

REGULATORY COMMITTEE

8<sup>th</sup> OCTOBER 2003

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**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)**

**APPEAL BY BIFFA WASTE SERVICES LTD AGAINST THE DECISION OF  
WILTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR  
THE ACCEPTANCE OF MUNICIPAL WASTE**

**Purpose of Report**

1. To note the outcome of an appeal against the decision of the County Council to refuse planning permission.

**Planning History/Background**

2. At the 18<sup>th</sup> December 2002 meeting of the Regulatory Committee, Members resolved to refuse planning permission for the variation of Condition 2 of planning permission N.99.1696 to allow for acceptance of municipal waste at the Studley Grange Landfill Site.
3. The Applicant had proposed that permission be granted to allow municipal waste to be accepted at the site, in addition to the waste from industrial and commercial sources the site is permitted and licensed to receive. Having considered the practical consequences of imposing such a condition, Officers were concerned at the effect the approval of the application would have in terms of providing additional capacity for municipal waste disposal. Officers considered that the aims, key objectives and land-use strategy of the emerging Wiltshire and Swindon Waste Local Plan would be severely compromised if the application were to be approved.
4. In summary, planning permission was refused for the reasons that:-
  - (i) The proposal would not divert waste from landfill but encourage the further disposal of municipal waste at the site.
  - (ii) The need for the proposal had not been demonstrated and to grant permission would lead to an over-provision of capacity for municipal waste which 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.

- (iii) The site is not a preferred area either for a strategic or local waste management facility.
5. On the 12<sup>th</sup> March 2003, Biffa Waste Services Ltd. submitted an appeal against the decision of the County Council to refuse planning permission. Biffa Waste Services Ltd. contended that it was the nature, and not the source, of wastes to be accepted at landfill sites that determine the implications for land-use planning and, in the absence of any adverse environmental impacts, it was unreasonable to prohibit waste from municipal sources.
6. The appeal was considered by an Inspector appointed by the First Secretary of State under the written representation procedure, this being an exchange of written statements. The Inspector's decision on the appeal was made on the 1<sup>st</sup> August 2003, with the appeal being dismissed.

### **The Inspector's Decision**

7. The Inspector considered the main issue to be whether, having regard to relevant local and national policy, the proposed use of the landfill site would frustrate the development plan process relating to the appropriate handling of municipal waste.
8. It was noted by the Inspector that the proposal would enable the site to be used predominately for municipal waste deposition and that, having regard to the amount of waste that could be deposited as a result, this could have a significant impact on landfill projections. The Inspector considered it possible that, by making this site available for municipal waste deposition, other existing sites might receive less waste than envisaged, thus delaying their completion and restoration and that could be harmful to their respective environments.
9. The Inspector considered these all matters which should be discussed, assessed, investigated and tested during the course of the development plan process and a balanced view taken on the provisions for the future.
10. In the opinion of the Inspector, to grant permission for the development would prejudice the outcome of the plan process. The Inspector considered that it would predetermine a decision about the location of landfill capacity for municipal waste that ought properly to be considered in the development plan context. Permitting the proposed use of this landfill void, which would continue for much of the Plan period would, in the opinion of the Inspector, frustrate the development plan process relating to the handling of municipal waste in the area.
11. For these reasons, the Inspector concluded that the appeal be dismissed.

## **Recommendation**

12. That the Committee notes the decision of the Inspector to dismiss the appeal.

**GEORGE BATTEN**

Director of Environmental Services

Report Author

**JASON DAY**

Principal Planning Officer (Development Control)

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

Grounds of Appeal and Statement of Case on behalf of Biffa Waste Services Ltd.

Statement in Support of the Reasons for which Planning Permission was Refused on behalf of Wiltshire County Council

Appeal Decision dated 1<sup>st</sup> August 2003

**Environmental impact of the Recommendation contained in this Report:**

None