



ROLTON KILBRIDE
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PLANNING APPLICATION FOR A RENEWABLE ENERGY CENTRE (GASIFICATION) AND INDUSTRIAL WAREHOUSE

PLANNING STATEMENT

**KEYPOINT 145, THORNHILL ROAD,
SWINDON, WILTSHIRE, SN3 4RY**

ON BEHALF OF ROLTON KILBRIDE

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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1. INTRODUCTION

1.1 This Planning Statement accompanies a detailed planning application, submitted on behalf of Rolton Kilbride (the Applicant), on behalf of Legal & General Assurance Society Limited, with respect to the construction and operation of a Renewable Energy Centre (use class sui generis) for the recovery of energy (heat and electricity) from non-hazardous residual waste using an Advanced Conversion Technology process known as 'gasification', with the associated plant and infrastructure, and an industrial warehouse (use class B8) with associated plant and infrastructure, and a new vehicle access and landscaping (the Proposed Development) on land at Keypoint 145, Thornhill Road, Swindon, Wiltshire, SN3 4RY (the Application Site).

1.2 The Site Location Plan (see **Drawing K.0170_20 C**) identifies the Application Site boundary which extends to an area of 3.17 hectares. The Application Site encompasses all land necessary for the construction and operation of the development and vehicular access to the public highway, but excludes the route of the electricity and heat offtake (the offtake route(s) would be determined following the conclusion of on-going negotiations with nearby local energy users, and thereby it is proposed would be the subject of a separate planning application).

1.3 The application documents comprise:

- 1 APP Application Form with associated Certificates, Notices and fee
- Community Infrastructure Levy Additional Information Form
- Planning Statement (this document)
- Statement of Community Involvement
- Design and Access Statement
- Planning Drawings, comprising:

Drawing Title:

Site Location Plan
Site Layout
REC and Warehouse Roof Plan
REC Elevations

Drawing Number:

K.0170_20 C
K.0170_01 J
K.0170_33 B
K.0170_30 C

| | |
|-------------------------------------|-------------|
| REC Floor Plans (0m) | K.0170_43-1 |
| REC Floor Plans (5m) | K.0170_43-2 |
| REC Floor Plans (10m) | K.0170_43-3 |
| REC Building Section | K.0170_43-4 |
| Warehouse Elevations and Floor Plan | K.0170_42 B |
| Gatehouse Plans and Elevations | K.0170_02 |

- Environmental Statement, covering the following environmental topics:
 - Air Quality
 - Landscape and Visual Assessment
 - Traffic and Transport (with Transport Assessment)
 - Hydrology and Flood Risk (with Flood Risk Assessment)
 - Hydrogeology and Ground Conditions
 - Noise
 - Ecology and Nature Conservation
 - Archaeology and Cultural Heritage (with Archaeological Assessment)
 - Socio-Economics
- Arboricultural Survey and Impact Statement

1.4 It was confirmed during discussions with David Hanney at Swindon Borough Council (21/03/2016), that an Infrastructure Requirements Statement, setting out the heads of terms for a S106 agreement for the delivery of major off-site infrastructure, is not required for this project.

Background to the Proposed Development

- 1.5 *Purpose* – The purpose of the proposed Renewable Energy Centre (REC) is to generate energy (heat and power), the majority of which will be renewable, and at the same time to deal efficiently with non-hazardous residual waste, that is waste that has undergone some form of pre-treatment to extract the economically and practically removable recyclable materials.
- 1.6 There is a need to generate renewable energy in the UK, and to produce electrical power and heat at the same time. A facility which operates in this manner is known as a Combined Heat and Power (CHP) plant, which is widely recognised as being one of the most efficient methods of generating energy. CHP developments are being strongly encouraged in national policy (i.e. the Waste Management Plan for England) and local planning policy to increase energy efficiency in the UK.

- 1.7 There is also a need to deal efficiently with the residual waste which remains after recycling efforts have taken place. The best way to deal with this residual waste is to recover energy from it, through such a facility as the one described in this application.
- 1.8 *Applicant* - Rolton Kilbride, is a collaboration between the Rolton Group, a long-established multi-disciplined engineering consultancy with specialism in environmental technology, and Kilbride Infrastructure, which offers expertise in development and infrastructure. Rolton Kilbride are working with a set of technology partners and advisers who have extensive experience in the field of energy generation, gasification and the use of modern environmental technology.
- 1.9 *Landowner* - Legal & General Assurance Society Limited (L&G), the landowners, identified an opportunity to develop a facility that could provide secure, predictable and lower cost energy to local businesses. As one of the largest institutional investors and property fund managers in the UK, L&G has a strong commitment to sustainability. The proposed Renewable Energy Centre will recover the energy from residual waste that may otherwise be disposed of at a landfill site or exported to a similar facility abroad whilst also reducing greenhouse gas emissions and supporting the transition to a low-carbon economy.
- 1.10 Rolton Kilbride has an established track record working with L&G on a number of projects, and are currently working together on a portfolio of other Renewable Energy Centre projects which include sites in Castle Bromwich.
- 1.11 *Proven Technology* – The Proposed Development will use an Advanced Conversion Technology process called gasification. Gasification technology has an established track-record and is fully proven and bankable. Several European and Financial institutions and banks have completed thorough due diligence on the gasification technology projects, including Barclays, Lloyds, RBS, Bayern, Bank of Ireland, HSBC, HSH Nordbank, Natixis, UniCredit and LB Nord, and all have concluded that it is fully bankable. Furthermore, thorough technical due diligence has been undertaken on behalf of the banks, investors and project developers, carried out by qualified and experienced engineering consultants including Mott Macdonald, Fichtner and Rowan House. As an Advanced Conversion Technology (ACT) the Proposed Development would qualify under the Renewables Obligation (RO) and the Contracts for Difference (CFD) mechanism.

1.12 *Qualification for Contracts for Difference as a Renewable Energy Source* - As part of the UK Government's commitment to increasing the generation of low carbon renewable energy from the private sector financial support is provided to investors through the Contracts for Difference (CfD) scheme. The CfD scheme enables the developers of qualifying projects to gain an index linked, government backed, revenue for 15 years. The award of a CfD contract is important to the commercial viability of the proposed Renewable Energy Centre. It is emphasised that CfD are not available to all forms of energy from waste facilities, such as incineration, but are available to advanced conversion technologies including gasification, such as the Proposed Development.

1.13 In order to secure the CfD contract a developer must apply to the Department for Energy and Climate Change (DECC) and demonstrate that they have met the stated criteria, including the provision of:

- Documents demonstrating that they have secured the necessary planning permission;
- A signed grid connection offer; and
- A declaration that the Proposed Development is not in receipt of Renewables Obligations (RO) or Feed in Tariff (FiT) payments.

1.14 CfDs are allocated once a year; the next allocation date is currently scheduled for November/December 2016. In order to meet all the pre-qualification conditions and to complete the CfD application in a timely manner, the Proposed Development will need to secure planning permission by this date.

Pre-application Discussions

1.15 The Applicant has engaged in the pre-application consultation process with officers of Swindon Borough Council (SBC), the Waste Planning Authority (WPA) with responsibility for determining planning applications for waste-related development. The advice received was broadly supportive of the Proposed Development in principle and that the Application Site is an appropriate location, subject to findings of the required assessments. SBC also provided guidance as to the planning policy context against which the Proposed Development would be considered and identified the documentation necessary to support the planning application.

Community Consultation

- 1.16 The Applicant has actively undertaken consultation with Parish Councils and held Public Exhibitions within the parishes of Stratton St Margaret Parish Council, within which the Application Site is located, and neighbouring South Marston Parish. The Applicant has also consulted with both local business users. Details of all community consultation is provided within the **Statement of Community Involvement** that accompanies this planning application.

Environmental Impact Assessment

- 1.17 The Applicant commissioned specialist consultants to undertake an Environmental Impact Assessment (EIA) to identify the potentially significant environmental effects (beneficial or adverse) arising from the Proposed Development. The findings from the EIA are presented within the **Environmental Statement (ES)** that accompanies the planning application.
- 1.18 In order to determine the scope of the EIA a request for a Scoping Opinion was submitted to SBC on 8 February 2016. SBC issued their Scoping Opinion on 15 March 2016. A copy of the Scoping Opinion is provided as an appendix to the accompanying ES.

