of inert material would be imported per year, giving the site a lifespan of 5 years. The imported material would comprise inert waste materials from local construction and demolition sites and subsoils and topsoils for restoration. Composted material would also be blended with the recycled topsoil.
12. The materials would be imported by a single company so that a close check could be kept on materials. An operator would check the materials on site prior to them being spread on the land.
13. Upon completion of tipping, the land would be re-contoured to be more in keeping with the topography of land that has been established around it, enabling the whole area to be managed as one unit.
14. The proposed operating hours are as follows:

<i>Monday to Friday</i>	<i>07.00 - 18.00</i>
<i>Saturday</i>	<i>07.00 - 13.00</i>

No working on Sundays or Bank/Public Holidays.
15. The applicant stresses that the site would only be operational for around 35% of the time as there is not always local waste available. Hauling inert waste to the site from long distances would not be feasible.
16. HGV numbers bringing waste to the site are expected to average two per day (i.e. four movements).

Planning Policy

17. The following planning policies are considered relevant to this proposal:
 - Policy W4 of the Wiltshire and Swindon Structure Plan 2016 (WSSP)
 - Policies 6, 8 and 18 of the Wiltshire and Swindon Waste Local Plan 2011. (WSWLP)
 - Policy NR10 of the Kennet Local Plan 2011 (KLP)
18. These policies are set out in **Appendix 2**.

Consultations

19. **Kennet District Council (Planning)** – advise that no objection was raised to previous proposal as it was used for disposal of soils from the neighbouring Brickley Lane site – intention was for temporary consent to end when development concluded. Development has now ceased and the site has served its purpose.

Landscape and visual impacts of existing and proposed developments have been underestimated and procedures for carrying out landscape and visual analysis have not been followed. Consider that the site has an adverse impact on the setting of Devizes and should be levelled and reseeded.

(Note – Further information was requested and provided by the applicant on landscape impact and the visual impact of the proposal.)

Several springs and drainage ditches lie to west of site and developer needs to ensure these have free drainage. Express concern over steepening of hillside adjacent to stream and possible increase in silt being washed into stream.

- 20. **Kennet District Council (Environmental Health Officer)** – no objection.
- 21. **Bishops Canning Parish Council** – no objection.
- 22. **Roundway Parish Council** – object. Note the proposed access track is narrow and alongside entrance to Nursteed School. Concerned that lorries using this track would have detrimental effect in relation to hazards to children attending the school. Children and parents encouraged to walk to school but would be unable to do so if there is a hazard posed by lorries passing the entrance.

Consider that extra heavy traffic is likely to cause severe congestion. Note that the track is not made up and lorries using it are likely to create mud on the road.

In dry weather, dust will be created and this has in the past caused the school to close the playground and bring children indoors.

The Council believes there is another access to the site from Nursteed village and this may resolve all these problems.

- 23. **Local Member, Mr. D.J. Willmott** – no comments received.
- 24. **Environment Agency** – no objection subject to imposition of conditions to control surface water disposal.
- 25. **Countryside Section:**
 - Ecology** - satisfied that ecological survey carried out in respect of application has been appropriate to the site and sufficient to inform the application with regard to ecological issues. There is no likelihood of significant adverse impact to protected species or habitats of conservation value. However, there is no mention of a strategy to deal with spread of non-native invasive plants species which could be imported with soils from other locations. Applicant should ensure some strategy and process is designed and in place to deal with the issue.
 - Landscape** – concerns raised initially regarding the lack of information on the visual impact of the proposals and out of date survey information being used. Additional information and updated surveys were provided.
- 26. **Local Highway Authority** - no highway objection. However, advise that any damage to Byway 14, which forms part of the access to the site and to the school access road, must be repaired during the works and upon completion.
- 27. Copies of the consultation responses are available in the **Members' Room**.

Publicity

28. The application has been publicised by advertisement in the local press and site notice. A neighbour notification exercise has also been undertaken. Twenty letters of representation have been received. The concerns expressed relate to:
- Visual Impact
 - Noise and dust
 - Location close to Primary School
 - Traffic and Access
 - Impact on ecology and watercourses.
29. Copies of the representations are available in the **Members' Room**.

Planning Considerations

30. This planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.
31. The main issues to be considered with regard to this application are;
- Justification for agricultural improvement
 - The impact on local amenity; noise, dust and traffic.
 - The impact on the local landscape, ecology and watercourses.

