

REPORT

Introduction

This is an outline application for a residual waste treatment facility on land at the former Fullers Earthworks which forms part of a site allocated for this purpose in the West of England Joint Waste Core Strategy. The Joint Waste Core Strategy identifies the key development criteria for the site as follows:

- o Traffic;
- o Strategic Flood Risk Assessment;
- o Habitats Regulation Assessment;
- o Bats;
- o Site design;
- o Visual Impact;
- o Green Belt; and
- o Land Contamination

An Environmental Impact Assessment has been undertaken on the application site and the report has considered all the environmental information that has been submitted.

Details of Location and Proposal and Relevant History:

The application site is approximately 700m from the urban edge of Bath and 250m from the Odd Down park and ride site on the south western side of Bath. The A367 forms the northern boundary of the application site and to the south is woodland which runs down to Combe Hay Lane. Immediately to the west is the remainder of the former fullers earth works site (ie the existing buildings are not included in the application site) and beyond that there is agricultural land which is currently the subject of an improvement scheme. To the east there is open land which is currently overgrown and separates the application site from the park and ride facility.

Designations close to the application site include the Cotswold AONB to the south and the Bath World Heritage to the east. Designations on the application site itself include Green Belt, site of nature conservation importance, regionally important geological site and a tree preservation order. In addition the application site and the area of the former fullers earth works buildings are all allocated in the West of England Joint Waste Core Strategy as a site for a residual waste management facility.

The application site proposes the use of the existing site access on to the A367 and currently appears to be used for the storage and processing of inert material in conjunction with the activities taking place within some of the existing buildings which results in the application site being covered in large stockpiles of this material.

The application site and adjoining land has an extensive planning history which is currently the subject of enforcement action by the Council and for which a public inquiry has been programmed for November 2014. It remains the Council's view that the majority of the application site does not have a historic B2 use and the planning application has been considered and assessed on that basis.

The planning application is for a residual waste treatment facility capable of processing up to 100,000 tonnes per annum of non hazardous waste. The proposed facility would consist of the following elements:

- o A site reception building and associated weighbridge;
- o A materials recovery facility;
- o An anaerobic digestion plant;
- o Outside storage bays and hardstanding;
- o Structural landscaping; and
- o Other ancillary development including fencing, drainage and access improvements.

The estimated HGV movements associated with the proposed development would be 128 (64 in and 64 out) a day and would utilise the existing site access on to the A367.

The application is submitted in outline form with all matters, except access, reserved for future consideration. But the current application does provide maximum parameters regarding height, location, form, scale, opening hours and tonnage limits.

The materials recycling facility (MRF) would be a steel portal framed building with a maximum height of 12m. The existing ground level would be lowered by between 1m and 1.5m to reduce the height of the buildings. Waste would be delivered to enclosed waste reception area but other sections of the MRF would be open fronted.

Processes within the MRF would include:

- o Separation of mixed waste streams into specific material streams (timber, metals, plastic, paper, card) via manual and automated systems;
- o Further processing of some materials, such as wood shredding, would be carried out to produce a recycled product;
- o Material suitable for a refuse derived fuel would be diverted for drying and shredding to produce a RDF.

The anaerobic digestion (AD) facility would treat organic waste and consist of:

- o A biogas building including CHP plant;
- o Odour abatement system;
- o Primary and secondary digester tanks;
- o Digestate storage tanks;
- o Feedstock buffer and pasteurisation tanks; and
- o Gas flare

The MRF and AD would operate in combination with food and organic waste being separated during the first stages of sorting/processing in the MRF and sent on to the AD facility.

Maximum heights of the proposed buildings and tanks would again be 12m and the stack for the CHP plant would be 15m maximum. Gas from the process would be burnt to generate electricity which would be exported to the national grid. This will require the installation of a new grid connection which would run underground along the A367 to a substation at Entry Hill, details of which would be the subject of a separate application and are unlikely to have significant environmental effects.

All waste treatment and handling would be undertaken inside of the proposed buildings which would be subject to odour abatement controls.

In addition to the two built waste management facilities an area of hardstanding and storage bays for the outside storage of recycled materials is proposed with a maximum stockpile height of 5m. In addition areas of HGV and car parking are proposed.

