

Date of Meeting	4 November 2009		
Application Number	N.09.01497		
Site Address	Lower Compton Waste Management Facility, Lower Compton, Calne.		
Proposal	Section 73 Application – Extension to a Sand Quarry and Infilling with Waste without compliance with Condition 8 of Planning Permission N.06.07008 (Hours of Operation)		
Applicant	Hills Waste Solutions Ltd		
Town/Parish Council	Cherhill		
Electoral Division	Calne South and Cherhill	Unitary Member:	Alan Hill
Grid Ref	401981 171073		
Type of application	County Matter		
Case Officer	Mari Webster	01225 776655 Ext 182 mari.webster@wiltshire.gov.uk	

Reason for the application being considered by Committee

1. The Director considers it inappropriate to exercise delegated powers given the relationship of the application to other services delivered by Wiltshire Council.

Purpose of Report

2. To consider the above application and to recommend that planning permission be granted.
3. This report should be read in conjunction with two other reports before the Committee to vary conditions attached to separate permissions relating to the deposit of green waste at the site and the use of the weighbridge facilities.

Main Issues

4. The application intends to address the situation of there being differences between the programming of contracted waste collection services, undertaken by the Waste Collection Authority for delivery to Lower Compton Waste Management Facility, and the hours at which key facilities on site are currently permitted to operate. The main points to consider are:-
 - Reasons for imposing Condition 8
 - Need for Saturday afternoon / Bank Holiday Operation
 - Environmental Impacts resulting from Saturday afternoon / Bank Holiday Operation.

Site Description

5. Lower Compton Waste Management Facility is located approximately 1 km to the east of Calne, approximately 1.5 km south west of the village of Compton Bassett, and less than 1 km north-west of the village of Cherhill. Immediately to the south of the site lies the housing area of Lower Compton.

6. The Waste Management Facility covers an area of approximately 50 hectares and has been in use for the extraction of sand and backfilling with waste since the late 1970s. A proportion of the site remains to be extracted and backfilled. An extension to the facility, again for sand extraction and backfilling with waste, lies immediately to the north of the site boundary at Low Lane. Waste recycling and recovery operations have been undertaken at the site since the 1990s.
7. The immediate boundaries to the site can be defined as follows. To the north lies the extension site Low Lane, which will form the eventual subsequent phase to the Lower Compton Landfill Site, and to the north of which lies open agricultural land. To the east, beyond the existing site screening bund, lies the minor 'C' class road from the A4 to the village of Compton Bassett and Compton Bassett Park. The boundary of the North Wessex Downs AONB reaches its westernmost extent immediately adjacent to this 'C' class road.
8. To the south, beyond the existing mineral extraction and waste management operations, lies the Lower Compton housing estate, which straddles the 'C' class site access road along its route to a junction with the A4. Immediately to the west is Sands Farm Quarry and Landfill Site, beyond which is the settlement of Calne.
9. The site is served by the A4 as it crosses Wiltshire east-west providing links to Marlborough and Calne and further links via the primary and secondary road network to the market towns in Wiltshire.
10. A site location plan is attached at **Appendix 1**.

Relevant Planning History

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

<u>N.01.2803</u>	Extension to a Sand Quarry and Infilling with Waste and Variation of Condition to amend Restoration Scheme - approved 24 May 2002.
<u>N.04.3060</u>	Section 73 application: Extension to a sand quarry and infilling with waste without compliance with Condition 2 of planning permission N.01.2803 - approved 4 April 2005.
<u>N.06.07008</u>	Section 73 application: Extension to a sand quarry and infilling with waste without complying with Conditions 3 (end date) and 5 (phasing and restoration) of planning permission N.04.3060 - approved 19 June 2007.
<u>N.06.07021</u>	Section 73 application: Extension to a sand quarry and infilling with waste without compliance with Conditions 8 of planning permission N.04.3060 - approved 10 November 2006.

Proposal

12. Condition 8 of Planning Permission ref. N.06.07008 currently states:

- x. *Except in emergencies to maintain safe working (which shall be notified to the Mineral Planning Authority in writing within seven days) no operations shall be carried out and no plant shall be operated other than during the following hours:*

07.00-20.00 Monday to Friday
07.00-13.00 Saturday

No working shall be carried out at any time on Sunday, Bank or Public Holidays.

Reason: In the interests of local amenity.

13. As the existing condition relates to control of operations for mineral working and waste infill, it is proposed to divide the condition to enable the Council to exercise control over mineral operations and waste operations separately. It is therefore proposed that the condition is amended as follows:

x. *Hours of Operation Mineral Operations:*

Except in emergencies to maintain safe working (which shall be notified to the local Planning Authority in writing within seven days) no operations associated with the extraction of minerals including the operation of associated plant shall be carried out other than during the following hours:

07.00 – 20.00 Monday to Friday

07.00 – 13.00 Saturday

Mineral extraction and related activities shall not take place on Sunday or Bank Holidays.

x. *Hours of Operation Waste Landfill Operations:*

Except in emergencies to maintain safe working (which shall be notified to the local Planning Authority in writing within seven days) no operations associated with the infilling of waste including the operation of plant shall be carried out other than during the following hours:

07.00 – 20.00 Monday to Friday including Good Friday Bank Holiday. Easter Monday Bank Holiday, May Day Bank Holiday, Whitsun Bank Holiday and August Bank Holiday;

07.00 – 13.00 Saturday except where that Saturday is identified below in this condition;

07.00 – 20.00 on Saturdays immediately following Good Friday Bank Holiday. Easter Monday Bank Holiday, May Day Bank Holiday, Whitsun Bank Holiday and August Bank Holiday and the Christmas Day / Boxing Day Bank Holidays; and

07.00 – 20.00 on the two consecutive Saturdays that immediately follow New Years Day Bank Holiday.

