**WILTSHIRE COUNTY COUNCIL** **AGENDA ITEM NO. 8**

**REGULATORY COMMITTEE**
**18 MARCH 2009**

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# WESTBURY: RESOURCE RECOVERY FACILITY INCLUDING MECHANICAL BIOLOGICAL TREATMENT, A HOUSEHOLD RECYCLING CENTRE, VEHICLE PARKING AND ALL NECESSARY ANCILLARY DEVELOPMENT AT LAND OFF STEPHENSON ROAD, NORTHACRE INDUSTRIAL PARK, WESTBURY FOR HILLS MINERALS AND WASTE LTD. (Application No. W/07/09004)

## Purpose of Report

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

## The Site

2. The application site is located within the Northacre Industrial Park which lies to the north-west of the town of Westbury, situated between the West Wilts Trading Estate and Brook Lane Trading Estate. Northacre Industrial Park received planning permission (for B1, B2 and B8 uses) in 1998 and has a number of established businesses, but there remain large areas which have not yet been developed.

3. The proposed Resource Recovery Centre (RRC) is located to the south of the access road which links the three industrial areas to the main highway network. The application site comprises 2.8 ha of undeveloped former agricultural land, bounded to its east and south by Stephenson Road. The adjoining land to the north is vacant, beyond which (approximately 200 metres) stands the Westbury Dairies milk processing factory. The land to the west remains in agricultural use, but is designated as a landscape buffer zone to the Industrial Park.

4. Two residential properties, Brook Farm and Orchard House lie beyond this landscape buffer zone some 300 metres to the south-west. A further property, 'Crosslands', is situated approximately 200 metres to the north. There are a number of other industrial operations in the vicinity.

5. Location and site plans are attached at **Appendices 1 and 2**.

## Planning History

6. In brief, the planning history of the site is as follows:

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|---|---|
| 97/00903/OUT | Outline Planning Permission for an Industrial Park granted October 1998. |
| 97/00904/FUL | Planning Permission granted for Access Road to Industrial Park October 1998. |

## Proposals

7. This application seeks planning permission for the development of a RRC at Northacre Industrial Park Westbury. The RRC would comprise:

   (i) A mechanical biological treatment facility (MBT)

   (ii) A household recycling centre (HRC)

   (iii) Vehicle parking for kerbside recycling and waste collection vehicles; and ancillary development including a weighbridge and office, staff mess rooms and parking and landscaping of the boundaries.

8. The MBT facility would handle approximately 60,000 tonnes per annum of non-hazardous waste, with approximately 4,000 tonnes per annum received at the HRC. The MBT would create approximately 20,000 tonnes of solid recovered fuel, with recovery of recyclables. The HRC would recycle 70% of waste it receives.

9. The site area is some 2.8 hectares (6.9 acres) of which 0.4 hectares (1.1 acres) will be used for the HRC. The MBT area will occupy 1.9 hectares (4.6 acres).

10. A site layout plan is attached at **Appendix 3**.

   (i) MBT Facility

11. MBT is a generic term for an integration of several processes commonly found in other waste management technologies such as materials recovery facilities, sorting and composting or anaerobic digestion plant. MBT is a widely used waste treatment option in many European countries.

12. Hills Minerals and Waste Ltd. is working with specialist environmental engineering firm Entsorga from Italy. Entsorga's "high efficiency biological treatment" or "HeBIOT" system will be the first of its kind in the UK.

13. The MBT process would create a solid recovered fuel (SRF) from the waste received. SRF can be used in a wide range of industrial processes as a substitute for fossil fuels.

   *Process*

14. All of the processes would take place within a building, which has been designed and sized to reflect the industrial nature of the operations. The proposals include a storage building which will form a second phase of development.

15. Having first been weighed, vehicles bringing waste to the facility would reverse into the waste reception area through ‘quick-opening and closing’ doors and discharge into a pit approximately 4 metres deep. The doors open again to allow the vehicle to exit. Whilst the doors are open, negative pressure within the building would draw air in to avoid odour nuisance. Water misting systems would also operate across the doors to control odour and dust.

16. Within the building waste would be moved using a series of overhead cranes fitted with grabs, remotely controlled. Waste would be taken from the reception area to the first stage of treatment, a fast rotary drum. This has two purposes; firstly to split open bagged waste and also to remove materials such as cardboard, paper and plastic which are dealt with separately.

17. Waste would then be transferred into the bio-oxidation area and placed in 'windrows' of around 3 metres in height on a ventilated floor, through which air is continuously drawn. This process starts the aerobic degradation of the organic wastes. The forced aeration creates an aerobic reaction which produces heat. The heat develops within the windrows which sanitises the waste and also results in moisture loss.

18. The warm air extracted from the wastes which are degrading would be directed back into the bio-oxidation area where newly received wastes are windrowed. This has the effect of pre-heating the waste, causing the degradation to start more quickly. The warm air can also be mixed with fresh air and directed to any particular area within the bio-oxidation area to maintain optimum temperatures across the whole process.

19. When the air has passed though the wastes, and before it is released to the atmosphere, it is passed through a bio-filter to deodorise and clean. The bio-filter is located to the rear of the main bio-oxidation section.

20. Moisture that is driven off the degrading wastes in the bio-oxidation area filters into a pit below the vented floor, where it is directed to a network of collection pipes taking it to a central sump. After being filtered, the liquid is to be recycled back into the waste mass, or disposed of, depending on requirements.

21. The waste in the bio-oxidation area is moved by cranes to ensure that all the waste is subject to the same degree of aerobic and anaerobic activity. Temperature probes are fitted throughout the building and provide continuous feedback to the control systems, which manage the airflow through the waste. The time that the waste stays in the bio-oxidation section will be dependent on its precise nature but it is usually 14 days before the material is fully stabilised.

22. The waste would then be transferred to the refinement section of the building. By this stage the waste is effectively dried and easily separated into various products. It is screened to remove any remaining organic element and any inert materials, such as soils or stones. It is subject to air separation which removes any small loose pieces of plastic which have not degraded. A magnet and eddy current are used to remove ferrous and non-ferrous metals.

23. After refinement these principal products are created:

    (i) **Metals** - these are taken for further recycling. They include both ferrous and non-ferrous metals, such as food and drink cans which have not been recycled by householders, as well as batteries or similar.

    (ii) **Inert residues** - these have the potential for a number of beneficial uses, and can be mixed with compost to form a land reclamation material, used for haul road construction or as engineering materials on landfill sites.

    (iii) **A bio-stabilised residue** - this is taken to landfill, but has potential to be put to beneficial use such as the restoration of brownfield sites.

    (iv) **Solid recovered fuels (SRF)** - these are transferred off site. SRF can be used in cement works and other industrial processes as a substitute for fossil fuels.

24. The whole of the process, including the bio-oxidation airflow and temperature, conveyors, building doors, lighting, dust and odour control and building pressure, would be controlled by a computerised system located within the control room at the end of the reception building. All of the operations can be overseen from this point.

25. It is proposed that the MBT building will normally be open to receive waste 0700 -1800 Monday to Friday and the Saturday following a Public Holiday. Materials will be dispatched from the site during the same hours. However, permission is sought for the MBT to receive and dispatch materials seven days a week to reflect changing practices in waste collection. The Consultant's assessments on traffic impact and noise have considered this situation in reaching their conclusions. The operation of the MBT plant, controlling the air flows etc, is a continual process twenty four hours a day, seven days a week.

*Design and access*

26. All of the processes would take place within a building, which has been designed and sized to reflect the industrial nature of the operations. The overall building area to be created is approximately 4,860 square metres, of which some 430 square metres is office/control room and welfare facilities.

27. The process requires a large floor area and a high level gantry crane and these technical requirements for length and height strictly dictate the form that the building must take. Whilst the design has made use of the contours of the site to minimise the required height of the building, it will by its nature be some 16.6 metres in height. However, given the size and elongated nature of the plant, the building is able to appear in proportion as a long, low structure – in comparison with the adjacent dairy processing complex.

