

**LYDIARD TREGOZE: VARIATION OF CONDITION 2 OF
PLANNING PERMISSION N.99.1696 TO ALLOW FOR
ACCEPTANCE OF MUNICIPAL WASTE AT STUDLEY GRANGE
LANDFILL SITE FOR BIFFA WASTE SERVICES LTD
(Application No. N.02.0828)**

Purpose of Report

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

Background

2. Waste disposal activities have taken place at Studley Grange Farm since 1986 since when there have been a number of planning permissions to extend tipping operations at the site. In February 1998, Biffa acquired Studley Grange from the previous operator, Barge Waste Management and have undertaken a comprehensive review and update of operations at the site. This has included the development of a recycling facility and installation of a permanent gas flare, which have been incorporated in a new planning permission for the site granted in April 2000.

The Site

3. The Studley Grange site is located approximately 3 km south east of Wootton Bassett and 1.5 km from the edge of the Swindon Urban Area. It is approximately 1 km south of Junction 16 of the M4 (see **Appendix 1**). The surrounding landscape is an undulating lowland area with isolated outliers of higher land. To the south, the land rises to the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Although close to Swindon, the area is rural in character with a number of individual farmsteads and extensive pastureland.
4. Approximately 200 metres to the north of the site is the main London to Bristol railway line. To the east is an area (Phase 1) which is in process of restoration, and to the west is Padbrook, a residential property, and Chaddington Lane, a narrow lane accessing properties to the south. The southern boundary of the site is the disused Wilts and Berks Canal and beyond is farmland and several farmsteads, including Can Court and Great Chaddington Farms.

The Application

5. The application submitted is for a variation to the current planning permission to allow municipal wastes to be accepted in the site. At present the site has planning permission and is licensed to accept waste from industrial and commercial sources and some municipal waste from civic amenity sites. The applicant would like to make full use of the site and offer a disposal and recycling facility for municipal waste (including collected household waste) in addition to the other waste accepted at the site. A similar amendment to the Waste Management Licence is being sought through the relevant procedures with the Environment Agency.
6. The term “municipal waste” which is defined in national waste policy (Waste Strategy 2000) and in the Deposit Draft Wiltshire and Swindon Waste Local Plan includes all wastes collected by the Waste Collection Authority and its agents, such as household waste, municipal parks and gardens waste, some commercial and industrial waste from Council Offices, street litter and waste from Civic Amenity Sites.
7. The amount of municipal waste which the applicant wishes to input is up to 20,000 tonnes per annum or 25% of the total inputs. There are no proposals to increase overall inputs (i.e. the applicant wishes to substitute 25% of their current industrial and commercial waste for municipal waste).

Consultations

8. **North Wiltshire District Council Planning** – No objections on planning grounds to the principle of accepting municipal waste at this site given the current planning permission. The County Council should satisfy itself that this will not lead to any significant increase in pollution hazards (including odour and leachate) and/or significant increases in traffic generation.
9. **North Wiltshire District Council Environmental Health Officer** – No adverse comments.
10. **Swindon Borough Council** – No objections.
11. **Wootton Bassett Town Council** – Strongly objects in principle to this application on the grounds of odour, bird nuisance, traffic, bird strike and problems with leachate and methane.
12. **Lydiard Tregoze Parish Council** – Strong objection raised on the following grounds:-
 - (i) There is no guarantee that household waste will be recycled. This site was not intended for household waste.
 - (ii) Any permission which increases the number of sites where household waste can be dumped would be counter-productive to the aim of reducing the amount of biodegradable waste that is dumped and so stem the problems caused by methane and leachate.