Justification for agricultural improvement

32. Policy 18 of the Waste Local Plan states that land-spreading of waste soils will be permitted where the application demonstrates to the satisfaction of the Waste Planning Authority that the proposal would achieve agricultural improvements and complies with Policy 6 of the plan.
33. The application area has been described as clayey, poorly drained land surrounded by well drained chalky land. The poor quality of the agricultural land (Grade 4) has been demonstrated by the soil survey and the quality of the improved land to the north confirms the success of the previous scheme.
34. Policy 6 of the Waste Local Plan states that proposals for new waste management facilities will only be permitted where it can be demonstrated there would be no significant adverse impact on the environment, human health or amenity. The applicant would need to show the development could control noise and dust, the impacts of traffic on local communities and protect the water environment.
35. Conditions can be imposed on any permission to satisfactorily control noise, dust and traffic movements in accordance with Policy 6 but these factors are considered further below.

Impact on local amenity, noise, dust and traffic

36. Whilst the proposed development has the potential to impact on local amenity, some of the objectors appear to have misunderstood the proposed development and envisage a household waste landfill site and associated odours, litter, vermin and scavenging birds. However, by nature of the waste imported, inert landfill sites do not create odour or attract birds or vermin as they contain no food waste.

37. Nevertheless, there was apparently discontent about the amenity impacts of the existing site. Whilst the County Council received no complaints during the course of the existing development, representations made by local people to this application allege Saturday working, use of site by scrambling bikes, reversing beepers and dust. The Primary School has also raised the issue of dust blowing from site into the school playground, stating that children have had to be brought indoors to escape dust blowing off the existing site and haul road.
38. These concerns can be addressed by measures such as hard surfacing of the access road, and the use of water bowzers on dry days to prevent dust arising. In terms of noise, white noise reversing alarms can be used to replace standard reversing beepers. Further to the south, native tree planting between the site and properties would reduce dust, views into the site and also improve the biodiversity value of the site. All these measures could be secured by condition.

Traffic and Access

39. There is concern from local residents, the Primary School and Roundway Parish Council that vehicles going to and from the site would present a danger for children and discourage those walking and cycling to school. Roundway Parish Council has added that the Primary School runs extended services which means the access road is congested several times of day and thus not suitable for additional HGV traffic.
40. The Local Highway Authority has not objected to the application on the grounds of highway safety or the access, but has stated that any damage to the access road occurring during the course of the works should be made good by the applicant. However, damage to highways is not normally a determining issue in a planning decision and other legislation exists to remedy such matters. Vehicle numbers and the times they enter and leave the site could be controlled by condition. It is suggested that a condition is imposed prohibiting vehicles entering the site during school start and finish times. The four vehicle movements per day average set out by the applicant is not considered significant enough to refuse the application on highway safety grounds, however, a vehicle limit will be imposed by condition.

Impact on local landscape, ecology and watercourses

41. The County Ecologist is satisfied that there is no likelihood of significant adverse impact to protected species or habitats of conservation value.
42. Policy 8 of the Waste Local Plan states that waste management developments which require reinstatement would only be granted if the proposals provide for satisfactory restoration of the site at the earliest practicable opportunity to an appropriate landform and landscape character capable of supporting a beneficial afteruse and, where appropriate, a scheme of aftercare is provided.
43. Kennet District Council considers that the landscape and visual impacts of existing and proposed developments have been underestimated and that the proposal could have an adverse impact on the setting of Devizes. (Policy NR10 of the Kennet Local Plan 2011.) A visual impact assessment has been carried out which found that, whilst the site and proposed works could have a moderate impact on residents overlooking the site, the impact would be small scale and sporadic depending on the availability of materials being imported into the site.

44. With regard to the District Council's concern regarding the adverse impact of the proposals on the setting of Devizes, the impact assessment undertaken concluded that the resulting landform would have minimal impact on the landscape character for the setting of Devizes. The operation carried out would be limited in extent, of low intensity and comparable in appearance to normal agricultural works, including ploughing. The proposal is to improve agricultural land with no alien land features created. It is not considered that the proposal would adversely affect the distinctive character or appearance of landscape features and uninterrupted views which contribute to the important landscape setting of Devizes.
45. The District Council is also concerned that the landraising could lead to additional run-off and silting of the water-course to the west of the site. However, the Environment Agency has not objected to the proposal on the basis of impact on the watercourse but has asked for a scheme of surface water drainage to be submitted for approval prior to the development starting. Implementation of this scheme would control the drainage impacts that are of concern to the District Council.