28. The design is based around two mono-pitch roofed blocks linked together to allow the provision of north light clerestory windows, intended to minimise the need for artificial lighting within the building, and avoid the need for roof lights which can 'shine out' and make such a building very obvious at night. This design also emphasises the long, low nature of the building to create a far more interesting form than a simple portal framed shed could achieve.

29. The lower mono-pitch roof contains the area that is not covered by the gantry crane, including part of the main mechanical process area, and fuel storage and distribution section. At the other end of the complex is the office and welfare block which includes the control room and plant areas, as well as offices and an interpretation centre. Two levels of roof terrace add to the interest of the office block and allow visitors further opportunity to view the process from windows into the main area. The lower terrace leads on to a high level walkway, running almost the entire length of the south-west elevation, with a band of windows allowing views into the entire length of the biological process area for monitoring purposes.

30. The nature of the biological treatment also dictates flush push-walls to the sides of the first section, running along most of the length of the building and this has resulted in the main steel-framed structure being expressed outside on the south-west elevation, including the main stanchions and tubular cross bracing to certain bays. Together with the raised walkway already mentioned, the result is that what could have been a very large and bland expanse of cladding to this elevation becomes an articulated and interesting building form. This contrasts with the simpler clad walls of the courtyard side of the building, which in turn are made interesting by the massing of the two monopitches and the clerestory glazing.

31. Colours have been carefully considered to minimise the impact of the building when viewed from afar, while allowing the building to fully express itself when viewed from closer public areas. The dark grey of the roof and the blue of the upper south-west wall cladding over the lighter concrete push-wall serve to effectively lower the building into the landscape when viewed from the south and west – i.e. from distant countryside views, while the mushroom coloured cladding elsewhere reduces the impact of the building when viewed against the sky from within the Northacre Estate.

32. The site layout is again largely dictated by the building shape and size imposed by the process, with carefully considered vehicular and pedestrian routes and one-way system, allowing for all users and visitors.

33. Careful consideration has been given to the sustainability of the project. The biological section of the process generates heat (up to 60˚ Celsius) and it is intended that this heat be collected via pipework set into the floor and used to heat the office and welfare areas. Solar panels on the south-west roof will be used to heat water for the WCs and showers, while all roof rainwater will be collected and stored in three underground tanks. The smallest tank, taking roof water from the office block will provide water to flush WCs within the welfare areas. Rainwater from the south-west roof will be stored near the vehicle washdown area and pumped to hoses for use in cleaning the refuse collection vehicles (RCVs) and other lorries. Finally, the roof water from the main north-east roof will be used to provide supplies to the water misters to be located above every external door to the building.

34. Elevations of the MBT building are attached at **Appendix 4**.

(ii) Household Recycling Centre

35. The northern part of the site has been identified as the location to establish a HRC. These facilities have become increasingly popular across Wiltshire, although Westbury residents currently have to travel to the Trowbridge or Warminster HRCs.

36. The recycling centre will be operated on the same basis as those recently built by Hills across Wiltshire. A wide range of wastes will be accepted, principally those which can be recycled, but provision will also be made for non-recyclable wastes to discourage fly tipping.

37. It is estimated that the site will receive approximately 4,000 tonnes of waste per year and around 70% of that will be recyclable.

38. The site has been designed to operate on a one-way system, directing the public clockwise around the area, with containers located around the boundaries of the site. The site has been designed with a separate access to the other elements of the RRC for safety and to avoid congestion.

39. The HRC, and the whole of the RRC, will be securely fenced with a 2.5 metres high coloured weld mesh fence with cranked top. Sliding gates would be provided at the entrances to the MBT and HRC sites.

40. It is proposed that the HRC be operational:

0700-20.00 Mondays to Saturdays
0800-1700 Sundays and Public Holidays

However, in order to be able to service the site, empty containers and carry out maintenance, it will be open to the public:

0900 – 1700 Friday - Tuesday
0900 – 1900 Wednesday and Thursday.

(iii) Vehicle Parking

41. The Northacre RRC will include provision for overnight parking for the vehicles associated with the collection of both waste and recyclables in the local area, such as:

(i) The RCVs which collect the "black bag" waste for processing at the MBT;

(ii) The kerbside lorries which are designed to receive the array of recyclables sorted by householders; and

(iii) The articulated lorries used to transport the solid recovered fuel off-site.

42. An estimated 19 HGVs will be parked at the site overall. Initial assessments have identified that this will be 12 RCVs, 5 kerbsiders and 2 articulated lorries. The vehicles will leave the site at approximately 0630 hours and return by 1800 hours.

43. Parking areas for the vehicles will be designated within the site. Car parking space has also been provided for the staff who will be employed on the waste collections as well as those employed at the HRC and the MBT. Bicycle racks are also provided to encourage local staff to cycle to work.

44. The RRC will directly employ six people at the MBT and four to six people at the HRC, together with others such as drivers removing the SRF and waste collection vehicle crews.

**Environmental Impact Assessment**

45. The planning application is accompanied by an Environmental Statement (ES). The ES reports the findings of an Environmental Impact Assessment (EIA) of the proposed development. The requirement for EIA arises from the development being of a type listed in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and considered likely to have significant effects on the environment.

46. EIA is a procedure which serves to provide information to a local planning authority, other regulators, other interested parties and the general public, about certain proposed developments and their likely effects on the environment.

47. The ES reports the findings of assessments of those aspects of the proposed development which are likely to have significant environmental effects, namely air quality, noise, and traffic impacts.

48. A copy of the Non-Technical Summary of the ES is attached at **Appendix 5**.

49. The Council's review of the ES identified that it did not contain all the information required by the Regulations. Consequently, the applicant was requested to provide further information to complete the ES. In particular, further information was required in relation to nearby food processing factories. The following reports were subsequently submitted in:

- July 2007, further information was submitted in relation to noise comprising a revised acoustic report.
- September 2007, further information was submitted in relation to local air quality (the 'Local Air Quality Assessment').
- February 2008, further information was submitted relating to the findings and scope of the air quality assessments in relation to the nearby food processing operations.
- May 2008, further information was submitted relating to air quality comprising an assessment of background bio-aerosol levels and bio-aerosol emission data from a MBT plant operating in Italy (the 'Bio-aerosol Monitoring Report').
- December 2008, further information was submitted comprising a detailed assessment of air quality relating to the impact of emissions of Volatile Organic Compounds (VOCs) and Bio-aerosols on operations at Westbury Dairies and the comparison of the proposed techniques and abatement plant to control emission to air against the requirements of best available techniques (BAT) (the 'SLR Report').

**Planning Policies**

50. The following Development Plan policies are considered relevant to the determination of this planning application:

- Policies RE5 of RPG10: Regional Planning Guidance for the South West, 2001.
- Policies W2 and W3 of the Wiltshire and Swindon Structure Plan 2016.
- Policies 2, 6 and 11 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 (WLP) (as amended by Secretary of State Direction of 14 March 2008 regarding "saved" policies).
- Policy E1 of the West Wiltshire District Plan 1st Alteration 2004 (as amended by Secretary of State Direction of 26th September 2007 regarding "saved" policies).

51. All relevant policies are set out in the attached **Appendix 6.**

**National Land Use Policy**

52. National Planning Policy comes in the form of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). PPGs and PPSs of relevance to the determination of this planning application are as follows:

PPS10: Planning for Sustainable Waste Management, 2005
PPS23: Planning and Pollution Control, 2004

## Consultations

53. **Local Member, Mr. C. Newbury** – no comments made.

54. **West Wiltshire District Council (WWDC)** – originally raised two objections to this application, these being the possible noise impacts on nearby premises and the air quality emissions with a possible impact on nearby food manufacturing processes and recommended that permission should be refused until the concerns were adequately addressed.