Operations shall not take place on Sundays or on Christmas Day Bank Holiday, Boxing Day Bank Holiday, or New Years Day Bank Holiday.

14. The principal difference will be the ability of the site to receive waste for landfill from the Wiltshire Council waste collection service in harmony with the times at which those collections are undertaken. This change would therefore see operations carried out on an additional maximum of five Bank Holidays each year and eight Saturday afternoons each year.

Planning Policy

15. The following Development Plan policies are considered relevant to the determination of this planning application:
- Policies W3 and W4 of the Adopted Wiltshire and Swindon Structure Plan 2016
 - Policy MCS8 of the Wiltshire and Swindon Minerals Core Strategy Development Plan Document (Adopted June 2009)
 - Policy WCS1 of the Wiltshire and Swindon Waste Core Strategy Development Plan Document (Adopted June 2009)

- Policies WDC2, WDC7 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies Development Plan Document (Adopted September 2009)
- Policy MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (Adopted September 2009)
- Policies C1, C3, NE4, NE15 and NE18 of the Adopted North Wiltshire Local Plan 2011

Consultations

16. **Cherhill Parish Council** – no comments received.
17. **Calne Without Parish Council** – no queries or concerns regarding the proposal.
18. **Calne Town Council** – strongly object. Considers the impact these revised hours of operation will have on the local environment (noise, pollution, traffic movement etc) greatly outweighs the benefits of additional operating hours.
19. **Compton Bassett Parish Council** – object as concerned the original restrictions were put in place to protect the local community from noise and hazards of large vehicle movements and the general inconvenience of the operation continuing on Bank Holidays and Saturdays. Consider that if the Council is redoubling its efforts to reduce the amount of waste sent to landfill, the requirement to use the site outside of the original agreed hours is reduced.
20. **Environment Agency** – concerned about the existing levels of noise from the site, and would be reluctant to see an increase in noise pollution without a robust noise management plan being in place.
21. **Natural England** – do not consider the proposal would have a significant impact on the AONB, but consideration should be given to potential localised adverse impacts.
22. **Defence Estates Safeguarding** – confirm the Ministry of Defence has no safeguarding (RAF Lyneham) objections to the proposal.
23. **Public Protection Officer** – note the submitted noise report concludes that three out of four locations would experience no material difference as a result of the proposals and that where there is a demonstrable impact; the impact is of marginal significance. Therefore, of the opinion that noise complaints are not likely. However, notwithstanding this objective assessment, is concerned there may be a subjective or emotional response to the proposed working hours as a result of the general ‘comings and goings’ that would occur locally at unexpected times such as Bank Holidays. Suggests that a temporary permission is granted to assess the impact and review the situation at the end of the specified period.
24. **Highways** – do not consider that the fairly minor addition to operating hours will cause any highway problems and thus no objection is raised.
25. **Landscape Officer** – no objections.
26. **Ecologist** – no comments.

Publicity

27. The application was advertised by site notice, press advert and neighbour consultation. Three letters of objection have been received on the following grounds:
 - Already enough landfill sites in this area and it will increase the amount of traffic, noise, smell and have a large impact on the area as a rubbish dump

- The continuous expansion of the facilities has decimated the local countryside
- The facility is taking over this whole area
- Already have heavy traffic arriving at the site early in the morning
- The speed limit on the road from the A4 should be lowered
- Previous amendments to the permissions granted over a period of time have had the effect of allowing a steady incremental growth in the side effects of the industry without sufficient controls and restraints.
- There has been an increase in HGV traffic through the centre of Calne, creating noise and dust disturbance to residents and retail units, and reducing safety on the road and pavements to cyclists and pedestrians.
- No confidence that there will be relief afforded to the local residents by the opening of the Lakeside facility. Hills will seek to replace the waste lost to the Lakeside facility by importing material from cross border sites in order to maintain their balance sheet.
- The growth at the Lower Compton site has not been confined to the RCV vehicles, with the growth in the number of bulk articulated and trailer vehicles with addresses from far beyond Wiltshire borders.
- This practice of imported waste streams is unsustainable and in the case of Calne runs contrary to the wish of the local residents to improve their town centre, encourage tourism and make the road network safer.
- Artics and RCVs are what they are, short of using electrically powered vehicles, run them along an underground tunnel or agree a transport solution with Viridor and Aggregates to exit the Lower Compton site via Sandpit Road, they will always create the adverse impacts
- The argument in favour of the application appears to be based on the Council wishing to avoid cancellation of a service on specific days - a far better solution is to educate the public into accepting that due to Bank Holidays or at Christmas there will necessarily be a reduction in service and that they, the public, must make more effort in reducing their waste at those times.
- The unsustainable disruption to the residents of Compton Bassett, Lower Compton and Calne outweighs any such disruption to the Council service and that the local community wishes should be more important than the operator's balance sheet.

Planning Considerations

28. The application is made under Section 73 of the Town and Country Planning Act 1990. This section provides for the submission of an application for permission to carry out the development of land without complying with conditions imposed on an earlier planning permission.
29. The procedure for such applications requires the planning authority to consider only the question of the condition(s) subject to which planning permission should be granted. If it is decided permission should be granted subject to conditions differing from the previous permission the planning authority may grant planning permission accordingly. Alternatively, if the planning authority decides that permission should be granted subject to the same conditions as in the previous permission, then it should refuse the application. If the planning authority decides that some variation of conditions is acceptable, a new alternative permission will be created. It is then open to the applicant to choose whether to implement the new permission or the one originally granted.