Hours of operation are stated as not known. However whilst the AD process would be a continuous one the application has been considered on the basis that waste imports/exports and external activities would be limited to daytime hours only (0700-1800 hours).

An outline lighting scheme has been proposed providing for floodlighting with appropriate shielding to prevent the escape of upward light on either the proposed buildings or lighting columns of up to 10m for which it is stated that these would only operate during the main opening hours for the site of 0700 to 1800. In addition there would be low level bollard style lighting of the internal site access roads and walkways as these would be utilised at night when site operatives would need to access the AD facility.

A landscape masterplan is proposed for the site which includes tree and shrub planting and low level bunding on the northern, eastern and southern sides of the application site. In addition it is proposed to extend the landscaping on land under the control of the applicant to the west of the application site.

It is estimated that the development would create up to 40 new full time jobs.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS: No objections subject to conditions.

ENVIRONMENTAL PROTECTION: No objections subject to conditions.

ENVIRONMENTAL PROTECTION (Contaminated Land): No objections subject to conditions.

LANDSCAPE: No objections subject to conditions.

ECOLOGY: No objections.

NATURAL ENGLAND: No objections.

ENVIRONMENT AGENCY: No objections subject to conditions.

ARCHAEOLOGY: No objections.

ABORICULTURE: No objections subject to conditions.

COMBE HAY PARISH COUNCIL: No comments received.

SOUTH STOKE PARISH COUNCIL: Object in principle. The access is entirely inadequate, the application pays insufficient regard to its highly sensitive location and it is inappropriate development in the Green Belt next to the AONB and the World Heritage designation. The planning status of the land is still unresolved and it is not possible to determine the application until the enforcement proceedings have been resolved. The application is premature and should be refused.

ENLISHCOMBE PARISH COUNCIL: Notes this application and has no immediate concerns with this development at this time.

DUNKERTON PARISH COUNCIL: Support the application subject to it being strictly in line with policies of the BANES Local Plan and request that a far more effective landscape scheme is implemented to shield the site from the A367.

REPRESENTATIONS: At the time of writing this report 17 individual letters of objection had been received on this application, together with 1 letter of support. Main objections relate to traffic, Green Belt, impact on the AONB and impact on the gateway to the World Heritage Site, potential instability, impact on wildlife, impact on local residents, noise, dust, odour, visual impact and there should be a consolidation and regulation of what is happening on the site at present and private companies may not put the environment and people first so it should be a Council run site. Finally it is not proper to consider this application until the result of the enforcement action is known.

In addition letters of objection have been received from the Bath Preservation Trust and Protect Bath.

The Bath Preservation Trust objects to the extension of this industrial site in advance of the clarification of the planning status of the site which is to be determined by the enforcement action that is currently underway. The JWCS does not prejudge the determination of proposals and specifically refers to the fact that permission will not be granted for waste proposals which harm the AONB or World Heritage Sites and their settings. The associated Inspector's Report reinforces the need for any development to take account of the constraints on the site and that it would be wrong to anticipate the acceptability of forms of development different from those assessed through the preparation of the JWCS. In order to meet these constraints it is considered that a minimalist new facility should be constructed on the old industrial site and for the other site uses to be removed. Instead the applicant seeks to retain the uses already on the site and building a large new tall facility on land where the planning status is contested. The trust consider the application to be premature and contrary to policies protecting the Green Belt, conserving and enhancing the natural environment and conserving and enhancing the historic environment.

The objection from Protect Bath is made on the following grounds:

- o Application would cause substantial harm to the Green Belt for which no very special circumstances are demonstrated;
- o The application site is within the Green Belt, AONB and World Heritage Site and will encourage urban extension into a highly sensitive environmental location;

- o Site lies in an attractive and sensitive landscape and the application does nothing to enhance the character and will cause considerable adverse impacts for a number of years;
- o Screening and planting will take 15 years to screen the proposed development and even after 15 years there will be an adverse impact, given the importance of this site and the special protection given to the surrounding area the significant impact is unacceptable;
- o There will be a noticeable increase in traffic movements to and from the site and these will have a detrimental impact on the surrounding area and residents;
- o The impacts of the proposal on the surrounding area and local residents will be considerable. This impact needs to be assessed with the current permitted use on the site and not what is currently taking place;
- o The site is an important habitat for bats and birds;
- o When considering these proposals the Council should not view this application against the current use of the site but should be compared with the current lawful use and recognise the proposed intensification does not protect the Green Belt;
- o The NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances; and
- o Do not consider that there are any very special circumstances.