The noise concerns were addressed in the acoustic report in July 2007 and WWDC subsequently withdrew this objection. However, did not consider that the planning application should be determined until, and as a minimum, the proposals were amended to include the provision of calibrated leak airlocks to the main building, the enclosure of the bio-filter and discharge from the bio-filter enclosure via a suitable stack to aid dispersion or via a thermal oxidiser. Also considered that an independent consultant be appointed to review existing material, determine if additional information is required, assess the validity of the model used, make an assessment of the possible food safety impacts on the receptors identified and clarify what, if any, additional control measures should be implemented.

Subsequently, and having taken a view on the quality and integrity of the 'SLR Report' which is regarded as rightly conservative and to consider reasonable worst case scenarios, considers the 'SLR Report' to fulfil the purpose of the recommendation that an independent consultant be appointed.

As regards the enclosure of the bio-filter and discharge from it, notes that the 'SLR Report' concludes the risk of potential taste and odour taint to product produced by Westbury Dairy is insignificant, apart from for 1, 2-Dichloroethane which is considered to be low, but the option of fitting a cover to the bio-filter with subsequent emissions ducted to the southern end of the building and released through the roofline would reduce the residual risk by a factor of ten and make it insignificant. Accepts that thermal treatment in addition (or in place of) the bio-filter is inappropriate on grounds of $CO_2$ and global warming potential. Considers enclosing the bio-filter as described should be undertaken, and that subject to this proviso is able to withdraw the objection to this proposal.

As regards fitting calibrated airlocks to the waste delivery doors, notes that the 'SLR Report' assesses the impact on opening of these doors on the integrity of the negative pressure containment and concludes that some practical design measures are required to maintain the integrity of the system. Considers this the weakest area of an otherwise strong report, and remain of the view that the provision of calibrated leak airlocks to the waste delivery doors would give much higher confidence of avoiding fugitive emissions during waste delivery than the control measures proposed. However, acknowledges that if required these could be retro-fitted at the behest of the Environment Agency if the proposed system is found to be ineffective.

Advises that whilst it is very clear the management of the operation and maintenance of the facility will be essential to the successful operation of the plant and to avoid any adverse impact on the neighbourhood, it follows from government policy guidance that these matters should be left to the appropriate regulatory body, in this case, the Environment Agency. The Plant cannot operate until the Environment Agency have issued a Permit, which will have operational and monitoring conditions attached and will be subject to the Environment Agency's enforcement activities.

55. **Heywood Parish Council** – objects on the grounds that the siting of the proposed MBT plant and HRC close to major food manufacturers/processors, and where their operation would have an adverse effect on local residents on Storridge Road and The Ham, is unacceptable. Note that the application site is not identified in the WLP as a preferred site for waste management and consider the land an inappropriate place for the use proposed.

56. **Westbury Town Council** – no objection.

57. **Environment Agency (EA)** – originally raised no objection to the proposal, provided that conditions and informatives relating to surface water drainage, foul drainage, waste management regulation requirements and amenity issues were included in any planning permission. However, noted the planning application would permit the location of a waste operation in close proximity to an existing food processing operation at Westbury Dairies and queried whether the applicant intended investigating any specific issues which may potentially affect the way the MBT facility could impact on Westbury Dairies.

Subsequently advised that in relation to the Waste Management Licence application, the applicant had satisfactorily addressed the requirements that would normally apply to such a facility in assessing the potential impact on the environment and human health.

Further advised that, taking into account the circumstances at Westbury Dairies, it would require additional levels of technical control at the MBT facility to satisfy food standards levels of risk and protection over and above that which satisfies the EA's Environmental Permit remit. To that end, any measures which utilise the equivalent of BAT to achieve those enhanced standards would have to be implemented through the planning process.

Advises there are two forms of atmospheric release of potential contaminants from the MBT facility, namely controlled releases via the bio-filter or fugitive releases from the facility via the reception doors, mechanical failure of the air pressure system etc.

As regards controlled releases, comments that although the risk factors for all emissions (apart from 1,2- Dichloroethane) are insignificant, based on the existing open bio-filter system, it would prefer the bio-filter design modified so that it is fully enclosed and all emissions to atmosphere are via a single release point. Notes that this option can be carried out without changes to the building layout and this would therefore be a relatively cost effective solution to securing the best possible emissions control and give confidence to the operator and the regulators in being able to assess and control emissions via a point source rather than a diffuse system.

As regards fugitive release, comments that the highest risk to the Dairy is likely to be from the routine opening of the door to the waste reception area of the MBT building. Advises that it will be a requirement of the MBT waste management system (to be conditioned via the Permit) that the reception doors will be opened only when waste is being delivered and in the event that wind strength and direction create an unacceptable risk of loss of containment in the direction of the Dairy, then the waste may be diverted to alternative facilities. Notes that details of the reception door design include use of plastic curtains behind the roller shutter doors and the provision of a preferential extraction system interlocked with the door to increase air extraction when the door is open. Considers these measures should provide a sufficient level of containment and that the assessment considers that this design is adequate and represents BAT. Comments that the most effective system available for air containment in negative pressure buildings is the use of a ‘calibrated leak’ air lock system using two roller shutter doors, but accepts the single door system should in this case be sufficient under normal operating conditions. In the event it is not, then the EA may require the retrofitting of an alternative door system.

Advises that measures to reduce the risk of other non-routine releases such as when the bio-filter media is being replaced can be managed by reference to the waste management system procedure. Comprehensive systems to ensure planned preventative maintenance for the plant and a fire action plan will be a requirement of the Permit to reduce the risk of fugitive emissions. The performance of all emission control systems at the MBT will be subject to monitoring and assessment conditioned in the Permit.

58. **Natural England** – endorses the advice of the ecological consultant that a further survey be carried out in respect of badgers and reptiles and comments that such survey and identified mitigation measures be secured by planning condition.

59. **English Heritage** – does not wish to offer any comments and advise that the application be determined in accordance with national and local policy guidance and on the basis of local specialist advice.

60. **Local Highway Authority (LHA)** – no objection subject to conditions being attached to any permission to require prior approval of a transport plan for the routeing and signing of HGVs to and from the site and facilitation of a Road Traffic Order to control lorry movements in Brook Lane.

61. **County Archaeologist** – comments that the archaeological evaluation revealed very little of archaeological interest and in light of the largely negative results consider it unlikely that any features of interest will be affected by the development.

62. **County Ecologist** – notes that the further survey work for badgers revealed an active badger sett for which suitable mitigation measures would need to be agreed to satisfy relevant legal requirements. Concur with Natural England and the applicant's consultant ecologist that permanent closure of the sett under licence from Natural England is appropriate mitigation. Satisfied that there are no issues in respect of any other protected species at this site.

63. **County Landscape Officer** – concurs with the findings of the landscape assessment that the planting proposals and intended finishes for the building would greatly reduce the potential visual impact of the building until such time as the site is absorbed by the development of the remaining employment land allocation.

64. Copies of the consultation replies are available in the **Members' Room**.

**Publicity**

65. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. This has been repeated with each submission of further information to the ES.

66. 89 letters of representation from 60 individuals have been received raising the objections and concerns outlined below:

(i) Whilst aware of the need to recycle, believe the MBT plant in particular to be totally unsuitable for operating so near to domestic properties as well as local food companies.

(ii) The facility will be a nuisance and create odour, dust and potentially dangerous airborne bacteria, spores, yeasts and bio-aerosols which common sense suggests should be isolated away from population centres.

(iii) The facility is close to housing and there is concern over the safety and environmental impacts of the proposed plant.

(iv) The Mouchel reports imply that there is already so much contamination in this area that any added by a MBT plant would make little difference – to suggest that a little more contamination would not really matter in the scheme of things is to miss the point.

(v) The comparative plant in Italy is considerably smaller and is located at a greater distance from developed areas – it is not known how representative the emission data is from the plant in Italy.