Reason for imposing the condition

30. In common with many waste management facilities, the Lower Compton Waste Management Facility planning permissions impose controls which prohibit operations from taking place after 13:00 hours on a Saturday, on Sunday or on Bank Holidays. This restraint on working hours is intended to provide some relief from operations and associated traffic to those living near sites at the times they are most likely to wish to enjoy the amenities of their homes and gardens or local area.

31. Restrictions to prohibit operations on Saturday afternoons, Sundays and Bank Holidays is an established way of securing a good standard of control over minerals and waste developments to protect local amenity. It is generally accepted that if a site is located close to residential or other sensitive land-uses, it would normally be inappropriate to allow work at night, during Sundays or on Bank Holidays.
32. The Waste Local Plan recognised that the proximity to housing at Spreckley Road, Lower Compton, and to populations of Calne, Compton Bassett and the surrounding area as a constraint to be taken into account when considering applications at Lower Compton.
33. Consequently, there is an established 'in principle' objection to extending working hours in order that the amenity of properties is protected from lorry movements and site activities at unsociable hours.
34. However, it is recognised that ensuring local residents are able to enjoy rest during these periods sometimes conflicts with the expectations of the wider population to have bins collected on a regular and consistent basis. Moreover, the commercial concern of waste collection authorities to cater for an efficient and effective service can lead to inflexibility to accommodate a pattern of service which reflects the hours at which landfill or other waste management facilities are available, as appears to be the case here.
35. Indeed, in 2006 permissions were sought to extend the opening hours in order to accommodate waste from kerbside collections and Household Recycling Centres (HRCs). The then County Council's Regulatory Committee determined at that time it was reasonable to allow working hours to be extended to cater for waste from HRCs at peak times and to allow general waste lorries to enter the site on Saturday afternoon immediately preceding or following a Bank/Public Holiday, but rejected any additional hours. In 2008, further applications were made to extend the working hours of the site to provide flexibility to accommodate the District Council's residual waste collections. However, in the absence of any clear justification for the extended hours, the applications were refused.
36. This further application explains that the amended hours of operation are required to ensure that waste collection services throughout Wiltshire operate in an effective and efficient manner.
37. Therefore, it is necessary to decide whether the stated requirement for extending the site working hours to reflect the adopted waste collection regime outweighs the principle and requirement to restrict working hours to protect local amenity.

Need for Saturday afternoon / Bank Holiday operation

38. There is a difference between the programming of waste collection services, now undertaken by Wiltshire Council or its contractor and previously undertaken by or on behalf of the former District Councils, for delivery to Lower Compton Waste Management Facility, and the hours at which key facilities on site are currently permitted to operate.
39. The collection service is organised and resourced to collect household waste over a normal 5-day working week, Monday to Friday. However, collections on up to 8 days each year are affected by Bank Holidays. One response to Bank Holidays by collection services in Wiltshire has been to suspend collections, and to use the following Saturday to restore the normal timetable. This has been the approach in two of the former District areas. Another approach, also employed in the two other former District areas has been to undertake collection on the Bank Holidays.

40. Collections have historically been carried out by the four district collection services as follows:-

- Good Friday – in all areas there have been collections on this day;
- Easter Monday, May and August Bank Holidays – collections have been carried out in the East (former Kennet) and North areas, whilst the South (former Salisbury) and West areas have used the following Saturdays to catch up;
- At Christmas and New Year, collections have been carried out on Boxing Day in the East (former Kennet) area. In other instances, Saturday catch-ups have been used with up to three catch-up Saturdays required during and after the Christmas and New Year period.

There is therefore an established pattern and ongoing contractual arrangement to provide waste collection services to households on Bank Holidays and “catch-up” Saturdays following Bank Holidays.

41. However, the current planning permission for the landfill does not include permission to open on Bank Holidays, or after 13:00 hours on a Saturday. There are also restrictions on the operation of the weighbridge which excludes its use at some of the times required.

42. The Applicant has suggested that it has responded to requests from the former District Councils for opening at these times by asking the Waste Planning Authority for “informal permission” to open the landfill facility. However, Officers do not recognise this practice as having taken place in recent years. To the contrary, since 2006 the applicant has made numerous applications to extend working hours at Lower Compton whilst still accommodating the demands of the waste collection authorities. These proposals therefore intend to regularise the operations at Lower Compton Waste Management Facility with regard to the deposit of residual waste on Bank Holiday and Saturdays following Bank Holidays.

43. The application is supported by the Head of Waste Management and the Head of Waste Collection, Recycling and Street Cleansing of Wiltshire Council. They are concerned that if the deposit of residual waste is not permitted as proposed, Wiltshire residents will face continuous changes to their programmed waste collection days to allow for the time lost when the Lower Compton site cannot receive waste in parallel with the collections made. It is said the collection program would require a complex arrangement to take into account Bank Holidays and would result in continually changing days for collection and type of waste collection. This is likely to result in an inefficient service for residents and a poor standard of service provision, lacking in clarity for local residents.

44. The Applicant and the Waste Collection Authority have considered the alternative to varying the hours of operation to fit programmed collection services of relying upon the temporary storage of collected materials at waste transfer stations or depots until the waste management facility reopens. However, the Applicant’s Everleigh and Thorny Down Waste Transfer Facilities operate close to their maximum operational capacity to store and bulk up residual waste from a normal collection day to allow for onward transfer to Lower Compton Waste Management Facility or to Lakeside energy from waste facility. Depositing additional loads that could otherwise be transported directly to the waste management facility will only increase the pressure on this capacity. At Everleigh, there are strict limits on overnight storage of waste. In addition, these two waste transfer stations are located in the east and south east of the Unitary Authority area. To programme the delivery of additional loads borne by refuse collection vehicles (RCVs) from across Wiltshire to these two sites will increase the distance that waste and RCVs will have to travel, and result in double handling of waste. It is also not possible to store residual waste in the RCVs overnight or for the weekend, as this would require additional consents and permits for a specialist facility to enable safe storage.