The above letter has been made on behalf of the 900+ members of Protect Bath, 262 of whom have also submitted pro forma responses objecting to the application on the same grounds as set above. Those submitting these pro forma responses have requested that their personal details are treated as private and confidential. These representations have therefore been treated as having been submitted through Protect Bath. Due consideration has been given to all matters raised in the above objections in the following report.

POLICIES/LEGISLATION

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF does not include policies on waste management and so PPS.10 remains in force until the proposed Planning for Sustainable Waste Management comes into force. The national consultation for this finished in September 2013 and the Government is currently analysing the feedback.

The NPPF confirms that it does not contain specific policies on waste but advises that local authorities should have regard to it so far as it is relevant. Key policies considered relevant to this application include: Green Belt, landscape and visual impacts, flood risk, cultural heritage, land contamination, traffic and design.

Due consideration has been given to the recently published National Planning Practice Guidance, March 2014

THE DEVELOPMENT PLAN

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy (relevant policies: B1 Bath Spatial Strategy, B4 - World Heritage Site, SD1 - Sustainable Development, CP2 - Sustainable Construction, CP3 - Renewable Energy, CP5 - Flood Risk Management and CP8 - Green Belt.)
- o Saved Policies in the B&NES Local Plan (2007)* (relevant policies: ES5 on Drainage; ES 9, 10 and 12 on pollution, nuisance, health and noise; ES14 on stability; NE1 and NE2 on landscape; NE9 and NE10 on ecology; GB2 visual amenities of the Green Belt; M9 and T24 on highways.)
- o Joint Waste Core Strategy (relevant policies: Policies 5, 6, 11, 12 and 13 on Residual Waste Treatment Facilities, Planning Designations, General Considerations and Safeguarding).

OFFICER ASSESSMENT

WASTE MANAGEMENT POLICY: National waste planning policy is set out in PPS10 Planning for Sustainable Waste Management (PPS10) which seeks to deliver sustainable development by driving the management of waste up the waste hierarchy away from landfill and to help communities take greater responsibility for their own waste whilst ensuring that there is no harm to human health or the environment. In this regard the proposed development will divert waste from landfill in accordance with the waste hierarchy and provide additional capacity in accordance with the spatial strategy of the JWCS it is therefore considered to comply with the objectives of sustainable waste management and can therefore be considered to be sustainable development (NPPF and policy SD1), however the application site is also designated as Green Belt and the implications of that designation are considered later in this report.

PPS10 further advises that where proposals are in accordance with an up to date waste plan then applicants do not need to demonstrate a quantitative or market need for their development.

The application site is located on a site that is allocated for a residual waste management facility in the up to date West of England Joint Waste Core Strategy (JWCS). The JWCS identified a need in the West of England for additional residual waste treatment capacity in order to divert waste from landfill in accordance with national policy. Following an extensive site identification process the JWCS identified a number of sites in policy 5 to deliver the preferred spatial strategy in the West of England. In respect of the BANES area the JWCS identified an indicative capacity of 150,000 tpa of which the proposed development would deliver 100,000 tpa, this is not considered to prejudice the overall delivery of the strategy proposed in the JWCS as there remains the remainder of the allocated site at this location and the allocation at Broadmead Lane if additional capacity is required over the plan period. The proposed development is therefore considered to be in accordance with the spatial strategy of the JWCS and will meet the need for new residual waste treatment capacity identified in the JWCS.

In addition to waste management capacity the proposed development will also generate renewable energy and will therefore make a positive contribution to the targets within policy CP3 of the Core Strategy.