The Purpose and Structure of this Planning Statement

- 1.19 This Planning Statement is not intended to duplicate details provided within the supporting plans and documents, rather it provides a comprehensive summary of the relevant matters necessary for the determination of the planning application.
- 1.20 This Planning Statement is structured as follows:
- **Chapter 1: Introduction** (this Chapter) – Introduces the planning application, Applicant, Application Site and Proposed Development;
 - **Chapter 2: Application Site and Surrounding Context** – Provides a description of the Application Site and its immediate surrounding context, and an overview of the relevant planning history;
 - **Chapter 3: Proposed Development** – Provides a summary of the Proposed Development, scale and materials etc.;

- **Chapter 4: National Policy and Guidance** – Provides a summary of the relevant planning and waste management, national policy and guidance that comprise a material planning consideration;
- **Chapter 5: Local Planning Policy and Guidance** - Provides a summary of the relevant planning and waste management, planning policy and guidance at a local level that comprise the Development Plan or other material planning consideration;
- **Chapter 6: Planning Appraisal** - Assesses the Proposed Development in the context of the extant planning policy of the Development Plan and other material considerations; and
- **Chapter 7: Summary and Conclusions** – Provides a summary of the key findings from this Planning Statement.

2. APPLICATION SITE AND SURROUNDING CONTEXT

- 2.1 The Application Site comprises 3.17 hectares of land located within the Keypoint industrial area, which is located to the east of Swindon, Wiltshire, and to the east of the A419 and north of the A420 and adjacent Western Main Line railway line (see **Drawing K.0170_20 C**). Access to the A420 is via Thornhill Road which extends from the A420 at the Gablecross roundabout to the south, heading north over the railway line and then north-east towards South Marston. Access from Thornhill Road to the Application Site is achieved via two privately owned industrial estate roads, referred to in this Planning Statement as 'Road 1' extending from Thornhill Road heading west and north into the Keypoint Industrial Estate and 'Road 2' which extends from Road 1, west over a railway line and north towards the Honda Plant, passing directly past the Application Site.
- 2.2 The Application Site comprises vacant development land and that part of Roads 1 and 2 that provide access to the public highway (Thornhill Road). The Application Site is allocated in the Swindon Borough Local Plan 2026 (adopted 26 March 2015) as falling within a 'Key Employment Area' (Policy EC2) suitable for employment uses (use classes B1, B2 and B8) and for appropriate sui generis use.
- 2.3 The parcel of land proposed for development is occupied by vegetation comprising of scrub and grassland, much of which appears to have been previously disturbed land comprising bare earth. There are no distinct site boundaries. Along the north, west and southern boundaries the Application Site is occupied by a combination of young broadleaved woodland and dense scrub with occasional mature trees. To the east, the edge of the site is occupied by a sparsely vegetated, low-level, earth bank. A Public Right of Way (footpath) extends within the Application Site, along the southern and western boundaries, providing a link between South Marston (east) and Stratton St Margaret (west), beneath the A419 dual carriageway. Situated outside the Application Site, midway along the eastern boundary, is a small electricity sub-station comprising a pre-fabricated structure.
- 2.4 The Application Site is surrounded by various forms of development. To the north is a private access road into the Honda Plant, beyond which is the Honda production plant and testing track. To the east are the SDC and TDG warehouses which form part of the Keypoint industrial area and the Oxford University Bodleian book storage facility. A rail terminal is located just north of the TDG

building. To the south is the Western Main Line railway which connects Swindon with Bristol and London Paddington, beyond which is a small retail park and former Madison Hotel (now vacant). To the west is an area of open land occupied by scrubland and a combination of semi-mature and mature trees, beyond which is the A419 dual carriage way.

2.5 The nearest residential properties are those located within Stratton St. Margaret to the west of the A419 dual carriageway, circa 165m from the Application Site's boundary. There are some isolated properties located along Thornhill Road to the east, the nearest of which is circa 330m from the Application Site's boundary; all of which are separated from the Application Site by existing industrial warehouses. The village of South Marston is located circa 700m to the north-east and also separated from the Application Site by existing industrial warehouses. The area of land to the south beyond the A420 and retail park, and to the east beyond the industrial warehouses is allocated within the Swindon Borough Local Plan 2026 for the 'Eastern Villages', an extensive residential-led, mixed use, urban extension.

2.6 The Application Site is understood to have once formed part of the South Marston Aerodrome, now largely redeveloped as the Honda Plant to the north. A review of the SBC's on-line planning history and associated documents revealed the following planning history:

- T94.1452 – Outline planning application for the wider Keypoint industrial area including 88,325m² of warehousing (use class B8), road/rail intermodal rail terminal, lorry park, open container storage, siding and link to mainline and ancillary works – Granted Permission (09/12/1194);
- S/01/00789/ABB – Application for an industrial and distribution unit to be built in two phases to serve Honda – Granted Permission (19/03/2001);
- S/00/2573 – Application to extend the period for submission of reserved matters pursuant to outline permission T94.1452 – Granted Permission (16/01/2001); and
- S/10/1780 – Erection of a distribution building with associated works – Granted Permission (06/04/2011). The scheme comprised a single distribution warehouse (13,239m²), parking for 69 cars, service yard,

landscaping, external lighting and security fencing, operating 7 days a week/24 hours a day.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 The Proposed Development comprises the construction and operation of a Renewable Energy Centre (use class sui generis) and an industrial warehouse (use class B8), a new vehicle access and landscaping.

Renewable Energy Centre (REC)

3.2 The Renewable Energy Centre (REC) will have the capacity to process up to 150,000 tonnes of non-hazardous residual waste per annum; that is waste that is left following the practicable removal of recyclable materials (i.e. pre-treated waste) and that may otherwise be disposed of at a landfill site or exported to a similar facility abroad. The residual waste feedstock will predominantly be in the form of a Refuse Derived Fuel (RDF) which is a waste product that following pre-treatment is shredded, dehydrated and/or compressed into a pellet, brick-shape or baled; the RDF feedstock would be supplemented by other pre-treated commercial and industrial waste (C&I) and pre-treated municipal solid waste (MSW). A feedstock study has indicated that the residual waste would be sourced primarily from within the wider Swindon area. The REC will not accept hazardous or clinical waste.

3.3 Unlike incineration, the REC will employ an Advanced Conversion Technology (ACT), known as 'gasification', that heats the residual waste to very high temperatures, causing the materials to break down whilst also generating a gas which when burnt off in a boiler creates steam, which in turn drives a steam turbine to generate electricity or exported as heat. The proposed REC will have capacity to produce circa 14.5MW of electricity plus circa 1.5MW of heat. The Applicant is in on-going negotiations to supply local business users with the electricity and/or heat produced.

Built Development

3.4 The built development will comprise the following key elements (see Drawings **K.0170_01 Rev J, K.0170_33 Rev B and K.0170_30 Rev C**):

- *Main Building* – The main building will be located within the centre of the northern part of the site and measure 87.96m long x 72.7m wide and at its highest point be 24m above ground level. The main building will accommodate the majority of the processing plant including waste reception hall, waste bunker, shredder, fuel bunker and 3-line ACT processing plant and the associated feed water tank, control room,

workshop and crane service area. The fuel bunker would have a capacity sufficient to store 4 days waste. The main building would be finished primarily with profiled metal sheets (walls and roof) incorporating vents and louvres, with the walls coloured in graded grey-green bands which lighten in colour towards the roof. Windows and doors would be steel or aluminium framed, doors either timber or steel.

- *Bottom Ash Bunker* – The Bottom Ash Bunker would be situated immediately to the west of the main building and would be used to store bottom-ash from the ACT processing plant. The Bottom Ash Bunker would measure 12m long x 10m wide x 5m high, and have a capacity of 600m³.
- *Lime Silos* – There will be two lime silos located to the rear of the main building. Each silo would measure circa 4.1m diameter and circa 18.7m high.
- *Carbon Silo* – There will be a single carbon silo located to the rear of the main building. Each silo would measure 4m diameter and 18.7m high.
- *Filter Dust Silos (Fly Ash Silos)* – There will be two filter dust silos located to the rear of the main building. The filter dust silos would be located immediately adjacent to each other and constructed within a framework. The Filter Dust Silos together within the framework would measure circa 10.5m long x 5.15m wide and circa 19.5m high.
- *Flue Gas Filters* – There will be three flue gas filters located to the rear of the main building. Each filter would measure circa 5.6m diameter and 25.7m high.
- *Flue Stack* – A single flue stack will be located to the south-west of the main building. The flue stack would measure 2.8m diameter and 52m above ground level, and include walk around metal framework platform for access to the continual air quality monitoring system. The flue stack would be finished in a muted grey colour and fitted with an aviation warning light in accordance with the requirements of the Defence Infrastructure Organisation's requirements.
- *Turbine Room* – The Turbine Room comprises a separate building which will be located to the north of the site. The Turbine Room would measure 30m long x 15m wide x 15.6m high. The Turbine Room would

accommodate the turbines to generate energy; these would be connected to the main building by a short length of pipeline situated beneath the service area apron surface.