(vi) Westbury Dairies objections deserve serious and detailed consideration - the applicant's consultants rebuttal of the environmental objections are sweeping, generalised and lacking in site specific data.

(vii) The suggested trial and error approach that would allow the plant to be built whilst the Environment Agency gather scientific data defeats the object as the applicant is unlikely to close plant down once it has been built.

(viii) The details contained in the reports are insufficient for that which is required.

(ix) The MBT plant should be sited on or near the Lafarge Westbury Works.

(x) The area already experiences major problems with traffic noise and pollution, with increasing volumes of traffic speeding through this area eroding quality of life.

(xi) There has been more and more industrial development on West Wilts Trading Estate, Brook Lane Industrial Estate and Northacre Park without any significant road improvement or traffic control measures.

(xii) Highway officers have no appreciation of the amount of traffic that exists in the area.

(xiii) Only respite from traffic is at weekends. Concerned that the HRC will operate at weekends and opening times should be restricted to normal business hours.

(xiv) Concerned about the reaction of clients to having such a plant situated next door to where food products are processed. Investment decisions and employment prospects of local staff would be seriously compromised by this proposal.

(xv) Concern over the reliability of the proposed industrial process and the risk of fugitive bio-aerosol and odour emissions in the event of plant breakdown, power supply failure, temporary plant shutdown for servicing and the routine replacement of the bio-filter media.

(xvi) The data presented in the SLR Report was gathered over a period of just 2 days and does not seem adequate.

(xvii) The data in the SLR Report was gathered in Italy where weather conditions are not compatible to those in Westbury.

(xviii) Attention is drawn to the objection made by the Royal Horticultural Society to a waste facility in Surrey and where an independent report concluded there was an identifiable risk to plant health from bio-aerosols.

(xix) The research evidence regarding BAT and subsequent rulings in Germany does not agree an acceptable process regarding bio-filtration.

(xx) This is an industrial plant and problems, such as human error, mechanical breakdown and accidents will occur.

(xxi) Concerned that some of the conclusions reached in the SLR Report have not considered the facts contained in the report.

(xxii) At present it cannot be safely concluded that the risks of health, taste or odour taint to Westbury Dairies are negligible.

(xxiii) The developer should consider the bio-aerosol species that could potentially be released, and whether these could pose a more severe hazard for Westbury Dairies.

(xxiv) The developer should take into account the potential contribution of the proposed bio-filter units to emissions of bio-aerosols. The developer should re-evaluate the risks to health, taste and odour taint in light of measured levels. These evaluations should take into account the limitations and applicability of published research on emissions of bio-aerosols and VOCs.

(xxv) The assessment of abnormal operating conditions should be developed to consider the potential effects on emissions in the composition of waste, and failures in the control of biological treatment processes.

(xxvi) More detailed and systematic consideration should be given to the provision of enhanced abatement, e.g. regenerative adsorption, wet chemical scrubbing, or thermal oxidiser. If a bio-filter is adopted, the bio-filter should be covered and emissions ducted to the southern end of the building as part of the proposed development.

(xxvii) Measures must be identified in relation to the control of emissions from building doors, provided as part of the proposed development. Enhanced control measures, e.g. fast action doors, an alarm system, to prevent doors being left open for an extended period; and/or a double door airlock system are required to provide adequate containment.

(xxviii) Good operating procedures and training on all aspects which could affect the control of emissions, should be mandatory, and part of planning conditions so as to provide the same level of emission security as if the site was operating under an Environmental Permit.

67. A letter objecting to the proposed MBT plant has also been received from Dr. Andrew Murrison MP. Dr. Murrison comments that the proposal is for a site that is not listed in the adopted WLP, but notes the availability of an alternative site at 'Preferred Area S5' adjacent to the Westbury Cement Works. Dr. Murrison considers the obvious environmental solution would be to exploit Preferred Area S5 and adjacent land, and is not convinced from his discussions with the various interested parties that sufficient effort has been applied to making this happen.

68. Copies of the representations are available in the **Members' Room**.

**Planning Considerations**

69. The proposed development is the establishment of a RRC, comprising a MBT facility and a HRC.

70. Regard must be had to the Development Plan for the purpose of the determination of this application, which must be made in accordance with the Plan unless material considerations indicate otherwise.

71. Having taken into account the environmental information, it is considered that the main issues in the determination of this application are:

(i) Whether the proposal complies with the policies of the Development Plan and emerging policy and guidance;

(ii) Whether the Northacre site is an appropriate location for the proposed development; and

(iii) Whether the environmental and other off-site impacts are acceptable.

(i) Policy

72. As far as the approved Development Plan is concerned, Policy RE5 and paragraph 9.27 of RPG10 encourage a mix of waste management methods to reduce reliance on landfill and/or any other single method or facility.

73. The Approved Structure Plan confirms that alternative waste management methods play an increasingly important role for waste being diverted from landfill and that a key function of the planning system is to develop a framework which enables an adequate network of waste facilities to be provided, even though this can sometimes be unpopular and controversial.

74. The Structure Plan highlights the changes needed to deliver more sustainable waste development and the challenging requirements of the Landfill Allowance Trading Scheme (LATS), which requires a stepwise reduction in the tonnage of biodegradable municipal waste landfilled in Wiltshire and Swindon every year. Policy W2 provides general support for proposals for the recycling or recovery of energy from waste. Policy W3 states that an adequate network of waste management facilities should be provided, having regard to the needs of the Plan area.

75. The adopted Waste Local Plan (WLP) continues these themes and identifies a land use strategy for achieving the aim and key objectives of the Plan. This includes supporting waste management options higher up the waste hierarchy, stimulating a move away from disposal through landfill/landraise by not identifying any new disposal sites, and locating waste management uses in appropriate locations in or close to main towns which are the main source of waste arisings.

76. PPS10 affirms the need for a step-change in the way waste is handled and significant new investment in waste management facilities. It states that waste planning authorities should look for opportunities to co-locate waste facilities together.

77. The WLP highlights that there are a range of technologies that could meet the waste management needs of the Plan area and that these are constantly evolving, and consequently avoids being prescriptive in terms of the type (and scale) of waste management facility that may be developed.

78. The proposed development of a RRC at Northacre encompasses MBT. MBT is a residual waste treatment process that involves both mechanical and biological treatment processes, and is a technology that is identified in the Regional Waste Strategy. MBT can assist in meeting targets for reduction of biodegradable municipal waste sent to landfill, e.g. under the LATS and can also enhance recycling performance by removing a further fraction of residual recyclable material.

79. The MBT facility would handle approximately 60,000 tonnes per annum of non-hazardous waste, and would create approximately 20,000 tonnes of solid recovered fuel, with recovery of recyclables. This represents a considerable diversion of materials from landfill which may otherwise have been their disposal option.

80. The HRC would recycle 70% of the 4,000 tonnes of waste it is anticipated the site would receive per annum, forming an important part of the process of diverting waste from landfill, as well as providing a useful service for local residents. Westbury has grown considerably over recent years and now merits an HRC within the area. Currently, any residents who wish to use this service travel to either Warminster or Trowbridge. The proposed RRC would meet a need which currently exists in the west Wiltshire area.

81. To that extent, the proposed development would be consistent with national, regional and local waste policy and strategy, and the proposed development can be supported in principle.

(ii) Location

82. The application site comprises vacant land within the Northacre Industrial Park, which was granted outline planning permission in 1998 for the development of land for business, general industrial and storage/distribution purposes (Use Classes B1, B2 and B8).

83. Policy 11 of the WLP has been extended and continues to provide the basis for considering planning applications for waste recovery facilities (*outside of the Preferred Areas*). Policy 11 identifies the type of locations at which recovery and recycling facilities might be permitted, provided that the proposal meets with other relevant policies of the Plan. Included in the list of such locations considered appropriate for waste uses are existing or proposed general industrial areas.