- (iii) Because there is no kerbside collection and the waste is not sorted at source, it may be difficult to recycle the municipal waste that would arrive at the sites in black bags.
 - (iv) Permission already exists for a composting facility. It is not understood how the inclusion of unsorted municipal household waste would help the composting process permitted.
 - (v) Swindon Borough was given enough land to meet its own needs and the Borough is not growing as fast as it did in the 1970's and 1980's.
 - (vi) The control of odour, birds and litter is necessary for the permitted operations.
 - (vii) The void space which exists is needed for the waste that cannot be reduced, recycled or recovered.
13. **Wroughton Parish Council** – No response received.
14. **English Nature** – No objections.
15. **Ministry of Defence (Safeguarding)** – No safeguarding objection to the proposal provided that bird control measures are effected throughout the site.
16. **Railtrack** – No objection provided the operations are carried out in accordance with the application details supplied.
17. **Council for the Protection of Rural England** – Objects to the application on the following grounds:-
- (i) It conflicts with the aim of the European Directive to reduce the quantity of biodegradable waste going to landfill (75% of the 1995 production level by 2010).
 - (ii) Wiltshire County Council has said no new landfill sites are needed for the period of the Waste Local Plan.
 - (iii) There is no guarantee that household waste will be recycled.
 - (iv) Because there is no kerbside collection and the waste, apart from that taken to recycling points, is not sorted at source, it may be difficult to recycle the municipal waste that would come mixed in black bags.
 - (v) How would the inclusion of unsorted municipal household waste help the composting process?
 - (vi) Swindon Borough is not growing as fast as expected.
 - (vii) Control of odour, birds and litter is necessary for the permitted operations.
 - (viii) The void space, which exists, is needed for waste that cannot be reduced, recycled or recovered.

- (ix) There has been a response from the public to the need to increase recycling.
 - (x) A clear message should be given to all waste operators that minimisation of waste, reduction, re-use and recycling is the way forward and that it is unacceptable to give any further permissions for the dumping of municipal waste.
18. **Environment Agency** – The Agency has agreed with the applicant that a modification to the Waste Management Licence would be required to permit acceptance of municipal waste. The Agency would formally consult Wiltshire County Council on the modification application when received.
 19. **Thames Water Utilities** – No response received.
 20. **Highways** – No objection provided the current permitted level of 45 lorries to landfill is controlled and not exceeded.
 21. **Landscape/Countryside Officer** - No implications with regard to the restoration plan – no further comments.
 22. **Representations** – In addition to the above consultation responses, one letter of representation has been received, raising the following concerns:-
 - (i) Allowing municipal waste into the site would make the odour problem worse.
 - (ii) Need to consider the health and safety of a young family when considering the application.

Planning Considerations

23. Applications to ‘vary’ or ‘amend’ the conditions attached to a planning permission are properly an application under Section 73 of the Town and Country Planning Act 1990. Section 73 of the Act provides that applications may be made for planning permission without complying with conditions applied to a previous permission. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation.
24. Section 73 requires the planning authority to consider only the question of the condition(s) subject to which planning permission should be granted, and:-
 - (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

25. Consequently, if the planning authority do decide that some variation of conditions is acceptable, a new alternative permission will be created. It is then open to the applicant to choose whether to implement the new permission or the one originally granted.
26. The scope of a planning authority's jurisdiction when considering an application under Section 73 is, in principle, more limited than when considering an application for full planning permission. Nonetheless, the planning authority may be unrestrained in its consideration of the full planning merits of the application. An application made under Section 73 is an application for planning permission and the planning authority's duty in deciding planning applications is to have regard to both the development plan and to any other material considerations.
27. The practical consequences of imposing a condition on a grant of planning permission must be a material consideration in the determination of this application. In determining this application, it will be necessary to consider the condition, the reason for it, its function, the degree to which it makes the development acceptable, and therefore whether the variation would in this context be acceptable.
28. Accordingly, the following issues need to be considered in the determination of this application:-
 - (a) The reasons and function of Condition 2
 - (b) Conformity with National and Local Policy
 - (c) The need for the development
 - (d) The environmental implications of the proposal

(a) **The reasons and function of Condition 2**
29. Condition 2 of the planning permission states:-

"2. Unless otherwise agreed in writing by the Waste Planning Authority or required by the conditions attached to this permission, the development shall be carried out in accordance with the details submitted in planning application N.99.1696, the Environmental Statement, supporting statement and drawing numbers SGR1, SGR2, 4a, 4b, 5a, 5b, 5c, 6, 7 & 8 (4a – 8 dated 10th June 1999)."
30. The reason given for the imposition of Condition 2 is stated as:-