In respect of policy 6 of the JWCS there is a lack of waste management facilities of this type within the BANES area and material currently has to be exported for treatment or disposal so there is considered to be demand for facilities of this nature. The proposed materials recycling facility (MRF) will ensure that the movement of waste up the hierarchy is encouraged by maximising the recovery of recycled materials before material is sent for energy recovery and the anaerobic digestion (AD) facility will recover energy and a connection to the national grid is available. The MRF and AD would operate in combination with food and organic waste being separated during the first stages of sorting/processing in the MRF and sent on to the AD facility.

GREEN BELT: As noted above the application within the Green Belt. Core Strategy policy CP8 largely mirrors national policy within the NPPF that identifies the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open and that the most important attributes of Green Belts are their openness and permanence.

The Core Strategy Policy identifies 6 purposes of including land in the Green Belt in BANES:

1. To check the unrestricted sprawl of Bath and Bristol.
2. To prevent the merging of Bristol, Keynsham, Saltford and Bath.
3. To assist in safeguarding the countryside from encroachment.
4. To preserve the setting and special character of Bath.
5. To assist in urban regeneration of Bath and Bristol by encouraging the recycling of derelict and other urban land.
6. To preserve the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt.

The Core Strategy sets out the objectives for the use of land within the Green Belt within B&NES as follows:

1. To provide opportunities for access to the open countryside for the urban populations of Bath, Bristol, Keynsham and Norton Radstock.
2. To provide opportunities for outdoor sport and outdoor recreation near Bath, Bristol and Keynsham.
3. To retain attractive landscapes and enhance landscapes.
4. To improve damaged or derelict land.
5. To secure nature conservation interests.
6. To retain land in agricultural, forestry and related uses.

This wording in respect of the purposes and objectives for the designation and use of land within the Green Belt substantially reflects the core wording set out in paragraphs 80 and 81 of the NPPF and therefore this policy can be afforded significant weight in determining the application.

In addition Policy GB.2 of the saved policies in the Local Plan advises that permission will not be granted for development within or visible from the Green Belt which would be visually detrimental to the Green Belt by reason of its siting, design or materials used for its construction.

National and local policy establishes a presumption against inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt. The NPPF sets out that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is "clearly outweighed" by other considerations.

The buildings proposed are inappropriate development in the Green Belt and therefore it is necessary to require very special circumstances to be demonstrated in order to justify the development. In demonstrating very special circumstances a need for the development and the lack of alternative sites outside of the Green Belt are important considerations. In this particular case the JWCS, as an up to date adopted Plan, has already established that there is a need for new waste management capacity and the results of an extensive site selection exercise, which was tested at Examination, confirmed that there was a lack of alternative available sites outside of the Green Belt in the Bath area. Therefore the purposes and objectives of the Green Belt designation have already been considered and the principle of waste development at this location has been accepted and as required by the JWCS it is now for development proposals to demonstrate that the impact on the openness of the Green Belt has been minimised. The proposed site layout and design is considered to have minimised its impacts on the openness of the Green Belt by restricting new buildings to centre and back of the site and by lowering ground levels on the site to reduce final roof heights. In addition a comprehensive landscaping scheme around the boundaries of the allocated site has been proposed to assist in screening both the proposed and existing buildings on the site.

Officers therefore consider that that the factors that lead this site to be allocated in the JWCS confirm that the purposes and objectives of the Green Belt designation have been considered and outweighed by the need for sites to be allocated to deliver new waste management capacity needed in the West of England and that the impact on the openness of the Green Belt has been minimised by the proposed site design, layout and landscaping.

Having regard to the proposed site design, layout and landscaping and the Council's landscape adviser's advice it is also considered that the proposed development would not be visually detrimental to the Green Belt in this location and it is not therefore contrary to policy GB2 of the save policies in the Local Plan.

The overall conclusions of the report will consider whether the harm to the Green Belt and any other sources of harm are "clearly outweighed" by the very special circumstances.

SITE DESIGN: A requirement in the Key Development Criteria for the application site is that the site design should be of a high standard and that this relates to the built development, site layout and landscaping. Officers have considered whether these criteria should be applied to the allocation as a whole but no aspect of this proposal will compromise the development of the remainder of the allocation site for its intended purpose, or its ability to achieve a high standard of design when it comes

forward and the existing waste use on the remainder of the allocated site is safeguarded by policy 13 of the JWCS.