84. Indeed, the general guidance contained in PPS10 and its Companion Guide on the selection of sites suitable for waste facilities advises that: "*Most waste management activities are now suitable for industrial locations, many fall within the general industrial use class in the Use Class Order*."

85. Defra, in its publication 'Mechanical Biological Treatment of Municipal Solid Waste' (2007) also comments that MBT processes can be similar in appearance and characteristics to various process industries and it would often be suitable to locate facilities on land previously used for general industrial activities or land allocated in Development Plans for such (B2) uses.

86. The applicant has reported in the ES the consideration given to the location for the RRC and it is stated that since the closure of the Westbury Landfill the west Wiltshire area has no specific household waste management facilities and therefore it was apparent that the MBT should be located in this area. The applicant found that of the seven sites in west Wiltshire identified by the WLP as having potential to be developed for waste related uses, no sites of suitable size were available to accommodate the three elements comprised in the RRC proposal. Neither was land at the Cement Works available to the applicant for development of the RRC.

87. The WLP identified Preferred Areas for the location of new waste facilities, potentially capable of being developed during the Plan period, to ensure an adequate network of waste management facilities. The application site does not fall within one of these previously identified areas, but is proximate to allocated areas at West Wilts Trading Estate and Brook Lane Trading Estate. Following the Secretary of State's Direction in respect of the WLP, the policies identifying the Preferred Areas have been deleted. The Companion Guide to PPS 10 advises that planning applications that come forward for unallocated sites may help implement the planning for waste strategy and should not be lost simply because they had not previously been identified. The site is allocated for new employment uses under Policy E1 of the West Wiltshire District Plan and whilst the proposed development is unlikely to generate significant employment no objection has been raised by the District Council to the proposed use.

88. However, concerns have expressed that the application site is an inappropriate place for the proposed RRC use given the proximity of two food processing factories, namely Westbury Dairies and ULN (UK) Limited located at The Ham. There is also public concern that the RRC is too close to residential areas.

89. Waste management facilities can affect the quality of air through process emissions, dust and odour. Policy 6 of the WLP states that proposals for new waste management facilities will only be permitted where it can be demonstrated that there will be no significant adverse impact on the environment, human health or amenity. A high standard of design is required and applicants are required to demonstrate in their application that their proposals fulfil the requirements listed (a) to (q) in Policy 6. Policy 6 (d) relates to the control of air emissions, including smell and dust.

90. As recorded at paragraph 49 above, the applicant was requested to provide further environmental information to the nearby food processing factories. The applicant also met with representatives of the two companies and the Environmental Health Officer in November 2007 to explain the technical aspects of the proposed MBT plant and to discuss concerns.

91. The concerns from ULN (UK) Ltd primarily stem from the perception that its customers may draw from having a waste related development in the area. The conclusions of the Local Air Quality Assessment were that it was unlikely that any of the sources of emissions considered would cause a significant impact on local air quality at local sensitive receptors.

92. However, the issue of whether the proposed MBT plant could prejudice the operation of Westbury Dairies was identified as requiring further investigation, as the EA advised it would require additional levels of technical control at the MBT to satisfy food standards levels of risk and protection over and above that which would satisfy the EA's Environmental Permit regime. It was advised that any measures to utilise the equivalent of BAT to achieve those standards would have to be implemented through the planning process.

93. As stated at paragraph 8.4.16 of the WLP, in considering potential emissions to air from facilities, the Waste Planning Authority (WPA) will assume that the necessary controls are exercised under Environmental Protection legislation and that the pollution control regime operates effectively. As PPS 23 advises, the planning system should not be operated so as to duplicate controls which are the statutory responsibility of other bodies, and must assume that the pollution control regime will operate effectively. Nevertheless, the WPA will take account of the risk and impact of potential pollution from a proposed development insofar as it might have an effect on the use of other land.

94. Westbury Dairies is said to be the largest single dairy in the UK, processing milk into bulk butter, milk powder and cream for use as dairy ingredients for the UK and export food industries. Westbury Dairies supplies many of the 'Blue Chip' food manufacturers in the UK and abroad and is concerned that these customers will not accept products from the Dairy if the product is put at risk of contamination of odour causing taint, or could suffer from microbiological contamination.

95. In particular, Westbury Dairies is concerned about the effect of the proposed MBT plant emissions on the production of its food products, which are susceptible to contamination by odour, VOCs and fungal spores. The process requires the introduction of air via intake vents on the eastern side of the Dairy (facing the proposed development) via a filtration system to remove airborne particulate. The manufacture of powdered milk involves the indirect heating of this air to approximately 200$^{o}$C to evaporate water from the milk. Westbury Dairies is concerned that the distance from the MBT Plant's planned air discharge point (bio-filter) to its air intake is 230 metres and of similar distance to product storage areas. Milk powder is neutral in flavour and is easily able to absorb odours causing a product taint, rendering it un-saleable. Westbury Dairies is concerned that the level of concentrations of fungal spores measured 200 metres from large scale composting sites would place exceptional loading to its air intake filtration systems and risk product contamination. The reliability of the proposed industrial process and the risk of fugitive emission, both of bio-aerosols and odour in the case of plant breakdown, power supply failure, temporary plant shutdown for servicing and routine replacement of the bio-filter media, is also of concern to Westbury Dairies.

96. Westbury Dairies has been involved throughout the application stages and commented on each of the additional environmental reports. Several communications have passed between the Council and representatives of the applicant, Westbury Dairies, the Environment Agency and the District Council Environmental Health Officer (EHO). This culminated with the EHO advising that an independent consultant be appointed to review existing material and make an assessment of the possible food safety impacts on the receptors identified (i.e. Westbury Dairies).

97. SLR Consulting Ltd. was instructed to review the previously submitted assessments, consultee issues and provide an independent view in relation to potential solutions. The 'SLR report' was prepared after discussions with consultants appointed by Westbury Dairy (Enviros) to define the methodology to allow the level of potential risk to be assessed.

98. The SLR Report provides an assessment of the impact of emissions of VOCs and Bio-aerosols on the operations at the Dairy, incorporating a detailed literature review supplemented by the collection and analysis of samples from a surrogate facility in Italy. The level of risk associated with intermittent/non-routine emissions is then assessed and a comparison made of the proposed techniques and abatement plant to control emission to air against the requirements of BAT.

99. The SLR Report concludes that the risk of potential taste and odour taint presented by the proposed MBT facility is negligible (a factor of 15 lower than the threshold) and insignificant (a factor of 2 lower than the threshold) respectively. The risk of health based taint for all compounds other than 1,2-Dichloroethane is also insignificant. The maximum predicted annual average bio-aerosols at the air intake filter is less than 5% of the existing average level. The predicted maximum concentration of 1,2-Dichloroethane in the product is a factor of 3 greater than the health taint threshold. However, the risk presented by 1,2-Dichloroethane (a man-made chemical mainly used in the manufacture of plastic polyvinyl chloride (PVC), various solvent applications and as a fumigant for stored food products, upholstery and carpets) is considered by SLR to be low given that this assessment is highly conservative, especially when assessing the air to product transfer fraction (90% transfer applied).

100. The assessment of non-routine and/or fugitive emissions concludes that, subject to appropriate operational management and additional mitigation measures, the potential for impact of non-routine and/or fugitive emissions, may be effectively mitigated.

101. In relation to BAT, an approach which ensures that the cost of applying techniques is not excessive in relation to the environmental protection that they provide, the comparison of abatement technologies concludes that biofiltration is considered to represent a suitable BAT for the abatement of VOC, odour and bio-aerosol emissions from the proposed MBT facility.