"For the avoidance of doubt and to ensure the permission is implemented in all respects in accordance with the submitted details."
31. The development referred to in Condition 2 is that permitted by planning permission N.99.1696, namely *Phase II landfill redesign, revised restoration and landscaping scheme and the installation of a recycling facility.*

32. The reasons and function of Condition 2 can therefore be said to clarify what constitutes the approved application and to make sure that the development is carried out in line with the application documents. Condition 2 to all intents and purposes describes the nature, or character, of the development permitted. Other conditions applied to planning permission N.99.1696 detail how the development will be achieved.
33. The nature of the development permitted is that of the extraction of clay and the subsequent landfilling of industrial and commercial wastes, consequential revisions to the restoration and landscaping schemes for the site and the establishment of a recycling facility within the site.
34. The degree to which Condition 2 makes the development acceptable is inconsequential. The condition imposes a general requirement for the development to be carried out in accordance with the application documents. However, all permissions are granted on the basis that development proceeds in accordance with the approved details and plans and so Condition 2 simply makes clear what constitutes the development subject of the permission and the plans and drawings to which it relates. Whilst it is not strictly necessary to include a condition requiring the development in accordance with the application documents, such a condition does allow operators flexibility to apply to the planning authority to vary aspects of the development at a later date.
35. In this case, the applicant is seeking permission to vary Condition 2 so to allow for the acceptance of municipal waste, in addition to the wastes currently accepted. It is therefore necessary to consider whether this variation would be acceptable in the context of the reasons and functions of Condition 2; i.e. what constitutes the development subject to the permission and the plans and drawings to which it relates.
36. The development; i.e. *Phase II landfill redesign, revised restoration and landscaping scheme and the installation of a recycling facility*, would not change. These activities would remain unchanged. The extraction of clay and the landfilling of waste would still take place and the restoration and landscaping of the site would still be achieved in accordance with the approved details. What would change, would be that rather than achieving the approved development through landfilling Industrial and Commercial Waste, the approved development would be achieved through the landfilling of Industrial and Commercial Wastes **and** Municipal Wastes.
37. Consequently, it is the effect of allowing landfilling with Industrial, Commercial and Municipal Wastes, as opposed to solely Industrial and Commercial Wastes, that must be considered in determining this application.

(b) **Conformity with National and Local Policy**

National Policy

38. The Government's Waste Strategy 2000 sets out the waste management plan for England and Wales, with special emphasis given to the diversion of waste from landfill. The Government's overall aims regarding waste management as set out in PPG 10 (Planning and Waste Management) are to ensure that where possible waste is minimised and re-used/recycled in order to move it further up the waste hierarchy.

The proposal to substitute 25% of the industrial and commercial waste inputs for municipal waste at Studley Grange would not lead to minimisation in the municipal waste stream input because it is not proposed to recycle the municipal waste at the site. Although facilities exist at Studley Grange to recycle some waste, they are not able to deal with the recycling of any municipal waste and unsorted waste which arrives in black bags. There is very little likelihood, therefore, that allowing municipal waste into Studley Grange would contribute towards the whole concept of waste minimisation, reduction and recycling/re-use.