- *Air Cooled Condenser Fans* – The Air Cooled Condenser Fans (ACC) will be situated to the west of the main building. The ACC Fans will have a footprint of 39.62m long x 15.76m wide x 23.4m high.
- *Fire Water Tank* – The fire water tank will have a 1 million litre capacity and be located to the south of main building. The Fire Water tank would measure 17m diameter and 6.75m high, set within a metal framework.
- *Pump Room* – The Pump Room will be located next to the Fire Water Tank. The Pump Room would measure 6.09m long x 4.59m wide x 3.2m high.
- *Gatehouse (Weighbridge Office)/Weighbridges* – There would be a single Gatehouse Office located to the east of the main building, at the REC's entrance. A weighbridge will be located on both sides of the Gatehouse (Weighbridge Office), in and out. The Gatehouse Office would measure 4.858m long x 3.0m wide x 2.950m high. The Gatehouse Office would be finished using grey rainscreen cladding on a brick plinth with zinc or similar flat roof (see Drawing **K.170_02**).
- *Vehicle Access / Service Area* – Following the site entrance, the vehicle access divides into that serving the Staff and Visitor Car Parking area and that serving the REC (i.e. deliveries of residual wastes, import of processing materials such as lime, carbon etc. and the export of waste materials) with its associate service area, vehicle parking/turning areas.
- *Vehicle Parking* - 18 car parking spaces plus 2 disabled bays.
- *Cycle Parking* - Provision for 14 cycling spaces.
- *Site security* – Securing the REC facility will be 2m high fencing with double-leaf lockable gates; within the site would be removable bollards securing the main REC facility/services areas; vehicle access barriers would also be installed within the site, both adjacent to the Weighbridge Office and on the approach to the staff/visitor parking.

- *Lighting* – The REC facility will be lit by a series of external building mounted and pole mounted directional lighting.

Operational Development

- 3.5 The key stages of the REC operational development are set out below:
- 3.6 *Vehicle Access* – Vehicles will use the public highway from A420 to Thornhill Road, and then route onto the privately owned industrial estate Road 1 and Road 2 to the Application Site. Vehicles will route along a private access within the Application Site, to the south and west of the proposed industrial warehouse, to the REC facility's site entrance gates.
- 3.7 Staff and visitors arriving by car will be routed to the car park to the south of the REC facility. Access will be controlled by a security barrier, operated by REC staff situated within the Weighbridge Office. Staff and visitors will exit the site via the same route, in reverse.
- 3.8 Vehicles delivering residual waste or for the import/export of process materials (i.e. delivering lime, carbon etc. or removal of metals, bottom ash, bag house filter residue etc.), will be routed to the Weighbridge/Weighbridge Office. Access and egress will be controlled by security barriers, operated by REC staff situated within the Weighbridge Office. A weighbridge will be located in front of each barrier (in and out).
- 3.9 On arrival, waste carrying vehicles will report to the Weighbridge Office staff where waste documentation, waste carrier certificates and transfer notes will be checked to ensure compliance with the Duty of Care Regulations and the facility's Environmental Permit. Vehicles containing any non-conforming waste will be quarantined and managed in accordance with the site's Environmental Permit. The quantity of waste the vehicles carry will then be assessed by passing them over the In-Weighbridge.
- 3.10 The residual waste will be handled according to the different sizes of waste provider organisations, anticipated to be: Tier 1 from the major waste companies will account for approximately 60% of the waste entering the plant; Tier 2 will consist of waste from local operators and will account for 30% waste; and Tier 3 where 10% of the waste will come from the spot market. Economic and contractual obligations will play a large factor in the distance waste travels to a facility (the greater the waste needs to travel, the greater the waste management

cost to the operator) and hence waste will not generally be transported over long distances. Although waste from Tier 1 will be transported from major waste organisations it is still anticipated that this would be sourced from the wider Swindon area.

- 3.11 It is anticipated that residual waste will be delivered to the site via a combination of refuse collection vehicles (RCVs) which will typically be 18 to 22 tonne vehicle (gross weight) or articulated bulk haulage vehicles from nearby waste transfer stations under a Duty of Care Waste Transfer Note. The REC is expected to generate up to 90 heavy goods vehicle (HGVs) movements per day, which is the equivalent of 38 deliveries and 7 collections per day. There would also be car trips associated with circa 20 staff.
- 3.12 *Waste Reception* – Once accepted in to the site, vehicles delivering residual waste would draw up to and reverse into the Waste Reception Hall to the front of the main building. Once the vehicle is inside the Waste Reception Hall the fast acting doors will close; the Waste Reception Hall operates under negative pressure to draw in and contain odours with the air then fed into the ACT processing plant (gasification plant) so that it is 'cleaned' as part of the overall emissions control process before being released through the flue stack.
- 3.13 The residual waste is unloaded within the Waste Reception Hall. The residual waste in RDF form is unloaded directly by crane into the Fuel Bunker. However, all other residual wastes would first be deposited into the waste bunker before being transferred by crane into the shredder and then passed across a magnet whereupon any ferrous material will be removed. The recovered metals will be collected in a skip within the main building which will be periodically collected and sent for recycling.
- 3.14 The overhead fuel crane will operate on a pre-programmed cycle and move around the fuel bunker to mix the residual waste to create a more homogeneous mixture. The crane will then deliver residual waste automatically to the fuel hopper to the ACT unit.
- 3.15 The REC facility's fuel bunker will store sufficient capacity to continue operations without delivery of residual waste for a period of up to 4 days.
- 3.16 *Thermal Conversion* – Unlike incineration, gasification does not burn (combust) the residual waste, but heats the materials at high temperatures until their

composition breaks down. The thermal conversion will take place in two stages. The first stage involves the gasification (heating) of the residual within the gasification unit (primary chamber). The outputs from the gasification process is a synthetic gas called 'syngas' and 'bottom ash' (see Ash Management below). The second stage involves the high temperature oxidation of the syngas within the High-temperature Oxidation Unit (secondary chamber), whereupon there is a complete breakdown of Carbon Monoxide (CO), Total Organic Carbon (TOC) with a final production of a flue gas with low Nitrogen Oxides (NOx) content.

- 3.17 Changing the residual waste to syngas, means the combustion environment can be finely controlled to achieve compliance with the emissions thresholds of the Industrial Emissions Directive (IED) (Directive 2010/75/EU of the European Parliament and the Council on industrial emissions).
- 3.18 *Heat Recovery Steam Generator (HRSG)* - The HRSG is located within the main building, adjacent to the gasifiers. The HRSG recovers the energy from the hot syngas from the secondary chamber to produce steam. The HRSG consists of a water-tube boiler, a smoke-tube boiler and an economiser. The HRSG is also equipped with a shot-ball system for cleaning the heat transfer surfaces during operation, and with a feed-water tank and feed-water pumps.
- 3.19 Depending on how the energy is to be utilised (heat or electricity), the boiler system is designed to deliver saturated steam (for the delivery of heat) or superheated steam (for the production of electricity).
- 3.20 *Energy Utilisation System* - The system will consist of a turbine with generator and an air cooled vacuum condenser with condensate pumps located within the Turbine Hall. Generated electricity will be connected to the Power Company's distribution network. Condensate from the air-cooled condenser will be directed to the feed water tank of the boiler system by condensate pumps.
- 3.21 If required the turbine can be fitted with a suitable extraction point to enable steam, at the appropriate pressure, to be taken from the turbine for use by adjacent consumers.
- 3.22 *Air Pollution Control / Flue Gas Cleaning System* - The gasses generated during the thermal conversion process, having passed through the HRSG, enter the Flue Gas Cleaning System. This will comprise a bag house filter, a storage silo for lime and activated carbon, and a filter dust silo. In summary, the flue gases are

passed through a bag house filter, where upon lime and activated carbon will be injected to adsorb any contaminants in the flue gas. The bag house filter residue (referred to Air Pollution Control Residue (APCR)), comprises the used lime and activated carbon, together with fly ash, which is collected and stored in the filter dust silo. The APCR is a hazardous waste, due to its high alkaline content, which would be disposed of either at an appropriately licenced hazardous waste landfill or further processed, e.g. washing and/or stabilisation such that the treated APCR could be sent to a non-hazardous landfill. The cleaned flue gas is then discharged to the atmosphere via the stack.