In respect of design iterations the development has gone through a number of stages whereby an earlier layout which incorporated additional buildings was rejected by the Council at the pre-application stage. In addition the proposed landscaping scheme was enhanced to treat, in landscaping terms, the allocated site as a whole to ensure it was enclosed by a high quality landscaping scheme. Finally the application also seeks to lower existing ground levels by up to 1.5m to reduce building heights and to incorporate some low level bunding into the landscaping scheme to enhance the screening effects. All these elements are considered to combine to provide a high quality site layout and whilst the waste management building designs are driven by function it is considered that their design is appropriate to deliver a residual waste treatment facility in accordance with policy 12 of the JWCS.

The changes secured to the site design are considered important as it links to the need for any development to minimise its impact on the openness of the Green Belt which the current site design is considered to do.

LANDSCAPE: A landscape and visual assessment has been undertaken and the proposed development has been comprehensively assessed from a number of viewpoints which were discussed and agreed in advance with the Council's landscape adviser. The Council's landscape adviser is therefore clear that the scheme would not have a detrimental impact on the Green Belt, or the setting of the World Heritage designation and AONB. The need for a high quality landscaping plan and for control over cladding and colour is identified as important and it is considered that this can be adequately controlled by condition.

The proposed outline landscape masterplan as submitted treats, in landscaping terms, the allocated site as a whole to ensure it was enclosed by a high quality landscaping scheme. The application also seeks to lower existing ground levels by up to 1.5m to reduce building heights and to incorporate some low level bunding into the landscaping scheme to enhance the screening effects. The proposed mitigation is therefore considered appropriate for minimising the impacts on the development in the location. It is accepted that the landscaping will take some time to mature but a combination of the low level bunding proposed and the ability to condition the timing and maturity of the proposed planting is considered to provide an appropriate level of screening in the early years of the development.

It is noted that the original assessment by the applicant considered the stockpiles currently on the site to form the baseline for the site but additional assessment work was requested to consider the baseline as being no stockpiles and this did not significantly affect the conclusions of the assessment work. The Council's landscape adviser has considered this additional assessment work and agrees with its findings and therefore continues to have no objections to the proposed development.

The proposed development is not considered to conflict with policies NE1 and NE2 of the Local Plan and policies 11 and 12 of the JWCS.

CULTURAL HERITAGE: An archaeological evaluation of the site has been undertaken and no archaeological remains have been uncovered. Accordingly it is

considered that there will be no impact on the below ground archaeological resource as a result of the proposed development. It is also noted that contrary to the representations received the application site is not located within the World Heritage site. The key consideration is therefore the impact the proposed development may have on the setting of the World Heritage designation as it is located on one of the main approach roads to the city. A comprehensive number of viewpoints were considered and included in the landscape and visual assessment of the proposed development which were agreed with the Council's landscape adviser. Having regard to the conclusions reached on the landscape and visual impact of the proposed development as considered without the stockpiles in place and in combination with the existing development on the site it is considered that there are no significant adverse effects. Therefore the proposed development does not harm the outstanding universal value of the setting of the World Heritage site in accordance with policy B4 of the Core Strategy and the City of Bath World Heritage Setting SPD and policies 11 and 12 of the JWCS.

ECOLOGY: Habitat, bird and bat surveys were carried out and the site was found to comprise of tall ruderal vegetation, amenity grassland, tress, scrub and hedgerow. This confirms that whilst the application site is designated as a site of nature conservation importance there is no current nature conservation interest on the site and this will not alter whether the site has permission for the existing uses or not.

No evidence of badgers, reptiles or protected bird species were found but evidence of bats was found in the lofts of the two residential properties and in the engine room of the existing waste facility. However these buildings are outside of the application site and will not be affected by the proposed development. The proposed development will not therefore adversely affect any protected species.

No objections have been received from either Natural England or the Council's ecological advisor and the proposed development is not considered to conflict with policies 11 and 12 of the JWCS of policies NE9 and NE10 of the saved policies of the Local Plan.