39. A further guiding principle at national level as advocated by the Waste Strategy 2000 and set out in PPG 10 is that of Proximity Principle, i.e. “waste should generally be managed as near as possible to its place of production, because transporting waste itself has an environmental impact”. Although it is accepted that the Studley Grange site is in close proximity to the main urban areas of Swindon from which most of the County’s municipal waste is generated, there is no guarantee that, if granted approval, the site would receive this waste. If waste management development were permitted in excess of the defined need, it could encourage the importation of waste over larger distances and discourage the development of local options closer to the point of origin of the waste. Officers are concerned that approval of this application would undoubtedly increase pressure to import waste from further afield at a later date. It should be noted that the Studley Grange site is located in an accessible location close to the motorway. The issue of need will be considered later in this report.
40. PPG 10 also introduces the principle of Best Practical Environmental Option (BPEO) which, in essence, looks at “the option that provides the most benefits or the least damage to the environment, as a whole, at acceptable cost, in the long-term as well as in the short-term”. The Studley Grange site does have a recycling centre which was granted approval in April 2000 as part of the Phase 2 redesign scheme. The applicant has addressed the issues such as waste hierarchy, proximity principle, need, regional self-sufficiency and development plan policies and has concluded that the flexibility to accept municipal waste at Studley Grange represents the BPEO. However, the view of the officers is that, because the recycling facility is primarily designed to handle construction and demolition waste, it is not equipped to handle or recover municipal waste and so the site offers little, if any, opportunity to recycle municipal waste. Importing municipal waste to Studley Grange, primarily for final disposal, is not considered to be the BPEO.
41. The final guiding principle set out in PPG 10 is that of regional self-sufficiency. This means that most waste should be treated or disposed of within the region in which it is produced. Each region should provide for facilities with sufficient capacity to manage the quantity of waste that needs to be dealt with in that area and each Waste Planning Authority should make adequate provision in its Development Plan. The County Council, through its Waste Local Plan, has allocated adequate facilities.

Strategic and Local Policy

42. At the strategic level, the adopted Wiltshire Structure Plan 2011 (January 2001) contains relevant policies which:
- (i) Support the national aims to reduce the volumes of waste requiring disposal, minimise production of waste and maximum re-use and recycling (W1).
 - (ii) Provide an adequate network of waste management facilities which has regard to meeting the needs of the Plan area, proximity principle, regional self-sufficiency and BPEO (W3).
 - (iii) Look at the provision of waste management facilities having regard to environmental impact on local amenities (W4).
43. The Structure Plan sets out the framework within which the Local Plan Policies should be developed. Studley Grange as an industrial and commercial waste landfill site plays an important role at present and does provide for limited recycling of dry recyclable waste. It has good access and is well located to serve the Plan area. To this extent, therefore, it is providing an important facility contributing to industrial and commercial waste disposal and has a permission until 2011. However, it is the Revised Deposit Draft Waste Local Plan which sets out the detailed policies and proposals as they affect Wiltshire and Swindon and which need to be considered.

Wiltshire and Swindon Waste Local Plan 2011 – Revised Deposit Draft (September 2002)

44. At the local level the Wiltshire and Swindon Waste Local Plan 2011 – Revised Deposit Draft (September 2002) contains a number of relevant policies including Policy 1 (Sustainable Waste Management and BPEO) and Policy 2 (The Need for Waste Development and Regional Self-Sufficiency). Relevant Policies are set out in **Appendix 2**. The Waste Local Plan is now at an advanced stage and its policies should be given significant weight in the determination of this planning application.
45. The overall aim of the Plan is to provide a sustainable land use planning framework for waste management in Wiltshire and Swindon and it seeks to achieve this through the allocation of suitable sites to manage the waste arisings. An adequate management facility is required which moves towards sustainable waste management and the BPEO. Policy 1 of the Waste Local Plan lists criteria which planning applications for waste management proposals should have regard to show that sustainable waste management approaches are being sought (see **Appendix 2**). Although the Waste Local Plan recognises that landfill will continue to play a role in an integrated network of waste management facilities for Wiltshire and Swindon, a firm stance has been adopted towards the provision of additional landfill capacity. Included in the Waste Local Plan are strict criteria based policies to assist in achieving greater diversion of waste from landfill. As it stands, the Studley Grange proposal does not divert any waste from landfill, but substitutes municipal waste for industrial and commercial waste and does not contribute towards reducing or recycling waste.

Preferred Areas

46. The Revised Deposit Draft Waste Local Plan identifies a series of preferred area options to assist in meeting the increasing need for additional waste facilities for the recovery of municipal wastes. These preferred areas have the potential to provide for municipal waste management. Preferred areas were considered in the First Draft Deposit Waste Local Plan and have been redefined in the Revised Deposit Draft – September 2002 following the consultation process and the receipt of responses and representations. However, the Studley Grange site does not appear in either of the above documents. It has not been identified by the County Council and has not been promoted by the applicant in terms of ensuring its inclusion as a preferred area.