45. In the absence of any suitable alternative sites for storage and transfer, the Applicant and the Waste Collection Authority consider the only option available to the waste collection service is to deposit the residual waste at Lower Compton Waste Management Facility which will require the variation of the hours of operation as proposed.

Environmental Impacts resulting from Saturday afternoon / Bank Holiday Operation

46. Waste management facilities have the potential to impact significantly on the setting, character and environment of individual properties, settlements and surrounding land uses, thereby potentially affecting the quality of life for people living and working nearby and the use of land for recreation. The main environmental impacts likely to occur as a result of Saturday afternoon and Bank Holiday operations are potential negative impacts from lorry movements and site activities.

Lorry movements

47. Lorry movements have potential to create negative impacts particularly when they pass through residential areas. The Site is accessed via a 'C' class road, which takes access from the A4 to the south. Straddling the 'C' class road is the Lower Compton housing estate.
48. The planning application explains that the proposed amendments to the operating hours of the landfill would not increase total traffic movements or increase the volume of waste managed at the site. The routes that vehicles use would be unaltered. The only change would be to the range of days and times on which collection vehicles and bulked loads travel along the route.
49. The potential effect from this traffic to the amenity of the area and for residential properties has been assessed. A noise assessment demonstrates that the noise generated as a result of the additional hours of operation will not result in an adverse effect upon the residential amenity of surrounding dwellings. The assessment concludes that the pattern of noise levels in the area is similar between the current consented hours and the calculated noise levels for the proposed hours of operation, and noise generated by vehicles would be comparable regardless of the time of occurrence. Existing site practices require HGVs to be sheeted and wheel-washed to prevent dust migration from the site.
50. The Public Protection Officer notes a technical assessment in terms of noise decibels does not provide an appreciation of the perceived effects of lorry traffic on local amenity, particularly at unexpected times such as Bank Holidays. In their objections, Compton Bassett Parish Council and Calne Town Council express concern at the prospect of large vehicle movements and general inconvenience continuing on Bank Holidays and Saturdays.
51. However, as noted at paragraphs 39 and 40 above the Applicant has historically accommodated the demands of the waste collection authorities to receive waste on Bank Holidays and 'catch-up' Saturdays. This has in effect provided the temporary period which the Public Protection Officer suggests might be granted to assess the impact. The Waste Planning Authority has no record of complaints having been made in relation to operations taking place at Lower Compton Waste Management Facility on Bank Holidays or Saturdays. This would suggest that movements during these periods have not caused undue disturbance to residents in the locality. Only two local residents and the local branch of a national environmental group have objected to this planning application for extended hours. The restriction prohibiting working on Sundays, Christmas Day, Boxing Day and New Years Day would remain in place.
52. From 2009/2010 the number of vehicle movements into the landfill resulting from Wiltshire Waste Partnership collections is expected to reduce. The Council's contract with Hills Waste Solutions to send waste to the Lakeside energy recovery facility in Slough commenced at the end of June 2009. From then, over 30 percent of the Council's landfill tonnage will be diverted to this facility.

Site activities

53. The proposals will involve no change to the area of the landfill site. Existing site management practices ensure the operations do not give rise to any adverse effects in relation to the emissions to air, including dust, and odours and minimise any visual impacts.
54. There is potential for noise to be generated over and above that of the existing operations due to operations occurring outside of those currently permitted. A detailed assessment has therefore considered whether the site-generated noise would adversely affect residential amenity during the proposed amendments to the operating hours. Through the detailed assessment of the potential noise generated as a result of the proposed variations, it has been demonstrated that there will be no adverse effects upon residential amenity. There is a negligible change in noise levels between the current consented hours and the calculated noise levels for the proposed hours. The condition of the original permission specifying maximum noise levels at the site would remain in place, together with the relevant provisions of the Environmental Permit for the site.
55. Within the next 18-24 months, landfill operations within Lower Compton Waste Management Facility will cease as operations move to the Low Lane extension area. This period will provide a further period over which to monitor impacts and before operations move into the Low Lane extension area. Hours of working for the Low Lane extension area also prevent working on Saturday afternoons, Sundays and Bank Holidays. A decision on any proposal to extend those hours would be informed by the experience of operating additional hours at the Lower Compton site.
56. The application explains that as the existing condition relates to controls of operation for mineral operations and waste infill, it would be appropriate to divide the condition to enable each operation to be controlled separately. Officers generally concur with this view, but would recommend that for clarity each operation is subject to a separate condition and it made clear the additional hours are to only accommodate waste from HRCs and the household collection service.

Conclusion

57. The operation of the site on Saturday afternoons and Bank Holidays is required to provide a waste disposal facility to accommodate the programming of waste collection services undertaken by Wiltshire Council or its contractor. However, the current planning permission for the landfill does not include permission to open on these required days and times in order to protect local amenity. It is therefore necessary to carefully balance these conflicting demands.
58. Whilst there is an 'in principle' objection to extending working hours in order that local amenity is protected, the site has been historically operated at these times without cause for complaint and assessments demonstrate the amenity of the local area would not be seriously interfered with.
59. In the absence of any suitable alternative sites for storage and transfer it would seem the only option available to the waste collection authority is to deposit the residual waste collected at Lower Compton Waste Management Facility at the proposed hours in order that the waste management needs of Wiltshire are met.
60. On balance, it is considered the in principle objections to working the proposed hours is outweighed by the benefits of the development and the variation to the condition is acceptable.