3.23 *Control and Monitoring System* – The REC facility will operate within the terms and conditions set out with the statutorily required Environmental Permit, which is independently authorised, monitored and enforced by the Environment Agency. The REC facility will be equipped with a control and monitoring system that will provide automatic control of the process during normal operating conditions and continually monitored by fully trained and experienced staff. The control system also features a separate and independent automatic shutdown system. The emissions from the flue stack are continually monitored to ensure compliance with the emissions thresholds of the Industrial Emissions Directive (IED); in the unlikely event that emissions thresholds could be breached the facility would be temporarily shut-down until resolved. All emissions data is collated and made available to the Environment Agency.

3.24 *Maintenance* - Maintenance will be programmed to occur twice yearly and necessitates the ceasing of operations for a two week period in the summer and a one week period during the winter. These times would be programmed to coincide with the manufacturer's shutdown periods. Across the resultant weeks of scheduled operation, ad-hoc maintenance and other generation drop-out periods associated with grid-synchronisation and the processing of non-homogenous wastes may result in the need for short-term shut-downs. The availability is therefore expected to be approximately 90% (i.e. 46.8 weeks per annum).

3.25 *Bottom Ash Management (ash from the gasification process)* - The ash is discharged from the gasification unit (primary chamber) and is temporarily stored on site within the Ash Bunker before being transferred off-site. The bottom ash is an inert material which can be either recycled/recovered, for example to replace construction materials, or disposed of at an appropriately licensed landfill site.

- 3.26 *Electricity/Heat Connection* – The Applicant is currently in on-going discussions with local business users for the export of electricity and/or heat via a private connection. Accordingly, the installation and operation of electricity grid connection cabling and/or heat pipework connection are not included within the scope of the Proposed Development.
- 3.27 Notwithstanding the above, the Applicant has held discussions with the relevant electricity Distribution Network Operation (DNO), in this instance Scottish and Southern Energy (SSE), to ascertain if there is a suitable point of connection for exported electricity. SSE have advised that there is sufficient capacity at the Stratton sub-station, located just north of Kingsdown Road (B4141), for a connection to receive electricity exported from the REC. The cabling would be laid within the highway, footway or verges.
- 3.28 *Surface Water Management* – A sustainable urban drainage system (SUDs) comprising a series of flow balancing methods including below ground attenuation tanks and suitably sized pipework would be employed. The treated surface water would be discharged to the drainage ditch within the Application Site via a petrol separator to safeguard water quality and at a controlled greenfield runoff rate to manage flood risk. A preliminary surface water drainage strategy is shown within the Flood Risk Assessment (see **ES Appendix 8.1**).
- 3.29 *Hours of Operation* - The REC will operate continuously: 24 hours a day, 7 days per week.
- 3.30 *Staffing* – The REC will employ circa 20 full time equivalents directly employed within the REC and a further 10 staff providing specialist services from local businesses. The staffing complement comprises a variety of skills and levels of expertise, and there will be employment opportunities for local people. Operational staff will be required to operate the facility on a 3 shift, 8 hour pattern: 06:00 to 14:00; 14:00 to 22:00; and 22:00 to 06:00.
- 3.31 *Vehicle Movements* – Deliveries of residual waste would occur:
- Monday to Fridays – 07:00 to 19:00
 - Saturday – 07:00 to 14:00
 - Sundays - None

3.32 The REC is expected to generate up to 90 heavy goods vehicle (HGVs) movements per day, which is the equivalent of 38 deliveries and 7 collections per day. It is expected that HGVs importing and exporting materials from the site will do so evenly throughout the 12 hour period and there is unlikely to be a peak in movements associated with these operations.

3.33 There would also be car trips associated with circa 20 staff working in a three-shift pattern.

Industrial Warehouse

Built Development

3.34 The built development will comprise the following key elements (see Drawing **K.0170_01 Rev J, K.0170_33 Rev B and K.170_42 Rev B**):

- *Main Building* - The industrial warehouse building will measure 51.96m long x 44.7m wide x 14m high to eaves and 17.1m high to ridge. The floor area measures 2,671m². The main building would be finished primarily with profiled metal sheets (walls and roof) incorporating vents and louvres, with the walls coloured in graded grey-green bands which lighten in colour towards the roof. Windows and doors would be steel or aluminium framed, doors either timber or steel.
- *Gatehouse Office* - There would be a single Gatehouse Office located to the west of the main building, at the site's entrance. The Gatehouse Office would measure 4.858m long x 3.0m wide x 2.950m high. The Gatehouse Office would be finished using grey rainscreen cladding on a brick plinth with zinc or similar flat roof (see Drawing **K.170_02**).
- *Vehicle Access / Service Area* - Access to the Staff and Visitor Car Park is directly from the private access road within the Application Site, to the south of the main building. Operational vehicles would approach the service area from the west of the main building, also off the private access road, directly into the service area with additional parking, HGV turning area and space for waste & recycling bins.
- *Vehicle Parking* - 17 car parking spaces plus 2 disabled bays in accordance with Swindon Borough Council's Parking Standards.
- *Cycle Parking* - Provision for 12 cycling spaces.

- *Site security* – Securing the Industrial Warehouse will be 2m high fencing with double-leaf lockable gates to the service area; vehicle access barriers would also be installed within the site.
- *Lighting* – The Industrial Warehouse will be lit by a series of external building mounted and pole mounted directional lighting.

Operational Development

- 3.35 The precise details of the operations of the Industrial Warehouse are not known at this time. However, to provide flexibility consent is sought that allows the facility will operate up to 24 hour/day, 7 days per week, 365 days per year. Vehicle movements associated with the Industrial Warehouse operation have been estimated based on TRICS data to generate approximately 43 daily vehicle movements, 9 of which are HGVs. The proposed operation of the Industrial Warehouse will provide direct and indirect employment opportunities; the estimated direct employment opportunities using the Housing and Communities Employment Calculator is between circa 30 to 40 FTE for a distribution centre of this scale, depending on whether forms a national, regional or final mile facility.

Vehicle and Pedestrian Access

- 3.36 The Proposed Development would access the public highway (Thornhill Road) via the existing privately owned industrial estate Roads 2 and 1. The privately owned industrial estate roads have been designed and constructed to accommodate the nature and volume of vehicles associated with the Keypoint Industrial Estate (including the development of the Application Site for industrial purposes) and the Honda plant, and have been assessed as being suitable to accommodate the predicted nature and volume of traffic that will be generated by the Proposed Development (see **Transport Assessment, Environmental Statement, Appendix 7.1**).
- 3.37 A new junction would be constructed to Road 2, to the south-east of the Application Site, the details of which would be subject to planning condition. Vehicle tracking has been undertaken on the basis of a 16.5m articulated vehicle to demonstrate that an appropriate junction, with 4.5m x 43m visibility splay, can be implemented (see **Appendix E, Transport Assessment, Environmental Statement, Appendix 7.1**).

- 3.38 A new access road would be constructed within the Application Site from the new junction that would course to the south and west of the Industrial Warehouse, with access into the Industrial Warehouse Visitor and Staff Car Park, and service area, and to the REC facility. The details of the access road would be subject to planning condition. Vehicle tracking has been undertaken on the basis of an 16.5m articulated vehicle to demonstrate that vehicles can be accommodated along the access road, with suitable space for turning and manoeuvring within the service areas of both the proposed REC facility and Industrial Warehouse (see **Appendix F, Transport Assessment, Environmental Statement, Appendix 7.1**).
- 3.39 The existing Public Right of Way (footpath) would be retained and enhanced, initially adjacent to the new access road within the Application Site and then following within a landscaped corridor within the Application Site boundary but outside the security fencing of the Industrial Warehouse and REC facility.
- 3.40 The alignment of the private access road and Public Right of Way is shown on Drawing **K.0170_01 Rev J**.