102. The SLR Report has been reviewed by the EA and the West Wiltshire District Council EHO. The EHO notes that rather than simply auditing previous work, SLR have undertaken a thorough new study to identify the pollutants of potential concern and to identify acceptable concentrations of those pollutants using appropriate techniques, and the report has considered reasonable worst case scenarios. The EA advises that there are two forms of atmospheric release of potential contaminants from the MBT plant to be considered – controlled releases via the bio-filter or fugitive releases from the facility via the reception doors, mechanical failure of the air pressure system etc.

*Controlled release (routine emissions)*

103. Both the EA and EHO have noted the reference in the SLR report to the application of additional BAT for those aspects of the MBT's operation which may be at risk of breaching any emissions thresholds, namely the application of additional BAT to the bio-ilter to mitigate the excessive 1, 2-Dichloroethane levels.

104. This involves enclosing the open bio-filter bed and ducting the emissions via a single opening at the southern end of the building, the maximum possible distance from the dairy air intakes. This option has been modelled by SLR and such an adaptation would result in a 10-fold decrease in the maximum predicted impacts at the Dairy. The EA notes this would reduce all emission concentrations by a factor of 10 and result in an insignificant risk to Westbury Dairies from odour, bio-aerosols and VOCs.

105. The EA advises that modification of the bio-filter design so that it is enclosed would be preferable as it would secure the best possible emissions control and give confidence to the operator and the regulators in being able to monitor and control emissions when the MBT is operational. The EHO advises that subject to the amendment of the plans to include the enclosure of the bio-filter, it is able to withdraw its objection to the proposal.

106. The applicant has subsequently agreed that a minor amendment be made to the infrastructure of the MBT facility, with the bio-filter for dealing with emissions from the plant to be covered and the air which would otherwise be emitted directly from it, transferred to a single emission point in the roof line on the southern side of the building. The applicant advises that the cover will be a light, fitted structure, with PVC the likely material. The cover for the bio-filter will not result in any significant change to the outward appearance of the facility. The cover will contain air emitted from the surface of the bio-filter and this will be ducted to the south of the building, where it will be emitted from a point in the roof line. The adaptation of the bio-filter can be incorporated without requiring any change to building layout and approval of the relevant elements of the bio-filter cover and ducting can be secured by planning condition, i.e. no development to commence on site until these elements have been approved by the WPA.

*Fugitive release (non-routine emissions)*

107. The SLR Report assesses a number of scenarios during which fugitive emissions could be released to the atmosphere during frequent and infrequent events.

108. The EA advises that the highest risk to Westbury Dairies is likely to be from the routine opening of the door to the waste reception area of the MBT building. Under normal operational conditions, reception door opening should be rapid and of short duration as each load is received. It will be a requirement of the MBT waste management system (conditioned via the Permit) that the reception doors will only be opened when waste is being delivered and in the event that wind strength and direction create an unacceptable risk of loss of containment in the direction of the Dairy, then waste may be diverted to alternative facilities. This scenario could happen on average around 5% of the time per annum. Details of the reception door design include the use of plastic curtains behind the roller shutter doors and the provision of a preferential extraction system interlocked with the door to increase air extraction when the door is open. The EA considers these measures should provide a sufficient level of containment using a single roller shutter door system. The assessment considers that this design is adequate and represents BAT – the EA accepts the single door system should be sufficient under normal operating conditions.

109. The EA notes the most effective system available for air containment in negative pressure buildings is the use of a 'calibrated leak' air lock system using two roller shutter doors. Though more complex and expensive, this system overcomes risks from strong winds and also has the built-in redundancy of a second door being available if one is damaged. The EA advises that in the event that operational experience shows the proposed single door design to be unreliable or inadequate, then the EA can require the operator, via the management system condition via the Permit, to retrofit an alternative reception door system.

110. Measures to reduce the risk of other non-routine releases such as when the bio-filter media is being replaced can be managed by reference to the waste management system procedure. Comprehensive systems to ensure planned preventative maintenance for the plant and a fire action plan will be a requirement of the Permit.

111. The performance of all emission control systems at the MBT will be subject to monitoring and assessment conditioned in the Permit. Any breaches of predetermined limits will form the basis of potential reviews of the techniques used if subsequent operational practice presents a risk to sensitive receptors.

112. The EHO remains concerned about whether fitting calibrated airlocks to the waste delivery doors should be undertaken, as this would give much higher confidence of avoiding fugitive emissions during waste delivery than the control measures proposed, but notes that potentially these could be required to be retro-fitted if the EA is not satisfied that the proposed system is effective.

113. Westbury Dairies accept that the SLR Report explores the range of concerns it raised in earlier correspondence, and which was later clarified at a meeting with SLR and the Dairies' advisor; Enviros Consulting Ltd. Whilst Westbury Dairies consider that the SLR Report satisfactorily addresses a number of areas of concern, it remains concerned that at present it cannot be safely concluded that the risks of health, taste or odour taint are negligible.

114. Westbury Dairies considers that the applicant should consider further the bio-aerosol species that could be potentially released; develop the assessment of abnormal operating conditions to consider potential effects on emissions in the composition of waste and failures in the control of biological treatment processes; give more detailed consideration to enhanced abatement measures and door design and; secure good operating procedures and training, as part of planning conditions so as to provide the same level of security as if the site was operating under an Environmental Permit.

115. It is understood that the majority of these points were agreed between SLR and Enviros when discussing the methodology for the assessment work and it would appear that Westbury Dairies' concerns relate to how conclusions have been drawn from the assessments and modelling work SLR have carried out rather than any scientific disagreement with the findings. It should also be noted that planning conditions should not duplicate Permit conditions.

116. It is important to recognise that the purpose of the SLR Report is to enable the WPA to take account of the risk and impact of potential pollution from the MBT insofar as it might have an effect on Westbury Dairies, and to identify and achieve measures that utilise the equivalent of BAT to control such potential effects because the EA advised these could not be secured under the Environmental Permit relevant to this MBT process. The SLR Report identifies the necessary controls and these elements have been incorporated into the design of the MBT (i.e. the enclosure of the bio-filter and door opening controls). The EA and the EHO are satisfied with this standard of control. Whilst it is clear that the management of the operation and maintenance of the facility are essential to the successful operation of this plant and to avoid any adverse impact on the neighbourhood, it follows from relevant government planning policy statements that these matters should be left to the appropriate regulatory body, in this case, the EA. The Plant cannot operate until the EA have issued a Permit, which will have operational and monitoring conditions attached and will be subject to the EA's enforcement activities.

117. To conclude, officers are satisfied that in light of the SLR Report and advice provided by the EA and the EHO, the Northacre site is an appropriate location for the proposed development and that the applicant has satisfactorily demonstrated that there will be no significant adverse impact on the environment, human health or amenity and taken into account the circumstances at Westbury Dairies and its proximity to the MBT and provided additional levels of technical control at the MBT to satisfy food standards levels of risk and protection.

118. Officers do not regard the development of land within the Northacre site as contrary to the requirements of the policies referred to above. Subject to other environmental considerations, the site is regarded as an appropriate location for the proposed development.

119. Further environmental impacts are considered in subsequent sections of this report.

(iii) <u>Environmental and other off-site impacts</u>

*Air Quality*

120. Potential impacts have been assessed in relation to local sensitive receptors. These are locations where people may be affected by air quality issues associated with the development. The nearest residential receptor to the Northacre Facility is "Crosslands", approximately 212 metres from the centre of the Facility. Other residential receptors that are considered in the assessment are Brook Farm, approximately 338 metres from the Facility centre and Brook Cottage (two properties that are considered as one location) which is approximately 410 metres from the Facility centre.

121. The assessment of potential impacts associated with the process emissions used advanced dispersion modelling software ADMS-3.3 to model potential releases of odour, dust and ammonia ($NH_3$). VOCs were monitored for a period of three months using passive diffusion tubes. The results of the air quality assessment conclude that it is unlikely that any of the sources of emissions considered will cause a significant impact on local air quality at local sensitive receptors.