Recommendation

61. That Permission be granted.

For the following reason(s):

The Council is of the opinion permission can be granted for the extension to a sand quarry and infilling with waste subject to conditions differing from the previous permission for that development. The operation of the site on Saturday afternoons and Bank Holidays is required to provide a waste disposal facility to accommodate the needs of the waste collection services. The Council considers any material planning objections to working the proposed hours is outweighed by the benefits of the development in meeting the waste management needs of Wiltshire.

The policies relevant to this decision are Policies W3 and W4 of the Adopted Wiltshire and Swindon Structure Plan 2016; Policy MCS8 of the Wiltshire and Swindon Minerals Core Strategy Development Plan Document (Adopted July 2009); Policy WCS1 of the Wiltshire and Swindon Waste Core Strategy Development Plan Document (Adopted July 2009); Policies WDC2, WDC7 and WDC11 of the Wiltshire and Swindon Waste Development Control Policies Development Plan Document (Adopted September 2009); Policy MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (Adopted September 2009) and; Policies C1, C3, NE4, NE15 and NE18 of the Adopted North Wiltshire Local Plan 2011.

Subject to the following condition(s):

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

Reason: To enable the Mineral Planning Authority to monitor the operations and to ensure compliance with this permission.

End Date

3. The extraction of sand shall cease on or before 24th May 2018.

Reason: To ensure that the development is carried out in accordance with the approved details.

4. The tipping/deposit of waste material and restoration operations shall cease on or before 24th May 2022.

Reason: To ensure that the development is carried out in accordance with the approved details.

Site Operations

5. The working, restoration and aftercare of the site shall be carried out only in accordance with Drawings Nos. 6304-5000-001 RRC Landfill Restoration Pre Settlement and 6304-5000-002 RRC Landfill Restoration Post Settlement.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings and structures shall be erected, extended, installed, re-arranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.

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

7. No topsoil, subsoil or overburden shall be exported from the site.

Reason: To ensure the satisfactory restoration of the site.

Hours of Operation

8. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority in writing within seven days) no mineral extraction operations, including vehicles entering or leaving the site, shall be carried out at the site except between the times:-

07.00 hours and 20.00 hours Monday to Friday;
and 07.00 hours to 13.00 hours Saturday;

No operations shall be carried out at any time on Sundays or Bank or Public Holidays.

Reason: In the interests of local amenity.

9. Except in emergencies to maintain safe landfill working (which shall be notified to the Waste Planning Authority in writing within seven days) there shall be no tipping of waste or associated activities, including vehicles entering or leaving the site, other than during the following hours:-

07.00 hours and 20.00 hours Monday to Friday; and
07.00 hours to 13.00 hours Saturday;

and shall not take place on Sundays or Bank or Public Holidays other than as indicated below:-

The site may in addition be open solely for the receipt of waste from household recycling centres and the Wiltshire Council municipal waste collection service between the following hours:-

07.00 hours to 20.00 hours Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday and Summer Bank Holiday;

13.00 hours to 20.00 hours on Saturdays immediately following, Good Friday, Easter Monday, Early May Bank Holiday, Spring Bank Holiday, Summer Bank Holiday and Christmas Day/Boxing Day Holidays; and

13.00 hours to 20.00 hours on the two consecutive Saturdays that immediately follow New Year's Day.

Operations shall not take place on Sundays or on Christmas Day, Boxing Day, or New Year's Day.

- Reason: *In the interests of local amenity*
10. No minerals except sand shall be removed from the site.
- Reason: *To ensure that the development is carried out in accordance with the approved details.*
11. No waste other than that defined as inert shall be tipped within the area shaded blue on Drawing No. COM/2500/G/21A dated February 2001 of planning permission N.01.2803 and this area shall be restored in accordance with Condition 20 below.
- Reason: *To ensure that the development is carried out in accordance with the approved details.*
12. Topsoil and subsoil and soil making material shall only be stripped when they are in a dry and friable condition and no movement, spreading or levelling of soils shall occur:
- (a) During the months October to March (inclusive)
- (b) When the full depth of soil to be stripped has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1975 - 'British Standard Method Test for Soils for Civil Engineering Purposes' or
- (c) There are pools of water on the soil surface.
- Reason: *To prevent damage to soils.*
13. All topsoil, subsoil and soil making materials shall be stored separately and in separate mounds which shall:
- (a) Not exceed 3 metres in height in the case of topsoil, or 5 metres in height in the case of subsoils.
- (b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations.
- (c) Not be subsequently moved or added to until required for restoration.
- (d) Have a minimum 3 metre stand off, undisturbed around each storage mound.
- (e) Comprise topsoils on like texture topsoils and subsoils on like texture subsoils.
- Reason: *To prevent the loss of soil for restoration and minimise damage to soil structure during storage.*
14. All undisturbed areas of the site and all topsoil, subsoil and overburden storage mounds shall be kept free of agricultural weeds such as thistle, dock and ragwort. Cutting, grazing and spraying shall be undertaken as necessary to control plant growth and prevent the production of seed and the spread of weeds to adjoining agricultural land.
- Reason: *To prevent the spread of agricultural weeds.*
15. Noise levels from operations on the site shall not exceed 55 dB(A) LAeq (1 hour) at any residential or noise sensitive property, the measurement to be taken at not less than 3.5 metres from the façade and at a height of 1.5 metres above ground level except during temporary operations when the limit shall be 70 dB(A) LAeq (1 hour) measured in the same manner.
- Reason: *To safeguard the amenity of local residents and adjacent properties and land users.*

16. Steps shall be taken to minimise the generation and emission of noise, dust and fumes from any use or operation authorised or required by this planning permission. Such steps shall include:
- (a) The spraying of water to lay dust on the surface of the site, access and haul roads as appropriate.
 - (b) The spraying of water to lay dust on the surface of stockpiles within the site as appropriate.
 - (c) The proper use of wheel cleaning facilities by vehicles leaving the site.
 - (d) Fitting all plant, machinery and vehicles with effective silencers maintained in accordance with the manufacturers specifications.