LAND CONTAMINATION: A desk study of available information was undertaken and the overall risk from land contamination was considered to be low to moderate for the application site and that further intrusive investigations would be required as part of the development process. In addition the applicant has confirmed that the proposals to lower existing ground levels by approximately 1 to 1.5m (to reduce the height of the proposed buildings) will not have an adverse impact on the stability of the former mine workings in the area.

There are no objections from Environmental Protection and the Environment Agency subject to conditions and the proposed development is not considered to conflict with policy ES14 of the Local Plan or policy 12 of the JWCS.

HIGHWAYS: Policy M9 requires that applications for minerals and waste development will only be permitted where the highway is adequate for the type and volume of traffic proposed or that it can be upgraded without harm to the environment. It also requires that alternatives to road are used unless they are not commercially or environmentally suitable. Policy T24 provides similar tests,

requiring a high standard of highway safety for all road users and avoiding the introduction of excessive traffic on unsuitable roads. Policy 12 of the JWCS has similar requirements.

The site has an existing direct access onto the A367 and the proposed development would use this existing access which is considered to be fit for purpose. It is estimated that the proposed development would generate 128 HGV movements a day (64 in and 64 out) which would be in addition to the existing vehicle movements at the existing waste facility which adjoins the application site. However it is considered that these additional numbers can be adequately accommodated on the highway network with no adverse impacts and that subject to conditions there are no Highway objections to the proposed development.

Whilst concerns have been expressed regarding the additional traffic movements the A367 is a main road which is designed to be used by this type of traffic and it is agreed that there is no potential for alternative forms of transport (rail or water) to be used at this site. Acceptable levels of on site parking for employees and HGVs have been provided and the internal site access roads provide adequate capacity for on site queuing to prevent vehicles backing up on the A367. The proposals are therefore considered to be acceptable and comply with policies M9 and T24 of the Local Plan and policy 12 of the JWCS.

POLLUTION, NUISANCE, NOISE AND HEALTH: Policy ES9 deals with pollution and states that a development will not be permitted where it poses an unacceptable risk of pollution. Because this is a waste management development it is important to understand the relationship between the planning system controlled by the Council and the pollution control system administered by the Environment Agency. This is because the development will require both a planning permission from the Council and an environmental permit from the Environment Agency in order to operate. An environmental permit cannot be issued until planning permission is granted and in addition Government policy advises (NPPF) that planning authorities should focus on whether the development itself is an acceptable use of land and the impact of the use rather than the control of processes and emissions which are subject to approval under the pollution control regime, which local authorities should assume will operate effectively. Based on the consultation responses received and the conditions proposed it is therefore considered that the proposed development does not pose an unacceptable risk of pollution, and it therefore complies with policy ES9.

Policy ES10 of the Local Plan and policy 12 of the Joint Waste Core Strategy deal with air quality including dust, odour and health and the assessments undertaken demonstrate that dust from the site and emissions from the CHP engines would not be significant and that potential odour emissions from the waste management activities would be alleviated by the installation of an odour abatement system.

Policy ES12 of the Local Plan and policy 12 of the Joint Waste Core Strategy deals with noise and vibration and surveys have been undertaken to confirm that the proposed development would not generate any adverse noise impacts on existing residential receptors due to appropriate design and mitigation of the buildings.

The Council's Environmental Protection Officer has no objection subject to conditions and the proposed development is therefore considered to comply with policies ES9, 10 and 12 of the Local Plan and policy 12 of the JWCS.

FLOODING: Policy CP5 of the Core Strategy deals with flood risk management but the development is not within a flood risk area and is not considered to increase the risk of flooding elsewhere. Therefore subject to a condition to manage surface water run off there is no conflict with policy CP5.

DRAINAGE: Policy ES5 of the Local Plan deals with surface water drainage and requires that development should not be permitted where there is inadequate surface water infrastructure and it would result in surface water problems off site. Consultation responses confirm that this can be adequately dealt with by condition and the proposed development does not therefore conflict with policy ES5.