*Noise*

122. An environmental noise impact assessment was carried out for the proposed RRC. The study included noise surveys at residential properties identified as being the closest to the site. The EHO is content that the noise issue has been adequately addressed, with the assessment reports showing that the difference between the rating level and the background will be up to +4 dB. While this is marginally above the relevant criteria (+3 dB), the difference is not significant.

*Highway issues*

123. The proposed development site is located to the north-west of Westbury town centre, and is well served by the existing highway network. The proposed RRC would be serviced directly from Stephenson Road which serves the Northacre Industrial Park. It is a highway specifically designed for industrial and commercial vehicle use.

124. Stephenson Road provides access (through the Northacre Industrial Park) from Storridge Road and beyond. Vehicular access when approaching from the north is achieved via Hawkeridge Road (B3097), Link Road (West Wilts Trading Estate), Quartermaster Road and Stephenson Road. When approaching from the south (i.e. Westbury town centre), access would be via Station Road, Storridge Road and Stephenson Road.

125. Concerns have been expressed by Heywood Parish Council, members of The Ham Residents Association and other local residents that the proposed development would increase volumes of traffic onto Storridge Road, The Ham and Station Road, routes which it is said are already too busy and unable to cater with such increases in traffic.

126. Included within the ES is a Transport Assessment (TA) which considers the highway engineering and transportation issues associated with the proposed development together with the potential impact on the surrounding local highway network.

127. The assessment has been carried out in accordance with the Department of Transport's "Guidelines for the Environmental Assessment of Road Traffic" document and was prepared following detailed discussions with the LHA and supplemented by local traffic counts and adopts a worst-case scenario.

128. The area known as 'The Ham' is the nearest residential area to the proposed development site. The predicted vehicular impact along Storridge Road and Station Road in the vicinity of 'The Ham' has therefore been included within the assessment.

129. A full breakdown of anticipated vehicle movements provided in the Transport Assessment is appended to this report at **Appendix 7**.

130. The TA shows that the proposed development can be efficiently and safely accessed via the existing highway network. The highway network including its junctions will continue to operate in a similar manner to that presently experienced, even with the addition of predicted development traffic. In terms of highway junction and link capacity, the proposed scale of development can be accommodated along the local highway network serving Westbury.

131. The majority of vehicle movements associated with the proposed development would occur outside of the associated peak hour periods on the local highway network. Collection vehicles would leave the site before 8.00 am and return before 5.00 pm, with the peak periods of vehicle movement occurring at weekends when existing background traffic is significantly lower than during the week. The majority of predicted vehicle movements would be those relating to the general public's use of the proposed HRC. There will be no significant increase in HGV movements within Westbury town centre as a result of the proposed development.

132. The TA concludes that little, if any, vehicular impact is predicted along the highway known as The Ham. However, vehicles will travel along Storridge Road/Station Road when approaching from the south. There will be some localised highway impact, mainly as a result of members of the public using the proposed HRC facility. However, local residents are presently required to use the existing HRC facilities at Trowbridge or Warminster. Therefore, a new local facility has the potential to reduce distances travelled by Westbury residents.

133. To conclude, the predicted vehicular impact can be considered as "less than slight" in accordance with the "*Guidelines for the Environmental Assessment of Road Traffic*" document. The predicted vehicular impact can be accommodated on the local highway network and at its junctions. In environmental terms, the traffic impact is predicted to be less than slight.

134. The LHA has raised no objection, subject to conditions being attached to any permission to require prior approval of a Transport Plan for the routeing and signing of HGVs to and from the site and facilitation of a Road Traffic Order to control lorry movements in Brook Lane.

135. The applicant has confirmed that HGVs (Kerbside Collection Vehicles and the like) will adopt an agreed HGV routeing strategy which will further minimise vehicle movements through the residential area known as 'The Ham'. Such strategy or plan can be secured by planning condition, with the plan required to identify steps for monitoring of the approved arrangements, ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements and the disciplinary steps that will be exercised in the event of default. The applicant has also indicated it would liaise with the LHA to provide new HGV routeing signage.

136. The LHA is currently progressing a scheme to address problems relating to the structural integrity of the bridge over the railway at Station Road, where a weight limit restricting use of the bridge by vehicles exceeding 7.5 tonnes is required. Work is currently progressing on a Traffic Regulation Order to secure a legal limit. Within this Order, it is also proposed that a limit be imposed at The Ham end of Brook Lane. If achieved, this Order would address the concerns of the LHA in relation to the potential of lorry traffic associated with the RRC to ‘rat-run’ on Brook Lane, and avoid the need to consider planning restrictions to achieve this objective. If the Order is implemented, it would also address the concerns raised by consultees regarding lorry traffic in The Ham.

137. Within the TA, the consultants propose that, if the development of the site is granted, a Travel Plan is prepared to encourage sustainable travel behaviour, particularly with respect to staff. The submission of such a Plan can also be required by planning condition.

*Visual impact*

138. Policy 6 of the WLP requires a high standard of design for waste management facilities to achieve an acceptable visual impact on the surrounding area. PPS10 also advises that waste management facilities should be well-designed, so that they contribute positively to the character and quality of the area in which they are located.

139. The application site lies within an area of land at Northacre Industrial Park that is allocated for employment use. It is already surrounded by development on three sides, with the prominent Westbury Dairies building to its north-west.

140. The site layout has been dictated by operational requirements and informed by a landscape and visual appraisal. The proposed location and orientation of the MBT building on the south-western boundary has a number of benefits. In particular, the building will screen the service yard, associated lighting and vehicles when viewed from the countryside to the west, and allows the creation of a planted landscape buffer along this boundary.

141. The technical requirements for length and height strictly dictate the form that the MBT building must take. However, the design has been able to make use of the contours of the site to minimise the required height of the building and given the size and elongated nature of the plan, the building is able to appear in proportion and as a long low structure; in contrast to the adjacent dairy processing complex.

142. The building itself incorporates two mono-pitch roofed blocks linked together by clerestory windows and provides the main steel framed structure (stanchions and tubular cross bracing) on the outside of the south-west elevation, a high level external walkway with a band of windows and two levels of roof terrace to create a far more interesting built form than a simple portal framed shed would achieve.

143. Colours have been carefully chosen to minimise the impact of the building. Using dark grey for the roof and blue for the upper south-west wall cladding over a lighter concrete push wall serve to effectively lower the building into the landscape when viewed from the south and west (i.e. from distant countryside views), while the mushroom coloured cladding elsewhere reduces the impact of the building when viewed against the sky from within the Northacre Estate.

144. Overall, the impact of the development on the character of the landscape and views will be relatively limited due to the fact that the prominent dairy building and other adjacent industrial development and associated lighting already provide a developed context. The proposed landscape strategy would deliver peripheral planting around the entire RRC site and this will assist in integrating the facilities locally within the employment area.

*Archaeology*

145. The site falls within an Area of Higher Archaeological Potential defined in the District Plan, given its proximity to a Scheduled Ancient Monument. However, the historic character of the landscape on this side of the monument has already been thoroughly compromised by industrial development. Whilst it would normally be necessary to provide further information about the potential of a site of this size within an Area of Higher Archaeological Potential, field observations are already available from a previous evaluation, which indicates that the site has little or no potential. The County Archaeologist concurs that the archaeological evaluation revealed very little of archaeological interest and in light of the largely negative results consider it unlikely that any features of interest will be affected by the development.

*Ecology*

146. Survey work has established that apart from badgers there are no issues in respect of any other protected species at this site. The survey work has revealed an active badger sett for which suitable mitigation measures would need to be agreed to satisfy relevant legal requirements. Such measures can be secured by condition.

*Flooding and Drainage*

147. The drainage issues associated with the proposal have been studied in light of the wider drainage strategy for the Northacre Industrial Park and discussions with the EA. In relation to flooding, the development site falls within Flood Zone 1 (low risk), the zone at least risk from fluvial flooding. As such, no specific flood risk mitigation measures arising from the potential for fluvial flooding are proposed for the development.