Reason: To safeguard the amenity of local residents and adjacent properties and land users.

17. The scheme for controlling scavenging birds, approved pursuant to Condition 14 of planning permission N.01.2803 shall apply for the duration of all operations hereby permitted.

Reason: To prevent increased aviation hazard through potential for birdstrike.

18. Within six months of the date of this permission being implemented, a detailed scheme to accommodate surface water run-off from the restored site shall be submitted to the Mineral Planning Authority for approval. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure the adequate drainage of the site.

19. The site access and hard surfaced areas used by vehicles shall be watered or treated with approved dust laying agent at times as may be necessary to prevent dust nuisance arising from the site.

Reason: To safeguard the amenity of the area and local residents.

Restoration

20. Within a period not exceeding 12 months of a phase being tipped and sealed to its pre-final level, it shall be covered with a layer of subsoil at least 300 mm in depth and topsoil 150 mm in depth.

Reason: To ensure the productive afteruse of the land.

21. Within 12 months of the date of this permission, a landscaping scheme shall be submitted to and approved by the Mineral Planning Authority. The scheme shall include the following:

- (a) The position, species and sizes of all existing trees, shrubs and hedgerows to be retained and the proposal for protection throughout the operations.
- (b) The position, species, spacing and initial sizes of all new trees, hedges and shrubs.
- (c) The programme of implementation of the scheme.
- (d) The arrangements for subsequent maintenance.

- (e) Any tree or shrub which dies within five years of being planted shall be replaced with new stock to the satisfaction of the Mineral Planning Authority and be maintained for a period of five years.

Reason: To improve the appearance of the site in the interests of visual amenity and to assist in absorbing the site back into the local landscape.

22. On completion of the importation of all landfill material, all machinery, plant, buildings, structures and any other site facility not essential for restoration/aftercare or for continuing landfill gas/leachate monitoring and control shall be removed or demolished and removed from the site. Any hardcore or material likely to interfere with the restoration of the land shall be removed prior to the final seeding and cultivation of the land.

Reason: To ensure the satisfactory restoration of the site.

23. All internal haul roads shall be removed when no longer required or during the course of site restoration, whichever is the sooner.

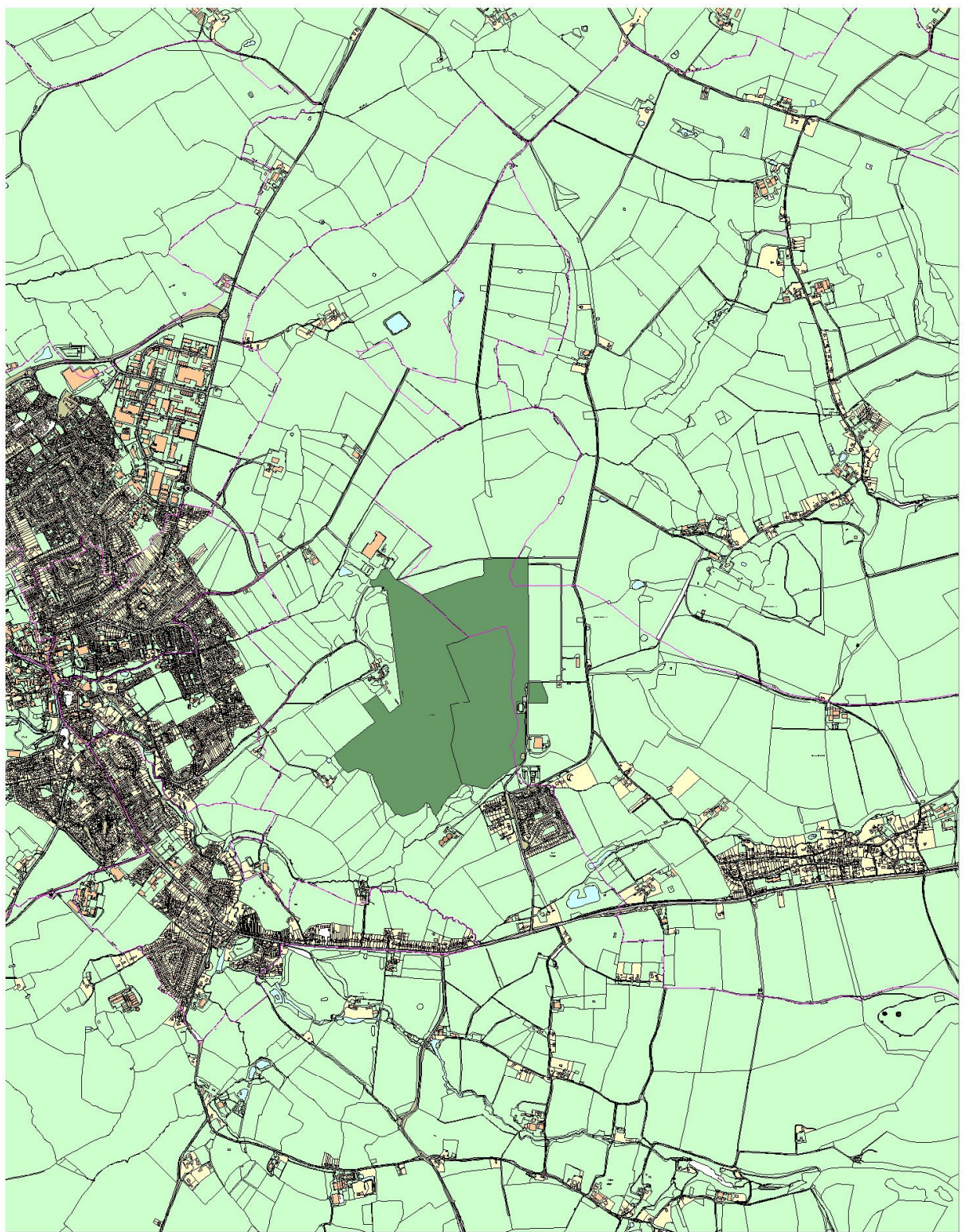
Reason: To ensure the satisfactory restoration of the site.