OTHER MATTERS: Representations raise the issue that the application is premature as the planning status of the land has not been resolved because of the outstanding enforcement issues at the site. However the planning status of the site in relation to this particular application is clear in that it has been allocated as a site for a residual waste management facility in an up to date waste plan and the current enforcement proceeding do not and will not affect this designation. It is therefore considered that it is appropriate to determine this application and officers have, moreover, considered the impacts based on the majority of the application site not having a historic B2 use which is the Council's position in the enforcement proceedings.

Finally in respect of comments made by the Inspector who held the Examination in to the JWCS that, it would be wrong to anticipate the acceptability of forms of development different from those assessed through the preparation of the JWCS, it is noted that the Inspector was talking in that regard about proposals to extend the boundaries of the allocated site even further to allow for development such as balancing ponds on adjacent land. Conversely the planning application is for a form of development assessed through the preparation of the JWCS.

CONCLUSION AND CONSIDERATION OF WHETHER VERY SPECIAL CIRCUMSTANCES EXIST:

The proposed development is on a site allocated for this purpose in an up to date Waste Core Strategy. The assessments undertaken indicate that there would be no significant effects on the AONB, World Heritage Site, the Green Belt and the local environment including local ecology or the local community. The consultation responses received from technical consultees confirm that, subject to conditions, they also believe this to be the case. The concerns expressed by local residents and some of the parishes have all been considered but it is considered that the evidence does not support the view that there will be a significant adverse impact on the environment, ecology or local communities.

Officers consider that very special circumstances are demonstrated for the proposed development, and in coming to this conclusion, it is necessary to consider if the very special circumstances "clearly outweigh" the harm by reason of inappropriateness to the Green Belt "and any other harm".

Officers therefore consider that that the factors that lead this site to be allocated in the JWCS confirm that the purposes and objectives of the Green Belt designation have been considered and outweighed by the need for sites to be allocated to deliver new waste management capacity needed in the West of England and that the proposed development minimises its impact on the openness of the Green Belt in this location having regard to the proposed site design, layout and proposed landscaping as required by the JWCS. With regard to any other harm the impacts of the proposed development have been fully considered and subject to conditions no unacceptable impacts have been identified.

It is therefore considered that the proposed development complies with the policies of the Core Strategy, Local Plan and the JWCS as well as national planning policy. Having considered all the environmental information it is recommended that the application is approved subject to conditions.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 Details of the, appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 The layout and scale of the proposed buildings and tanks shall conform with the description in the Design and Access Statement and Drawing No. 214.15 dated 18/02/2014 and shall comply with the following limits:

- i. Buildings shall not exceed a ridge height of 12 metres;
- ii. Gross new internal floor area shall not exceed 2313m²;
- iii. A maximum of 2 digester tanks and 1 digestate storage tank; and
- iv. The above tanks to not exceed 12 metres in height and 15.2 metres in diameter

Reason: In the interest of visual amenities and the landscape character of the area and in order to safeguard the openness of the Green Belt.

5 Before the development hereby permitted commences details of the finished floor levels of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of the area and in order to safeguard the openness of the Green Belt

6 The development hereby permitted shall not be commenced until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, roofs and tanks of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of the area

7 No more than 100,000 tonnes of waste per annum shall be imported to the application site. Records of the amounts of imports of waste for each calendar month shall be taken and shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

8 Vehicle movements into and out of the application site shall be restricted to a maximum of 128 HGV movements (64 in and 64 out) per day. The applicant shall keep a log of all HGV movements which shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: In the interests of highway safety.

9 Adequate sheeting shall be provided on uncovered vehicles when exiting the site to ensure there is no material deposited onto the highway.

Reason: In the interests of highway safety.

10 Prior to the commencement of the development details of the means of access, including amended internal junction radii and a pedestrian safe zone, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of highway safety.

11 Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the hours of operation of the site, provision of wheel washing facilities, and the details of the method of monitoring for HGV movements. The development shall thereafter operate in accordance with the approved details.

Reason: In the interests of highway safety.

12 Prior to the development being first brought into use details of the type and location of a covered cycle shelter and cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. The cycle shelter and cycle stands shall be provided prior to the site being first brought into use.

Reason: In the interests of sustainable development.

13 Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise (including vehicles), dust and odour emanating from the application site. The approved scheme shall be implemented prior to the receipt of waste at the application site and thereafter maintained in accordance with the approved details.