(c) Need for the Proposal

47. Policy 2 of the Revised Deposit Draft Waste Local Plan addresses the question of need and regional self-sufficiency. It states:-

Policy 2

The Need for Waste Development and Regional Self-Sufficiency.

Waste management proposals will only be permitted where:

- (a) there is a demonstrated need to cater for Wiltshire and Swindon's waste arisings; or**
- (b) there is a need to meet a demonstrated cross boundary requirement, which accords with the proximity principle, and to provide for waste arising within the Plan area; or**
- (c) in the case of landfill, the development is needed for operational or restoration purposes**

and where the need for the development outweighs any material planning objections.

48. The two main criteria which relate to Studley Grange are (a) and (b) concerning the demonstrated need for the proposal to cater for Wiltshire and Swindon's waste arisings in the Plan area and dealing with reasonable imports.
49. The main need argument promoted by the applicant is that there is in the Waste Local Plan an identified shortfall on municipal waste disposal capacity in Wiltshire and Swindon and suggests that a further shortfall in local capacity to dispose of waste from the Swindon area could arise should the existing landfill site at Chapel Farm (within Swindon Borough) close. The applicant further argues that even if Chapel Farm remained open for the whole of the Plan period (to 2011), it would be environmentally beneficial to provide the opportunity and the flexibility to direct some waste from the south Swindon/Wroughton area to Studley Grange, rather than transport it a greater distance to Chapel Farm, or elsewhere. The applicant considers that if Studley Grange accepted a share of local municipal waste, then this could help conserve capacity at Chapel Farm.

It is stated by the Applicant (letter dated 6th June 2002, attached as **Appendix 3**) that the operators of Chapel Farm have a contract with South Gloucestershire to accept some 80-100,000 tonnes per annum of municipal waste into Chapel Farm thereby effectively removing permitted void space capacity from the Plan area. The Applicant considers that allowing Studley Grange to accept municipal waste would provide an important localised municipal waste management facility close to Swindon. If municipal waste were allowed into the site, it is said that the recycling initiatives could be improved if they became commercially viable.

50. Officers have considered the Applicant's supposition. With regard to municipal waste shortfall, the 2001 First Deposit Draft Waste Local Plan originally calculated a shortfall of 0.8 million cubic metres. Since this time planning permission has been granted for additional capacity of approximately 1 million cubic metres at the Compton Bassett Landfill Site thus effectively removing the shortfall. The use of Chapel Farm for imported waste could lead to an overall reduction in capacity, thereby reinstating the shortfall removed by the Compton Bassett extension. This scenario would suggest that, as a result of the use of Chapel Farm for imported waste, there could be a shortfall in capacity later in the Plan period. However, considerable void space is permitted at Sands Farm, Calne. Because this void space will be created as sand is extracted, the Waste Local Plan does not take account of its potential contribution to municipal waste management. Nevertheless, the void is permitted to receive municipal, industrial and commercial waste and will make a significant contribution to any residual deficit during the Plan period.
51. Looking at the overall position, and taking into account the position as regards Sands Farm, it is not considered that the importation of municipal waste to Chapel Farm will have an immediate effect upon void space capacity. This is because it is anticipated that the existing site could last until 2007-08, even if imports did continue to take place. At this point in time, the future total imports of municipal waste to Chapel Farm are uncertain. Clearly any reduction in imports would be welcomed, but in view of the uncertainty surrounding the current position, it is considered that a cautious approach is taken to the situation which presents itself at Studley Grange, namely:-
 - (a) If 25% of the existing inputs to Studley Grange were municipal waste, then this would reduce capacity for industrial and commercial waste landfill in the Swindon area, which is a major generator of such waste.
 - (b) The proposed 25% switch to municipal waste at Studley Grange would only replace approximately 30-40% of the implied loss of capacity at Chapel Farm. It is therefore very possible that further applications would be forthcoming to increase imports to Studley Grange to compensate for any continuing implied loss of capacity at Chapel Farm.
 - (c) If planning permission were granted for the 25% substitution, a precedent would be set. The County Council would then find it difficult to resist further applications to increase the percentage imports of municipal waste.