24. Prior to the commencement of the development hereby permitted, an aftercare scheme showing the steps to be taken to restore the physical characteristics of the land to a condition suitable for agriculture shall be submitted to and agreed in writing by the Mineral Planning Authority. The submitted scheme shall specify the steps to be taken and the periods during which they are to be taken and related to the restoration of the site in accordance with the conditions of this permission. The steps to be taken shall cover a period of five years from the completion and reinstatement of topsoils over the site.

Reason: In the interests of safeguarding and enhancing the visual amenities of the site.

Appendices:	Appendix 1 - Site location plan Appendix 2 – Planning Policies
Background Documents Used in the Preparation of this Report:	Submitted application documents, consultation replies and representations

BRAD FLEET
Service Director, Development



RELEVANT PLANNING POLICIES

WILTSHIRE AND SWINDON STRUCTURE PLAN 2016 (Adopted April 2006)

- W3 PROVISION FOR AN ADEQUATE NETWORK OF WASTE MANAGEMENT FACILITIES SHOULD BE MADE HAVING REGARD TO:**
- 1) MEETING THE WASTE MANAGEMENT NEEDS OF THE PLAN AREA**
 - 2) THE PROXIMITY OF THE FACILITIES TO THE SOURCE OF THE WASTE**
 - 3) MAKING A CONTRIBUTION, WHERE APPROPRIATE, TOWARDS ACHIEVING REGIONAL SELF SUFFICIENCY**
 - 4) ACHIEVING THE BEST PRACTICABLE ENVIRONMENTAL OPTION.**
- W4 PROPOSALS FOR WASTE MANAGEMENT FACILITIES SHOULD HAVE REGARD TO EFFECTS ON LOCAL AMENITIES, NEARBY LAND USES, LANDSCAPE, THE NATURAL AND HISTORIC ENVIRONMENT, TRAFFIC GENERATION, WATER RESOURCES, POLLUTION AND RESTORATION AND AFTERCARE OF THE SITE.**

WILTSHIRE AND SWINDON MINERALS CORE STRATEGY 2006 – 2026 DEVELOPMENT PLAN DOCUMENT (Adopted June 2009)

MCS 8: Living with Minerals Development – Protecting Residential Amenity

To maintain an acceptable separation of residential areas from proposed minerals development within Wiltshire and Swindon, the Councils will work with local communities, landowners, the minerals and waste industries, regulatory bodies and other organisations to establish, plan and address the following matters prior to the implementation of development proposals:

- The strategic and localised phasing and duration of operations;
- The design, location and extent of screening features;
- The control of operations to minimise pollution;
- The arrangements for managing the traffic associated with the development;
- The restoration and after-use objectives of the proposed development; and
- All other matters as agreed and deemed relevant by the Councils, local communities and the minerals operator.

Where appropriate, the Councils will encourage and support the establishment of Community Liaison Groups to help monitor, appraise and resolve operational matters associated with minerals sites throughout the life of the development.

WILTSHIRE AND SWINDON WASTE CORE STRATEGY 2006 – 2026 DEVELOPMENT PLAN DOCUMENT (Adopted July 2009)

WCS1: The Need for Additional Waste Management Capacity and Self Sufficiency

Over the period to 2026, Wiltshire and Swindon will address the issue of delivering sufficient sites to meet the needs of the municipal waste management strategies and sub-regional apportionments by providing and safeguarding a network of Site Allocations. The framework of sites will manage the forecast increase in waste arisings associated with the planned

growth in the Strategically Significant Cities and Towns (SSCTs) of Swindon, Chippenham, Trowbridge and Salisbury. Rural locations within Wiltshire and Swindon will also be provided with a network of local scale sites to serve local needs where capacity gaps arise. Need will be met locally whilst balancing the importation and exportation of waste within the principles of sustainable development and in accordance with the principles of sustainable transport.

WILTSHIRE AND SWINDON WASTE DEVELOPMENT CONTROL POLICIES **DEVELOPMENT PLAN DOCUMENT (Adopted September 2009)**

WDC2: MANAGING THE IMPACT OF WASTE MANAGEMENT

Proposals for waste management development in Wiltshire and Swindon will be permitted where it can be demonstrated that the proposal firstly avoids, adequately mitigates against, or compensates for significant adverse impacts relating to:

- Amenity
- visual aspects
- noise and light emissions
- vibration
- transportation of waste
- air emissions and climate change
- the water environment
- contaminated land
- the potential loss of best and most versatile agricultural land.

Proposals for waste management development should be accompanied, where necessary, by assessments of the impacts relating to the issues listed above.

WDC7: CONSERVING LANDSCAPE CHARACTER

Proposals for waste management development should include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to the following designated areas:

- The New Forest National Park
- The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty
- The Cotswolds Area of Outstanding Natural Beauty
- The North Wessex Downs Area of Outstanding Natural Beauty.

The assessment should be informed by the Wiltshire Landscape Character Assessment, as a minimum, and where the proposed development falls within or in proximity to an AONB or the New Forest National Park, the relevant Management Plan.