Reason: To protect the amenities of the area.

14 No work for the implementation of the development hereby permitted shall be undertaken on the application site except between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. No works shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To safeguard neighbouring amenity.

15 No waste deliveries, export of waste or recycled/processed materials or any external activities shall take place on the application site except between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. No works shall be undertaken on Sundays, Bank and Public Holidays.

Reason: To safeguard neighbouring amenity.

16 No development shall take place until full details of both the hard and soft landscaping works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in their entirety within 12 months of receiving written approval.

Reason: In the interest of the visual amenities and the landscape character of this part of the Green Belt.

17 All bunding, planting and seeding comprised in the approved landscaping works shall be carried out prior to the occupation of any of the buildings or the use of the processed/recyclable material storage area. Any plants or trees which within a period of five years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the successful establishment of the approved landscaping scheme

18 No development activity shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details in that implemented as appropriate. The final method statement shall incorporate a provisional programme of works, supervision and monitoring details by an Arboricultural Consultant and provision of site records and certificates of completion and compliance. The statement should also include the control of potentially harmful operations such as construction access, storage, handling and mixing of materials on site, access improvements, burning, location of site office, service run locations including soak-away locations and movement of people and machinery.

Reason: To ensure the protected trees to be retained are not adversely affected by the development proposals.

19 All stockpiles on the application site shall not exceed a height of four metres above 177.73m AOD.

Reason: In the interests of visual amenities and the landscape character of the site and protecting the openness of the Green Belt.

20 No waste shall be stored on the application site at any time except within buildings.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

21 No processed/recyclable materials or skips shall be stored or stacked on the application site at any time except within buildings or the processed/recyclable material storage area.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

22 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interest of visual amenities and the landscape character of this part of the Green Belt.

23 Any outflow from the application site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

24 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the

hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details on the following matters:

- i. A clearly labelled drainage layout plan showing any pipe networks, swales, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
- ii. Model runs to demonstrate that the critical storm duration is being used.
- iii. Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- iv. Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with Table 5 of the Technical Guidance to the National Planning Policy Framework (NPPF).
- v. Clarification over the storage volume requirement shown in the micro drainage calculations which suggest that more storage is required than currently shown on the proposed surface drainage strategy drawing.
- vi. Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

25 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment.

26 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment.

27 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment.

28 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of the water environment.

29 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

30 The development hereby approved shall not be occupied until parking, turning and access facilities have been provided in accordance with details to be first submitted to

and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety

31 1 Before the development hereby permitted commences a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will cover the following:

- i. A description of the sensitive features or receptors associated with the Application Site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts / Aspects register);
- ii. An overall programme for construction activities, together with method statements and risk assessments relating to certain activities;
- iii. Details including deliveries (including storage arrangements and timings), contractor parking, traffic management and any need for cranes for construction;
- iv. The control measures and monitoring requirements to be implemented during each stage of the construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors;
- v. Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed;
- vi. Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring; and
- vii. Actions to be taken in the event of an emergency or unexpected event.

In addition it should reflect the mitigation measures with respect to dust controls detailed in the Environmental statement 6.147 (page 143) in addition to the Council's Code of Practice to Control noise from construction sites (see informative).

Reason: In the interests of sustainable construction and to minimise the disturbance to the surrounding area during the construction period.

32 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

1 Application Boundary Plan, Drawing No. 214.17 dated 18/02/2014; Proposed Illustrative Site Plan, Drawing No. 214.15 dated 18/02/2014; Existing Topographical Survey, Drawing GRP/004/01; Proposed Illustrative Floor Plan, Drawing No. 214.16 dated 18/02/2014; Proposed Illustrative Site Sections, Drawing No. 214.10 Rev A dated 27/11/ 2013; Indicative Site Sections A-C, Drawing No.12-14-37 Rev 0 dated 29/04/2014; Illustrative Landscape Masterplan, Drawing No. 12-14-29 Rev C dated 28/01/2014.

2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where

a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.

3 DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework and for the reasons given, and expanded upon in the related case officer's report, a positive view of the submitted proposals was taken and permission was granted.