Landscaping

- 3.41 Landscaping will be provided within the Application Site, both within the security fencing associated with both the REC facility and Industrial Warehouse, and along the site boundary.
- 3.42 In summary, it is proposed to provide a landscaped corridor along the Application Site boundary with a more formal landscaped area between the proposed REC facility and industrial warehouse. The landscaping will include the retention of the two existing mature trees along the northern and western boundaries, new tree and shrub planting, primarily along the eastern boundary adjacent to Road 2 and along the western boundary spanning the public right of way.

Construction

- 3.43 Subject to the grant of planning permission, it is anticipated that the construction of the proposed REC and Industrial Warehouse would commence in 2017. It is anticipated that construction would last for approximately 24 months. Construction would normally take place during the hours of 07:00 to 18:00 (Monday to Friday) and 08:00 to 13:00 (Saturday); no construction would take place on Sundays or bank holidays.

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- 3.44 With regards the REC facility, following main construction would be a period of circa 6 months for commissioning.
- 3.45 Environmental control measures will be imposed to minimise adverse environmental effects during construction. A Construction Environmental Management Plan will be prepared addressing potential effects on noise, vibration, air quality, water quality, surface quality (prevention of contamination of ground surface), site transportation and traffic management, visual intrusion and waste management. The appointed contractor will also be required to register with the Considerate Construction Scheme.
- 3.46 Lorries will be fully sheeted over and pass through a wheel washing installations (hose down area) prior to departure.
- 3.47 Waste will be generated during all stages of the construction works. A Site Waste Management Plan will be prepared and all relevant contractors will be required to seek to minimise waste arising at source and, where such waste generation is unavoidable, to maximise its recycling and reuse potential. Recycling of materials will primarily take place off-site where noise and dust are more easily managed.
- 3.48 All construction activities which have the potential to generate significant amounts of noise and/or vibration and will be undertaken during daytime periods.

4. NATIONAL POLICY AND GUIDANCE

4.1 This chapter provides a summary of the key relevant national planning policy, strategy and guidance that may be material to the determination of the planning application. These comprise the:

- National Planning Policy Framework (NPPF), published 27 March 2012;
- Waste Management Plan for England (WMPE), published December 2013;
- National Planning Practice Guidance (NPPG), initially published 6 March 2014 and dynamically updated;
- National Planning Policy for Waste (NPPW), published October 2014;
- Overarching National Policy Statement for Energy (EN-1), published July 2011;
- National Policy Statement for Renewable Energy Infrastructure (EN-3), published July 2011;
- Guidance on Applying the Waste Hierarchy and the accompanying Applying the Waste Hierarchy: evidence summary, both published June 2011;
- Guidance for Local Planning Authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC); and
- Energy from Waste: A guide to the debate, published February 2014.

National Planning Policy Framework (March 2012)

4.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The NPPF sets out the Government's overarching planning policies for England. The NPPF reiterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and confirms that the NPPF is a material planning consideration in the determination of planning applications (**paragraph 2**).

4.3 The NPPF does not contain specific policies with regards waste-related development as this provided within the National Waste Management Plan for England (discussion on the National Waste Management Plan for England is provided below). However, the NPPF requires that in the preparation of waste plans and the taking of decisions on waste-related planning applications local authorities should have regard to the policies in the NPPF in so far as they are relevant (**paragraph 5**).

4.4 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, stating that there are three 'dimensions' to sustainable development:-

"An Economic Role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A Social Role supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

An Environmental Role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy." (paragraph 7)

4.5 These roles should not be undertaken in isolation as they are mutually dependent. To achieve sustainable development the planning system should therefore play an active role in guiding development to sustainable solutions (**paragraph 8**).

4.6 The overarching NPPF policy principle applicable to both plan-making and decision-taking is the 'presumption in favour of sustainable development'. The NPPF states that for decision-taking this means approving development proposals that accord with the development plan without delay. Where the development plan is absent or silent or where policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly and

- demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted (**paragraph 14**).
- 4.7 Sections 2, 3, 5, 6, 8, 9 and 13 of the NPPF are not relevant to the Proposed Development.
- 4.8 **Section 1 'Building a Strong, Competitive Economy'** seeks to secure economic growth to create jobs and prosperity, building on the country's inherent strengths and meeting the twin challenges of global competition and of a low carbon future (paragraph 18). Furthermore, the NPPF highlights that planning should operate to encourage and not act as an impediment to sustainable growth and that significant weight should be placed on the need to support economic growth through the planning system (**paragraph 19**).
- 4.9 **Section 4 'Promoting Sustainable Transport'** seeks to facilitate sustainable development whilst contributing to the wider sustainability and health objectives, reducing the need to travel and balancing favour towards sustainable modes of transport. The NPPF requires that developments likely to generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment, with decisions taking account of the opportunities (depending on the nature and location of the site) for sustainable modes of transport to reduce the need for major transport infrastructure, safe and suitable access for all people, and that improvements can effectively limit significant impacts such that development should only be refused where the residual cumulative impacts are severe (**paragraph 32**).
- 4.10 The NPPF confirms that plans and decisions should ensure that developments that generate significant movements are located where the need to travel is minimised (**paragraph 34**). Furthermore, the NPPF advises that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people (**paragraph 35**), such that developments should be located and designed where practical, inter alia, to accommodate the efficient delivery of goods and supplies.
- 4.11 **Section 7 'Requiring Good Design'** attaches great importance to the design of the built environment, seeking to achieve high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes. The NPPF (**paragraph 58**) identifies a range of criteria for developments, including that it should: function well and add to the

overall quality of the area for its lifetime; establish a sense of place to create attractive and comfortable places to work; optimise the potential of the site to accommodate development; respond to the character and history of the site and its surrounding while not preventing or discouraging appropriate innovation; create safe and accessible environments; and are visually attractive as a result of good architecture and appropriate landscaping. Whilst recognising the importance of appearance the NPPF (**paragraph 65**) requires that planning authorities should not refuse permission for buildings or infrastructure that promote high levels of sustainability because of concerns regarding incompatibility with an existing townscape if those concerns have been mitigated by good design.

- 4.12 **Section 10 'Meeting the challenge of climate change, flooding and coastal change'** focuses on climate change, covering aspects of renewable energy and flood risk management.
- 4.13 The NPPF (**paragraphs 95 to 98**) identifies the key role the planning system has to play in supporting the delivery of renewable energy which is considered central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy local planning authorities are directed to recognise the responsibility on all communities to contribute to energy generation and should, inter alia, have a positive strategy to promote energy from renewable and low carbon sources, design policies to maximise renewable and low carbon energy development whilst ensuring the adverse impacts are satisfactorily addressed, and identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supplies (**paragraph 97**).
- 4.14 The NPPF also states (**paragraph 98**) that in determining planning applications, local authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and to recognise that even small-scale renewable schemes provide a valuable contribution to cutting greenhouse gas emissions. Furthermore, that local planning authorities should approve applications for renewable energy generation if its impacts are (or can be made) acceptable.
- 4.15 With regards flood risk the NPPF (**paragraph 100**) requires that inappropriate development in areas of flood risk should be avoided. In the determination of planning applications local planning authorities should ensure that flood risk is not increased elsewhere and should only be considered appropriate in areas at risk of

flooding where informed by a site-specific flood risk assessment, following a sequential test and, if required, an exception test (**paragraph 103**). However, the requirements of the sequential test need not apply for individual developments on sites allocated in development plans following a sequential test (**paragraph 104**).