Proposals for waste management development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. Proposals in proximity to settlements must safeguard their character, setting and rural amenity through the implementation of mitigation measures that incorporate an acceptable separation distance, landscaping and planting, appropriate to the existing landscape setting.

WDC11: SUSTAINABLE TRANSPORTATION OF WASTE

Waste management development will be permitted where it is demonstrated that the proposals facilitate sustainable transport by (where they are relevant to the development):

- Minimising transportation distances

- Maximising the use of rail or water to transport waste where practicable
- Minimising the production of carbon emissions
- Ensuring a proposal has direct access or suitable links with the Wiltshire HGV Route Network or Primary Route Network
- Establishing waste site transport plans
- Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway network.

Where appropriate, applications for waste management development will need to be accompanied by a Transport Assessment. The Transport Assessment will need to:

- Consider the impact of the development upon the highway network in the local area
- Consider the potential cross-boundary impacts and cumulative impacts of the development with other local developments
- Identify any mitigation or compensatory works directly related to the development that may need to be funded by the developer in conjunction with the proposal.

WILTSHIRE AND SWINDON MINERALS DEVELOPMENT CONTROL POLICIES DEVELOPMENT PLAN DOCUMENT (Adopted September 2009)

MDC2: Managing the impacts of minerals development

Applications for minerals development in Wiltshire and Swindon will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with the following environmental considerations:

- Noise levels;
- Dust levels;
- Air emissions;
- Lighting; and
- Vibration levels.

Proposals for mineral development should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration. Where a need for mitigation is identified by the assessment and / or through consultation with key stakeholders, mitigation measures should be clearly defined and submitted as part of the development proposal, where necessary incorporating appropriate separation distances to safeguard residential amenity.

All plant and machinery associated with the mineral development will be limited to the life of the mineral reserve it serves, except where it can be demonstrated that the adverse impacts associated with retaining the plant and machinery can be effectively managed.

ADOPTED NORTH WILTSHIRE LOCAL PLAN 2011

C1 SUSTAINABILITY CORE POLICY

Development proposals will be examined for their performance against the sustainable development principles set out below.

Where performance on any sustainable development principle is considered to be low, development proposals will need to demonstrate that the benefits of the development substantially outweigh the disadvantages of not meeting all the criteria.

- i) Promotes or maintains the long term economic health of the local economy
- ii) Promotes or maintains socially inclusive communities and their access to community infrastructure
- iii) Promotes or maintains the quality of the natural and the historic environment
- iv) Demonstrates the prudent use of natural resources and incorporates, where relevant, recycling, renewable energy and energy conservation measures.

C3 DEVELOPMENT CONTROL CORE POLICY

New development will be permitted subject to the following criteria:

- i) Respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal;
- ii) Respect for the quality of the natural and built environment, including the historic environment, archaeology and ecology of the locality and where necessary include measures for the preservation or enhancement of such features;
- iii) Avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development;
- iv) Ensure access into and within the development is safe, minimises the risk from crime, and is convenient and attractive to pedestrians, cyclists, and people with disabilities;
- v) Incorporate energy conservation features and design principles to promote the use of renewable energy sources and prioritise the use of local, natural and recycled materials, provide satisfactory arrangements for efficient water supply, use and disposal and proposals for the storage, collection and recycling of refuse;
- vi) Promote sustainable patterns of development that will reduce the overall need to travel and support increased use of public transport, cycling and walking;
- vii) Have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety;
- viii) Avoid overloading of existing or proposed services and facilities, the local road network or other infrastructure;
- ix) Avoid locations that would generate, or be subject to, a detrimental effect upon public health or pollution to the environment by the emission or production of excessive noise, light intrusion, smoke, fumes, effluent, vibration, waste or litter.

NE4 AREAS OF OUTSTANDING NATURAL BEAUTY

In Areas of Outstanding Natural Beauty (AONB), priority will be given to the conservation and enhancement of the natural beauty of the landscape. The environmental effects of all development will be a major consideration. Development will be restricted to:

- i) The change of use of existing buildings;
and/or
- ii) That which is appropriate to the economic and social well-being of the area;
- iii) That which is desirable for the understanding and enjoyment of its amenities;

And provided the proposal:

- a) Conserves or enhances, the natural beauty of the landscape, including its open rural character, and any riverside or water features, wildlife sites, trees or woodland;
- b) Is sited and designed so as to minimise its impact on the natural beauty of the area and, where possible, is located close to and in association with existing buildings; and
- c) Uses appropriate building materials and landscaping. Other proposals and major developments including of an industrial or commercial nature will not be permitted except in exceptional circumstances.

These proposals shall be subject to the most rigorous examination and will be demonstrated to be in the public interest. Consideration of such applications will include an assessment of:

- i) the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy;**
- ii) the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way;**
- iii) any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.**

Major developments that are permitted will be carried out to high environmental standards through the application of appropriate conditions.

NE15 THE LANDSCAPE CHARACTER OF THE COUNTRYSIDE

The landscape of North Wiltshire and its locally distinctive characteristics shall be conserved and enhanced, development will be permitted if it does not adversely affect the character of an area and features that contribute to local distinctiveness.

Development shall take into account:

- i) The setting of, and relationship between, settlement and buildings and the landscape.**
- ii) The pattern of woodland, trees, field boundaries, other vegetation and features.**
- iii) The special qualities of watercourses and waterbodies and their surroundings such as river valleys.**
- iv) The topography of the area avoiding sensitive skylines, hills and not detracting from important views.**

The best and most versatile agricultural land shall be protected from non-agricultural development.

NE18 NOISE AND POLLUTION

Development will only be permitted where it would not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.