Conclusion and Reasons for the Grant of Planning Permission

46. The poor quality of the agricultural land has been demonstrated by the soil survey and the quality of the improved land to the north confirms the success of the previous scheme. The Waste Local Plan provides in principle support for agricultural improvements through the landspreading of wastes.
47. The site would be restored to an appropriate landform, capable of supporting a beneficial after use and would not adversely affect the distinctive character or appearance of landscape features which make up the landscape setting of Devizes.
48. The amenity of the nearby Primary School and residential development can be safeguarded through the imposition of conditions that control and/or mitigate noise, dust and traffic impacts.
49. The application has been considered and is judged to be in accordance with the Development Plan and other material planning considerations. It is considered that there are no other material considerations to indicate that planning permission should be refused.

Recommendation

50. That planning permission be granted for the above reasons and subject to the following conditions:
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 Waste Planning Authority seven days prior to commencement.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The operations authorised by this permission shall cease by 31st December 2013 or five years from the date of commencement of waste deposition, whichever is the sooner, by which time the site shall be restored in accordance with the scheme specified in Condition 8 below.

Reason: To minimise the disruption and disturbance from the development hereby permitted.

3. No development shall commence on site until a 10 metre stand-off zone between the boundary of the development and woodland to the west of the site has been clearly defined by a fence with driven posts to the approval of the Waste Planning Authority. 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.

4. 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 and friable condition. Handling and restoration shall take place under dry conditions only to minimise structural damage.

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

5. Soil handling and reclamation to agriculture shall be carried out in accordance with details set out in Chapters 7 and 8 of the report prepared by Richard Stock entitled "Soils and Agriculture" submitted with the application.

Reason: To ensure the site is reclaimed to a condition capable of beneficial use.

6. No plant or vehicles shall cross any area of replaced and loosened ground, replaced subsoil or topsoil except where essential and unavoidable for purposes of spreading soils or beneficially treating such areas. Soil replacement must be arranged in a sequence that avoids the need for excessive travel over the replaced soils.

Reason: To avoid soil smearing and compaction.

7. No materials other than non-putrescible, uncontaminated soils and sub-soils free of timber or timber products or similar materials likely to hinder the future cultivation of the site shall be deposited on the site.

Reason: To ensure the effective restoration of the site to the proposed afteruse.

8. The final landform and surface levels shall accord with the proposed landform shown on submitted Drawing 7093-2500-02 dated February 2008.

Reason: To ensure the proper restoration of the site is in accordance with the submitted plans.

9. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Waste Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

10. Prior to the commencement of site preparatory works, a scheme for the hard surfacing of the length of the access road shall be submitted to and approved in writing by the Waste Planning Authority. The hardened surface shall be maintained free of potholes and shall be kept free of mud, dust and debris at all times until completion of site restoration and aftercare.

Reason: To minimise wind blown dust in the interests of local amenity.

11. No more than 20 lorry loads a day of imported waste shall be taken onto the site.

Reason: In the interests of highway safety and local amenity.

12. 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.

13. No operations shall take place on the site except between the hours of:

07.00 – 18.00 Monday to Friday
07.00 – 13.00 Saturday

In addition no vehicles importing inert waste material shall enter or leave the site between the following hours:

08.15 - 09.00 and 15.00 - 15.45 Monday to Friday during Nursteed Community Primary School term time.

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

Reason: In the interests of highway safety, residential amenity and the amenity of school children at drop off and pick up times.

14. 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.

15. No development shall take place until a scheme and programme of measures for the suppression of dust have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include inter alia:

- (i) The suppression of dust caused by moving and storage of soil and overburden and other materials within the site
- (ii) Dust suppression on haul roads, including speed limits
- (iii) Provision for monitoring and review of the scheme

The scheme shall be implemented in accordance with the approved details.

Reason: To protect the amenities of the locality from the effects of any dust arising from the development.

16. Prior to commencement of the development, a scheme to prevent the spread of non-native invasive plants species, which could be imported with soils from other locations, shall be submitted for the written approval of the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent the spread of non native plant species.

17. Prior to commencement of the development, details of a scheme of landscaping for the western boundary of the site shall be submitted and approved by the Waste Planning Authority to screen the proposed development from nearby housing. Upon approval, such scheme shall be implemented within the first available planting season.

Reason: In the interests of visual amenity.

GEORGE BATTEN

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

Consultation replies and correspondence.