- 4.16 **Section 11 'Conserving and enhancing the natural environment'** provides the policy framework with regards conserving and enhancing the natural environment, covering a range of aspects including: protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystems; minimising impacts on biodiversity and providing net gains in biodiversity; preventing both new and existing development from contributing to or being put at an unacceptable risk from or being adversely affected by levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, derelict, contaminated and unstable land, as appropriate (**paragraph 109**).
- 4.17 The NPPF seeks for local planning authorities, in the preparation of plans, to minimise pollution and other adverse effects on the local and natural environment, allocating land with the least environmental or amenity value where consistent with other policies in the NPPF (**paragraph 110**). The NPPF (**paragraph 111**) advises that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 4.18 With regards matters of landscape the NPPF (**paragraph 115**) guides that great weight should be afforded to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), affording these designations the highest status of protection. The NPPF (**paragraph 116**) states that planning permission 'in' these designated areas should be refused except in exceptional circumstances where it is demonstrated they are of in the public interest, and setting criteria for their consideration.
- 4.19 With regards matters of ecology and nature conservation the NPPF (**paragraph 118**) seeks to conserve and enhance biodiversity by directing local planning authorities to apply the following principles, inter alia: if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; development likely to have an adverse effect on a SSSI (either individually or in combination with

other developments) should not normally be permitted, except where the benefits of the development at the site clearly outweigh both the impacts on those special features of the SSSI and any broader impacts on the network of SSSIs; opportunities to incorporate biodiversity should be encouraged; and planning permission should be refused where development would result in the loss or deterioration of irreplaceable habitats (including ancient woodland, aged/veteran trees) unless the benefits clearly outweigh the loss.

- 4.20 The NPPF that with regards the use of potentially contaminated or unstable sites the responsibility for securing a safe development rests with the developer and/or landowner (**paragraph 120**). However, the NPPF also (**paragraph 121**) seeks for local planning authorities to ensure that a site is suitable for its new use taking into account ground conditions and land instability, including hazards occurring naturally or from a former use.
- 4.21 In applying the above, local authorities are guided to focus on whether the development itself is an acceptable use of land and the impact of use, rather than the control of processes or emissions where these are subject to approval under pollution control regimes (**paragraph 122**). With this regard, local planning authorities are to assume that these regimes operate effectively.
- 4.22 With regards noise, the NPPF (**paragraph 123**) seeks for decisions to avoid significant adverse impacts on health and quality of life from noise; to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development; recognise that development will often create some noise and existing businesses wanting to develop should not have unreasonable restrictions placed upon them; and to identify areas of tranquillity which are valued for this reason.
- 4.23 With regards air quality, the NPPF (**paragraph 124**) confirms that planning policies should sustain compliance with and contribute towards national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should be consistent with the local Air Quality Action Plan.
- 4.24 Furthermore, the NPPF (**paragraph 125**) encourages a good design of built development that limits the impact of light pollution from artificial light on local amenity and nature conservation.

- 4.25 **Section 12 'Conserving and enhancing the historic environment'** seeks the conservation and enhancement of the historic environment, stating a requirement (**paragraph 128**) for applicants to describe the significance of any heritage assets that may be affected and their setting, at a level proportionate to the potential impact and the asset's importance. Local planning authorities are directed to consider both the relative significance of an asset and the desirability of sustaining or enhancing this significance, the positive contribution it makes to sustainable communities including their economic viability and the desirability the new development takes to the local character and distinctiveness.
- 4.26 In setting the general principles of 'Decision-taking' (**paragraphs 186 and 187**) the NPPF requires that local planning authorities should **"... approach decision taking in a positive way to foster the delivery of sustainable development"** and **"seek to approve applications for sustainable development where possible"**. With this regard the NPPF (**paragraph 187**) concludes by stating that authorities **"should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"**.
- 4.27 The NPPF, confirming that the planning system is plan-led and that **"planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in the planning process"** (**paragraph 196**) and that **"in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development"** (**paragraph 197**).

Waste Management Plan for England (December 2013)

- 4.28 The Waste Management Plan for England (WMPE) was published in December 2013 and sets out where the Government is now in terms of the waste generated in England and how those materials can be managed. It supersedes and records progress made since the publication of the Waste Strategy for England 2007.
- 4.29 The introduction to the WMPE identifies its purpose as a high level document which is non-site specific. The WMPE provides an analysis of the current waste management situation in England and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework

Directive (WFD)¹. The WMPE covers matters relating to municipal waste (household waste and commercial waste similar to household waste), industrial waste (including agricultural) and commercial waste, construction and demolition wastes, and hazardous wastes.

- 4.30 With regards the waste management planning policy at the time of the WMPE's publication, it states that:

“National planning policy on waste is currently set out in Planning Policy Statement 10 ‘Planning for Sustainable Waste Management’. It provides the planning framework to enable local authorities to put forward, through local waste management plans, strategies that identify sites and areas suitable for new or enhanced facilities to meet the waste management needs of their areas. This policy is currently being updated and has been subject to public consultation. Once it has been finalised, the updated policy will replace Planning Policy Statement 10 as the national planning policy for sustainable waste management.” (Page 2)

- 4.31 The WMPE (page 10) sets out how the Government is working towards moving beyond our current throw-away society to a ‘zero waste economy’ in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. The WFD defines waste management as **“the collection, transport, recovery and disposal of waste, including supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker”**.
- 4.32 Underpinning waste management in England, and enshrined in law through the Waste (England and Wales) Regulations 2011 is the waste hierarchy (see below, extracted from the WMPE page 11).

¹ Directive 2008/98/EC of the European Parliament and of the Council, 19 November 2008



4.33 The Proposed Development falls within the scope of 'Other Recovery' for which the WMPE (page 13) states that **"The Government supports the efficient energy recovery from residual waste – of materials that cannot be reused or recycled - to deliver environmental benefits, reduce carbon impact and provide economic opportunities"**, albeit noting that the Government aims to get the most energy out of waste, not to get the most waste into energy recovery. With this regard it is noted that **"It is for the Environment Agency to determine on a case by case basis whether an application for an environmental permit constitutes a waste recovery or a disposal operation"**.

4.34 In terms of waste regulation, the WMPE confirms (page 15) that **"The Environment Agency is the main regulator of waste management in England. Among its responsibilities are the determination of applications for environmental permits required under Article 23 of the revised Waste Framework Directive; and carrying out inspection and other compliance assessment activities."**

4.35 With regards the import and export of waste materials, the WMPE notes that (page 20) **"The UK also exports refuse derived fuel (RDF) mainly to northern continental Europe and Scandinavia for energy recovery. RDF is mixed solid waste that has been pre-treated so it consists largely of combustible components such as plastic and biodegradable waste. Exports of RDF have increased significantly in recent years in response to**

the rising costs of landfill in the UK. Exports of wood/biomass for energy recovery are not included within the RDF data. Exports of RDF have risen from zero in 2009 to 13,258 tonnes in 2010 and 887,465 tonnes in 2012.”

- 4.36 The WMPE sets out the Government’s ambitions for waste management highlighting **“...the importance of putting in place the right waste management infrastructure at the right time and in the right location. We aim to have the appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources”** (page 29)
- 4.37 The WMPE notes that the revised WFD establishes the principles of ‘proximity’ requiring each member state to **“... establish an integrated and adequate network of waste disposal installations for recovery of mixed municipal waste collected from private households ...”** and confirming that this requirement also includes where such collection also covers waste from other producers (page 29). Furthermore, that **“The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.”** This is required to enable member states to move towards self-sufficiency in waste disposal and recovery.
- 4.38 Reference to waste planning policy (page 30) is no longer relevant following the publication of the National Planning Policy for Waste in October 2014 (see below).
- 4.39 With regards to the appropriate technologies to managing residual waste, the WMPE draws on the findings of the 2011 Waste Review. The WMPE clearly states that the Government does not express a preference for one technology over another, since local circumstances differ. Any given technology is more beneficial if both heat and electricity can be recovered. Particular attention should therefore be given to the location of the plant to maximise opportunities for heat use (pages 31 and 32).

National Planning Practice Guidance (March 2014, as amended)

- 4.40 On the 6 March 2014 the Department for Communities and Local Government (DCLG) launched the web-based National Planning Practice Guidance (NPPG).

The web-based format allows DCLG to update the NPPG electronically periodically, and for the avoidance of doubt, where this Planning Statement relies upon the advice, reference is drawn to the date the relevant section of the guidance was published.