52. In the light of the above, the current application is regarded as being premature. No justifiable urgent need has been proven by the Applicant that would warrant the County Council granting approval for the 25% substitute of the waste stream at this point in time. Even if Chapel Farm continues to import waste from out of County, the existing identified capacity for municipal waste is adequate to provide for disposal until towards the end of the Plan period.
53. The County Council needs to evaluate the situation fully in terms of alternative approaches to municipal waste disposal, waste recovery, recycling, composting or energy recovery. As it stands the proposal would lead to the depositing of untreated municipal waste into land without any additional recycling or waste reduction proposed. This would be contrary to the Waste Local Plan emphasis on reducing use of landfill.
54. The concern that officers have regarding need is that if waste management development were permitted in excess of the defined need, it could encourage the importation of waste over longer distances and discourage the development of local options closer to the point of origin of the waste. The danger is that, rather than increasing pressure for new or extended landfill facilities, over provision is likely to undermine the viability of recovery and recycling schemes.
55. Whilst the Waste Local Plan promotes the development of more sustainable options for waste management such as re-use, recycling and recovery, and does not allocate new sites for waste disposal, it has to provide guidance against which proposals for additional landfill capacity can be assessed. Under Policy 19 of the Revised Deposit Draft Waste Local Plan, applications for extensions to existing landfill sites or changes to their previously permitted working arrangements need to demonstrate that such changes are necessary for operational reasons and under such circumstances is the only practicable option for the safe engineering of that site. The Applicant has not demonstrated that the substitution of 25% of the current industrial and commercial waste inputs for Municipal Waste is necessary for operational reasons.
56. Having considered the policy framework and the need for the development, the remaining consideration is that of potential environmental impact.

(d) Environmental Implications of the Proposal

57. In considering the environmental implications of the proposal, the consultation process has revealed that the individual bodies and organisations are generally of the view that the proposal would not cause them undue concern.
58. With regard to site engineering and matters relating to environmental pollution controls, the Environment Agency stated that they would consider, in detail, matters relating to odour, scavenging birds, pest infestations, litter, landfill gas management, leachate management and containment engineering at the licence modification stage. The Environment Agency have since confirmed that they are satisfied that the site operator has adequately addressed these matters and have therefore modified the Waste Management Licence in favour of household/municipal waste.

Odour

59. Odour is already controlled under the existing Waste Management Licence and since the site already accepts quantities of biodegradable waste which has the potential to generate odour, there is an active odour control scheme in place at the site.
60. In addition to potential odour from waste, landfill gas can also be a source of odour. The applicant has recently installed a permanent gas flare system on the site and so again odour is controlled.

Bird Control

61. Although the introduction of municipal waste could lead to the site becoming more attractive to scavenging birds, a bird control scheme is already in place on the site so this is not considered to be an issue. The Ministry of Defence (Safeguarding) has raised no objection to the proposal providing bird control measures are in place.

Noise and Dust

62. Effective noise and dust control measures are already in place at the site. The introduction of municipal waste would not increase the noise or dust element and there have been no adverse comments from the Environmental Health Officer.

Traffic

63. Numbers of vehicles to landfill are controlled by the terms of the Planning Permission and details are submitted on an annual basis to monitor compliance. The applicant has confirmed that there would be no increase in heavy vehicles if importation of municipal waste were allowed so there would be no additional environmental impact. There has been no objection from the Local Highway Authority.

Conclusions

64. This application is made under Section 73 of the Town and Country Planning Act and so the County Council must consider only the question of the conditions subject to which planning permission should be granted. The Applicant proposes that planning permission be granted to the Phase II redesign, revised restoration and landscaping scheme and the installation of a recycling facility subject to a condition that allows Municipal Waste to be accepted at the site. Officers have therefore considered the practical consequences of imposing such a condition.
65. The Government's aim is to ensure that waste is minimised, re-used and recycled where possible to move it further up the waste hierarchy. The proposal does not seek to reduce the amount of landfill, but merely substitute 25% of Industrial and Commercial Waste for Municipal Waste. The facilities for recycling at Studley Grange are inadequate to deal with unsorted waste which would arrive in black bags and so it is unlikely that the site would contribute towards waste minimisation, reduction, recycling and re-use. The importation of Municipal Waste to Studley Grange for final disposal is not considered to be the BPEO.