148. The proposed development will introduce areas of impermeable surfacing, which in turn will generate additional surface water run-off. In order to manage the disposal of surface water in a sustainable manner, on-site attenuation for the 1:100 year +20% storm event will be provided for the retention of additional development discharge from part of the development site (HRC and adjacent land to be developed). Attenuation will also be provided by a combination of below ground storage facilities. This strategy incorporates SuDS management, all in accordance with the guidance given by the EA and also contained within PPS25. In addition, storage (below ground tank) will also be provided within the HRC site for potentially contaminated water from the recycling containers. Other surface water run-off from the MBT will be discharged from the site into the adjacent surface water system within the industrial access road to the existing Northacre Attenuation Pond, which is already in use. It is proposed to gravitate foul sewage from the proposed development to off-site sewer infrastructure provided within the Northacre Industrial Estate.

**Conclusion and Recommended Reasons for Granting Permission**

149. Having taken into consideration the environmental information, officers are of the opinion that the proposed development gives rise to no material harm, is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise.

150. Officers have had regard to all other material considerations and, in particular, consider that the development is a necessary element in helping to implement the national waste strategy, and supporting targets, which are consistent with obligations required under European legislation. The development of the RRC is in line with national, regional and local planning policies and would offer an alternative to landfill and recover value from waste and thereby move the management of waste up the waste hierarchy. The proposed development will meet a demonstrated need to cater for Wiltshire and Swindon's waste arising and will reduce West Wiltshire's reliance on landfill technology and assist in fulfilling LATS targets. The application site is on an established industrial estate and is regarded as an appropriate location for the proposed development. The proposed development is of a high standard of design and the impact on the character of the landscape and views will be relatively limited. The predicted vehicular impact can be accommodated on the local highway network.

151. The application addresses the potential impacts on local amenity and effect on the use of other land and has set out comprehensive measures, following environmental impact assessment, to reduce the risk of detriment to local amenity and local air quality. Officers consider that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions or the Environmental Permit issued by the EA as appropriate.

**Recommendation**

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

1. The development hereby permitted shall begin not later than three years from the date of this permission.

   *Reason: In accordance with Section 51(1) of the Planning and Compulsory Purchase Act 2004.*

2. Unless otherwise required by conditions attached to this permission, the development herby permitted shall be carried out in accordance with Drawing Numbers:

   1118-P1 - Floor Plans - submitted on 22 February 2007

   1118-P2 – Elevations - submitted on 22 February 2007

   1118-P3 – Sections - submitted on 22 February 2007

   2157/SK102 Rev B - Site Layout Plan - submitted on 22 February 2007

   *Reason: For the avoidance of doubt and to control the form of the development in the interests of the planning of the area.*

3. No waste other than those waste materials defined in the application and environmental statement shall enter the site.

   *Reason: Wastes outside of these categories require separate consideration by the Waste Planning Authority.*

4. No development shall commence on site until full details of the external construction materials, finishes and colours of the MBT building have been submitted to and approved in writing by the Waste Planning Authority. Development shall be carried out in accordance with the approved details.

   *Reason: In the interests of visual amenity and the character and appearance of the area.*

5. No development shall commence on site until full details of the design of the enclosure system to the bio-filter and its associated ducting and emission point has been submitted to and approved in writing by the Waste Planning Authority, and following approval the development shall subsequently be implemented in accordance with the approved details prior to the commencement of the use of the site for the receipt of waste.

   *Reason: To maintain planning control over the development in order to minimise the impact of the development in the interests of local amenity and other land users.*

6. No development shall commence until details of the proposed HRC office building have been submitted to and approved in writing by the Waste Planning Authority. The office shall be constructed in accordance with the approved details.

*Reason:* *In the interests of visual amenity and the character and appearance of the area.*

7. No development shall commence on site until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Waste Planning Authority.

The details shall include:

- Proposed finished levels or contours
- Means of enclosure
- Vehicle parking layouts
- Vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. refuse or other storage units, signs, lighting)

Soft landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities
- Implementation timetables

*Reason:* *To ensure the provision of amenity afforded by appropriate landscape design.*

8. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable approved with the Waste Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Waste Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Waste Planning Authority gives its written consent to any variation.

*Reason:* *To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.*

9. No development shall commence on site until a detailed surface water drainage scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide further detail on the information outlined in the application, including the use of sustainable drainage systems, pollution prevention measures, surface water attenuation and rainwater harvesting/surface water collection measure and surface water run-off limitation. The scheme shall be completed in accordance with the approved programme and details.

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

10. No development shall commence on site until a scheme for protection and/or mitigation of damage to populations of badger, a protected species under the Wildlife and Countryside Act 1981, and its associated habitat has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall provide further detail on the information contained in the additional ecological surveys report by Michael Woods Associates dated October 2007. The Badger Protection Scheme shall be carried out in accordance with a timetable for implementation as approved.

*Reason: To protect the badger and its habitat within and adjacent to the development site*.

11. No operations shall commence on site until the applicant has submitted to the Waste Planning Authority and received written approval of a Transport Plan for the routeing of HGV's to and from the site. The Plan shall provide for a sign to be erected and thereafter maintained at the site exit advising drivers of vehicle routes agreed with the Waste Planning Authority and identify the arrangements for:

- monitoring of the approved arrangements;
- ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements; and
- the disciplinary steps that will be exercised in the event of default.

The approved plan shall be implemented throughout the life of the site.

*Reason: To secure what was proposed in the application and to ensure that the scheme satisfactorily addresses potential traffic impacts identified in the submitted transport assessment.*

12. The development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the Waste Planning Authority. Such Travel Plan shall include:

- Promotion of car sharing and practices and on-site facilities that reduce the need for travel
- Measures to promote and facilitate public transport use
- Measures to promote and facilitate walking and cycling

- Consideration of and measures to mitigate any adverse impacts upon the local highway network

- Targets and monitoring/review mechanisms

together with a timetable for the implementation of each element.

No part of the development shall be occupied prior to the implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

*Reason:* *To secure what was proposed in the application and to ensure that the site is accessible by all modes of transport and the scheme satisfactorily addresses potential traffic impacts identified in the submitted transport assessment.*

13. The uses hereby permitted shall only be operated between the following hours:

**MBT Facility**

Waste reception and removal of SRF and other products:

07.00 and 18.00 Mondays to Sunday
Operation: 24 hours per day

**HRC**

Operations, including the collection or delivery of refuse containers and operation of plant and machinery:

07.00 to 20.00 Mondays to Saturdays
08.00 to 17.00 Sundays and Public Holidays

Open to the public for the receipt of waste:

09.00 to 17.00 Friday to Tuesday
09.00 to 19.00 Wednesday and Thursday

**Vehicle Depot**

Waste collection or kerbside recycling vehicles to enter or leave:

06.30 and 18.00 Monday to Sunday

*Reason:* *To reduce the potential for disturbance caused by vehicular movements.*

14. No security or floodlighting shall be erected within the site without the submission of full details to and the written approval of the Waste Planning Authority. These details shall include the height of floodlighting, intensity of the lights (specified in LUX levels), spread of light including approximate light spillage to the rear of any floodlighting posts (in metres), any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated. The development shall be carried out and maintained in accordance with the approved details.

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

15. There shall be no open stockpiling of waste or reclaimed materials within the RRC site.

*Reason: In order to protect the visual amenities of the area and to regulate the use of the land.*

16. All waste brought into the HRC site shall be stored in containers appropriate for such storage and the containers will be placed on an appropriate impermeable surface.

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

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume that could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Waste Planning Authority prior to the first use of the development.

*Reason: To prevent pollution of the water environment.*

**GEORGE BATTEN**
Director of Environmental Services

Report Author
**JASON DAY**
Planning Control Manager

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

Consultation replies and correspondence