- 4.41 The most relevant guidance in the NPPG to the application is set out in the section entitled 'Waste' and in particular paragraphs 002, 004, 006/007, 009 and 050.
- 4.42 **Paragraph 002** (16/10/2014) sets out a list of matters which can be considered as waste operations. Whilst it indicates that it is a non-exhaustive list and though interpretation is ultimately a matter for the courts, it identifies that both 'energy from waste incineration and other waste incineration' and 'pyrolysis/gasification' constitute 'waste development'.
- 4.43 **Paragraph 004** (16/10/2014) sets out the role of the waste planning authority (in this instance SBC) in implementing the European Waste Framework Directive, specifically with regards: Article 4, the waste hierarchy; Article 13, the protection of human health and the environment; Article 16, the principles of proximity and self-sufficiency; Article 28, waste management plans; and article 34 periodic inspections. In this respect and with regards the determination of planning applications for waste facilities, Annex 1 (**paragraph 55**, 16/10/2014) notes that the application of the Article 4, the waste hierarchy, is capable of being a material consideration in determining proposals of waste management facilities; and that planning authorities have a duty to have regard to the provision of Articles 13 and 16 in the exercise of their planning functions.
- 4.44 **Paragraphs 006 and 007** (16/10/2014) are concerned with the local planning authority's obligation under Article 16 of the Waste Framework Directive, as transposed into The Waste (England and Wales) Regulations 2011 (Regulation 18), to have regard to the principles of self-sufficiency and the proximity in the exercising of their planning functions. **Paragraph 007**, clearly states that **"Though this should be the aim, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of self-sufficiency and proximity principles. Nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations."** The guidance continues by identifying that in certain circumstances it may be uneconomic to have a facility in each local authority or that there may be significant economies of scale for cross-border

facilities to enable waste to be handled effectively. Most notably, the guidance states **“The ability to source waste from a range of locations/ organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity.”**

4.45 **Paragraph 009** (16/10/2014) expresses that moving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste. Furthermore, that national waste planning policy is capable of being a material consideration in decisions on planning applications for waste management facilities.

4.46 **Paragraph 050** (16/10/2014) requires that where issues are covered by other regulatory regimes, waste planning authorities (in this instance SBC), should assume that these regimes will operate effectively. Accordingly, **“The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes.”**

4.47 With this regard, it is noted (**paragraph 051**, 16/10/2014) that it is **“The role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.”**

National Planning Policy for Waste (October 2014)

4.48 The National Planning Policy for Waste (NPPW) was published in October 2014 and replaces Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10).

4.49 The NPPW (**paragraph 1**) acknowledges that the WMPE sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Furthermore, that positive planning plays a pivotal role in delivering this country’s waste ambitions through:

“• **delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A);**

• **ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;**

• **providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;**

• **helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and**

• **ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.”**

4.50 In terms of determining planning applications for waste development, the NPPW (paragraph 7) advises that waste planning authorities should:

“• **only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;**

• **recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;**

• **consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;**

• **ensure that waste management facilities in themselves are well-designed, so that they contribute positively to**

the character and quality of the area in which they are located;

- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.”

4.51 **Appendix A** provides a copy of the waste hierarchy (see **paragraph 4.31** of this Planning Statement)

4.52 **Appendix B** sets out the factors to be used to test the suitability of sites and areas in the preparation of Local Plans and in determining planning applications, depending on their applicability with regards the envisaged waste management facility in terms of type and scale. The factors are:

- protection of water quality and resources and flood risk management;
- land instability;
- landscape and visual impacts;
- nature conservation;
- conserving the historic environment;
- traffic and access;
- air emissions, including dust;
- odours;
- vermin and birds;
- noise, light and vibration;
- litter; and
- potential land use conflict.

Overarching National Policy Statement for Energy (EN-1) (July 2011)

4.53 The Overarching National Policy Statement for Energy (EN-1) was published by the Department of Energy & Climate Change (DECC) in July 2011 and sets out the national policy for the energy infrastructure. Whilst relevant to projects in excess of 50MW, paragraph 1.2.1 explains that it may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).

4.54 Paragraph 3.4.1 sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To achieve this target and to largely decarbonise the power sector by 2030, EN-1 states that:

“It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy electricity generation projects is therefore urgent.”

4.55 The National Policy Statement (NPS) sets out how the energy sector can help deliver the Government’s climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation.

4.56 **Paragraph 3.4.1** reiterates the UK Government’s commitment to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020 and that new projects need to continue to come forward urgently to ensure that this target is met.

4.57 **Paragraph 3.4.3** indicates that future large-scale renewable energy generation is likely to come from a range of sections including onshore and offshore wind, biomass, energy from waste (EfW) and wave and tidal energy. In terms of Energy from Waste (EfW) it states that:

“...the principal purpose of the combustion of waste, or similar processes (for example pyrolysis or gasification) is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity or heat. Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery. The energy produced from the biomass fraction of waste is renewable and is in some circumstances eligible for Renewables Obligation Certificates, although the arrangements vary from plant to plant”

- 4.58 **Paragraph 3.4.4** recognises that the ability of EfW to deliver predictable, controllable electricity which is increasingly important in ensuring the security of UK supplies.
- 4.59 **Part 4** of EN-1 sets out a range of 'Assessment Principles' with Part 5 providing guidance on the consideration of 'Generic Impacts' associated with large-scale energy generation schemes.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)

- 4.60 The National Policy Statement for Renewable Energy Infrastructure (EN-3) was also published by DECC in July 2011 and sets out the national policy for renewable energy projects. NPS EN-3 should be read in conjunction with EN-1.
- 4.61 EN-3 sets out the importance of renewable energy in achieving the Government's ambitious targets for renewable energy generation, highlighting that a significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target.
- 4.62 **Paragraph 2.5.2** acknowledges that the recovery of energy from the combustion of waste will play an increasingly important role in meeting the UK's energy needs. It goes on to say that where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets. The paragraph concludes by advising that the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales.

Guidance on Applying the Waste Hierarchy and Applying the Waste Hierarchy: evidence summary, published June 2011

- 4.63 The Guidance on Applying the Waste Hierarchy and the accompanying Applying the Waste Hierarchy: evidence summary, were both published in June 2011 by the Department of Environment Food and Rural Affairs (Defra). Their purpose was to guide persons in the application of Regulation 12 of the Waste (England and Wales) Regulations 2011, which states that:

"12.-(1) An establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order –

- (a) Prevention
- (b) Preparing for re-use
- (c) Recycling;
- (d) Other recovery (for example energy recovery);
- (e) Disposal"

- 4.64 Regulation 12(2) makes provision for the departure from the waste hierarchy so as to achieve the best overall environmental outcome where justified by life-cycle analysis and in the context of the overall impacts of the generation and management of waste. Regulation 12(3) provides further guidance on the considerations that should be taken into account where departing from the waste hierarchy.
- 4.65 The waste hierarchy is defined under Section 1.1 of the Guidance; this is exactly as presented within the WMPE (page 11) (as shown above, see paragraph 4.32 of this Planning Statement).
- 4.66 The accompanying Evidence Base report sets out the current scientific research on the environmental effects of various waste management options and explains how the options for dealing with waste have been ranked in the order of environmental preference in the waste hierarchy. The Evidence Base reiterates the waste hierarchy as the WMPE (page 11) with the added notes confirming that 'Disposal' relates to landfill and incineration without energy recovery, noting that the Waste Framework Directive sets the efficiency threshold above which municipal waste incinerators can be classified as either recovery or disposal.
- 4.67 Of most relevance to the Proposed Development is Section 15 'Residual Black Bag Waste', which provides most discussion/guidance with regards Energy Recovery. The Evidence Base notes that there are three common routes for producing energy from residual waste: i) intermediate technologies such as mechanical and biological treatment to create Solid Recovered Fuel (SRF)²; ii) Direct Combustion; and iii) Gasification or Pyrolysis. The Evidence Base, in referring to the 2009 UK Renewable Energy Strategy, identifies "... **waste biomass as an under-used resource that could provide a significant contribution to renewable energy targets and reduce the total amount of waste that is landfilled in the UK**". Furthermore, it notes that generating heat only, or heat and electricity

² Solid Recovered Fuel (SRF) is similar to RDF except that it is required to meet specific technical quality standards such as particle size and moisture levels to meet European standards. RDF is a more generic term which encompasses SRF. Accordingly, within this planning application, except where quoting or referencing third party documents, the term RDF has been used.

together, are ways of making energy production more efficient, and that combined heat and power (CHP) should be implemented wherever possible. With regards the energy recovery technologies, the guidance distinguishes between (ii) direct combustion (incineration) and (iii) gasification. Gasification is then defined as the heating of organic materials including mixed waste or biomass, at high temperature with a reduced amount of oxygen or steam, producing a solid residue and a synthetic gas (syngas), which can be processed to produce electricity.