66. Although the applicant suggests that granting planning permission for the importation of municipal waste at Studley Grange would give it greater flexibility, it is considered that there is at present sufficient provision available for municipal waste and therefore there is no requirement to grant further permissions for this waste type. To provide capacity when none is required could lead to an over-provision with the effect of encouraging the importation of waste over longer distances.
67. The Revised Deposit Draft Waste Local Plan considers total available landfill capacity for municipal waste over the Plan period against projected municipal waste arisings and identifies a shortfall in capacity. Sites are identified in the Plan to provide for the recovery of municipal waste to meet this shortfall. Six preferred areas are identified for strategic waste management facilities and seven sites for local waste management facilities in the Swindon area. Studley Grange is not identified by the Waste Local Plan as a preferred area for either strategic or local waste management facilities. The Applicant has not sought to challenge this strategy through the Development Plan process.
68. Officers are concerned at the effect the approval of this application would have in terms of providing additional capacity for Municipal Waste disposal. A firm stance has been adopted in the Waste Local Plan towards the provision of additional landfill capacity. Officers are therefore of the opinion that planning permission for the Phase II redesign, revised restoration and landscaping scheme and the installation of a recycling facility should be granted to the same condition as that subject to which Planning Permission N.99.1696 was granted; namely the condition that requires the development to be carried out in accordance with the details submitted in planning application N.99.1696. Consequently, in accordance with Section 73(2)(b) it is considered that the County Council should refuse the application.

Options Considered

69. The applicant has put forward a number of reasons as to why the development proposed should be allowed to go ahead. However, these reasons centre on the Applicant's aspirations to make "full use" of the Studley Grange site, rather than to contribute to a more sustainable approach to waste management in Wiltshire and Swindon. It is considered that the aims, key objectives and land-use strategy of the proposed Waste Local Plan would be severely compromised if this application were to be approved.

Recommendation

70. That planning permission be REFUSED for the following reasons:-
1. The proposal does not conform with the aim of ensuring that waste is minimised, re-used and recycled and moved further up the waste hierarchy where possible. It would not divert waste from landfill but encourage the further disposal of municipal waste at the site, thus reducing the amount of industrial and commercial void space for which there is a demand, and so is found to be contrary to Policy W1 of the Adopted Wiltshire Structure Plan 2011 and Policy 1 and Policy 19 of the Wiltshire and Swindon Waste Local Plan 2011 - Revised Deposit Draft.

2. The need for the proposal has not been demonstrated at this point in time. To grant permission would lead to an over-provision of capacity for municipal waste in the Plan which could encourage the importation of waste over longer distances, contrary to the proximity principle, and discourage the development of local options closer to the point of origin of the waste, and so is contrary to Policy W3 of the Adopted Wiltshire Structure Plan 2011 and Policy 2 and Policy 19 of the Wiltshire and Swindon Waste Local Plan 2011 - Revised Deposit Draft.
3. The site is not included within the Wiltshire and Swindon Waste Local Plan 2011 Revised Deposit Draft as a preferred area either for a strategic or local waste management facility. The expectation is that these preferred areas will provide an adequate choice for developers and that they will come forward with proposals that will be able to handle the types and volume of waste which will arise in the Plan area throughout the Plan period. The proposal is therefore contrary to Policy 3 and Policy 4 of the Revised Deposit Draft Waste Local Plan for Wiltshire and Swindon.

Reason for Recommendation

71. The development proposed is contrary to Development Plan Policies and there has been no need demonstrated for the development.

RICHARD J. LANDER

Director of Environmental Services

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

Consultation responses and correspondence

Environmental impact of the Recommendation contained in this Report:

As set out in the main body of the Report