Guidance for local planning authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC), December 2012

- 4.68 This Guidance was published by the Department for Communities and Local Government with the objective of assisting waste planning authorities in ensuring compliance with the Waste Framework Directive, specifically with regards Article 4: Waste Hierarchy; Article 13: Protection of Human Health and the Environment; Article 16: Principles of Proximity and Self-sufficiency; Article 28: Waste Management Plans; and Article 34: Periodic Inspections.
- 4.69 With regards the waste hierarchy, the Guidance states that the hierarchy is applied to the planning system, with reference to Planning Policy Statement 10 (PPS10) which has subsequently been superseded by the National Planning Policy for Waste (as set out above); no guidance is provided on the content or application of the waste hierarchy.
- 4.70 With regards the protection of human health and the environment, the Guidance also refers to the superseded PPS10 in terms of the criteria to consider when preparing local waste plans. However, it is clearly stated that **“They are to focus on whether waste-related development is an acceptable use of land, and on the impacts of the proposed uses on the development and use of land. Waste planning authorities should work on the assumption that the relevant pollution control regime will operate effectively.”**
- 4.71 Details with regards the application of the proximity principle and self-sufficiency are also set out and confirms that the Waste Framework Directive sought **“... to require that Members States establish an integrated and adequate network of waste disposal installations and installations for the recovery of mixed municipal waste collected from private households”** (emphasis added). Furthermore, that **“The requirement to be self-sufficient in waste**

disposal is **set out at a national level, and is given effect through the UK Plan for Shipments of Waste 2007**" (emphasis added).

- 4.72 In this respect, whilst it is stated that communities should take more responsibility for their own waste and enable sufficient and timely provision of waste management facilities to meet the needs of their communities, the Guidance also states that **"In meeting the requirement of the proximity principle, there is no expectation that each waste planning authority will deal solely with its own waste ... there are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. There could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively"** (emphasis added).
- 4.73 Matters relating to Waste Local Plans and Inspections are not of direct relevance to this application and therefore not considered further.

Energy from Waste: A guide to the debate, February 2014

- 4.74 The Energy from Waste: A guide to the debate was published by Defra and whilst not a policy document it does provide guidance on the underlying principles of waste management in accordance with the overarching UK Government strategy and relevant legislation.
- 4.75 *Definitions* - Energy from Waste (EfW) is defined (paragraph 12) as the term used to collectively describe a number of different treatment processes and technologies that are used to generate usable forms of energy and to reduce the solid volume of residual waste. It is also noted that 'incineration' is **"... often used erroneously to describe all energy from waste processes ..."** Other terms of relevance to the Proposed Development and in the interpretation of the Guide, and that provide clarity to the overall debate on energy recovery, include:
- Conversion Treatments - **"... processes which convert residual or RDF/SRF into a more useable form of energy such as heat or electricity. These processes include: incineration; gasification (including plasma gasification); pyrolysis; anaerobic digestion (from mixed residual waste, often as part of an MBT process)"** (paragraph 16).
 - Residual Waste - **"... mixed waste that cannot be usefully reused or recycled and which may contain material that could theoretically be recycled, if they were perfectly separated and clean, but these material are currently too contaminated for recycling to be economically or practically feasibly. It may also be that there is**

- currently no market for the material or it is uneconomic to take to market”** (paragraph 18).
- **Partially renewable energy** - “... energy which comes from renewable non-fossil sources ...Residual waste contains a significant proportion of materials like food and wood (‘biogenic’ materials) and energy from this proportion is considered renewable. However, residual waste also contains waste from ‘fossil’ sources (oil etc.) such as plastic. Therefore when energy is recovered from mixed residual waste it is considered to be only a partially renewable energy source ...” (paragraph 19).
- 4.76 *Capacity* - In terms of capacity and infrastructure, the Guide states that the UK has a predominantly market-led approach to infrastructure such that it helps to “... **avoid the development of too much, or too little, energy from waste capacity**” (paragraph 27). The Guide continues by referencing a Eunomia³ report which estimated a 22mt/annum capacity gap in residual waste treatment within Great Britain and whilst this is anticipated to decrease in light of consented capacity to be brought forward, there is still a 7mt/annum capacity gap.
- 4.77 *Waste Hierarchy* - Section 2 of the Guide references the waste hierarchy as a guide to sustainable waste management and a legal requirement of the EU Waste Framework Directive, enshrined in UK law through the Waste (England and Wales) Regulations 2011. The waste hierarchy is again inserted (as per the WMPE, page 11), and it is stated that “...**waste should be treated at the optimal level in the hierarchy in environmental and economic terms**” (paragraph 20).
- 4.78 *Typical Residual Waste and its Carbon Content* - In clarifying the contents of typical residual waste the Guide notes that it will contain a mixture of different materials such as paper, food, plastic, clothes, glass and metals, noting that this will contain some wastes that would have come from biological sources (e.g. food) for which the carbon stored is referred to as ‘biogenic carbon’, and some waste from fossil fuels (e.g. plastics), and mixtures of both. Accordingly, a typical black bag of residual waste (noting definition above) will contain between 50% and 66% of biogenic carbon materials.
- 4.79 In terms of carbon saving, the Guide notes that energy from waste plants will generate some energy, which, in addition to that required to run the facility itself (the parasitic load), would substitute energy that would be otherwise generated by conventional gas-fired power stations, such that the fossil carbon element of

³ Residual Waste Infrastructure Report – High Level Analysis, Eunomia (2011)

residual waste would be offset by the saving from a conventional gas-fired station, reducing the overall impacts. In summary, the Guide notes that “... **in carbon terms, currently energy from waste is generally a better management route than landfill for residual waste**”.

- 4.80 *Recovery or Disposal* - The Guide provides additional information on the distinction between Recovery (R1) and Disposal (D10), for which it is noted that all municipal waste incinerators (noting the definitions used in this Guide clearly state this relates to combustion technologies, not gasification) were and are deemed as disposal activities (D10) unless and until they are shown to meet the requirements of R1. Whilst noting that having R1 status is “... **important for planning purposes and in the application of the Proximity Principle ...**” (paragraph 54) the Guide also states “**R1 status is not mandatory for energy from waste plant and will not form part of an environmental permit**” (paragraph 53, emphasis added).
- 4.81 *Exports* - Commentary is provided (paragraph 57) with regards the UK’s ability to manage SRF/RDF, such that domestic capacity has not matched the expansion of material produced and passing through MBT facilities. It is reported that in 2012 some 963,944 tonnes of RDF was exported from the UK, and that whilst such exports are permissible, the energy recovered from the waste is a lost resource to the UK and does not contribute to the UK renewable energy targets.
- 4.82 *The Proximity Principle* - The Guide clearly explains the context and interpretation of the ‘Proximity Principle’ and how this relates to the consideration of new energy from waste facilities. The proximity principles is routed in Article 16 of the Waste Framework Directive ‘Principles of self-sufficiency and proximity’. However, the Guide confirms that this principle is “... **often over-interpreted to mean that all waste has to be managed as close to its source as possible to the exclusion of other considerations**” (paragraph 152, emphasis added). The Guide clearly states that this is not so. Furthermore, that in quoting the Waste Framework Directive the proximity principles requires that mixed municipal waste “... **be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health**” (paragraph 152). The implications of which are summarised as:
- It does not have to be the absolute closest facility to the exclusion of all other considerations;

- It may be justified to use a more distant solution;
 - It does not require the construction of new facilities to provide capacity in every country and equally the presence of capacity elsewhere does not preclude the development of a more proximate solution;
 - There is no reference to administrative boundaries other than the overall EU border, nor does it imply a facility can only process 'local' waste;
- 4.83 The Guide clearly states **"There is nothing in the legislation or proximity principle that says accepting waste from another council, city, region or country is a bad thing and indeed in many cases it may be the best economic and environmental solution and/or be the outcome most consistent with the proximity principle"** (paragraph 154). The Guide continues by stating that **"... an overemphasis on restricting facilities to 'local waste', particularly by defining it by administrative ownership of waste and the boundaries and quantities it implies, can lead to sub-optimal solutions in terms of cost, efficiency and environmental impact; and a significant loss of long term flexibility"** (paragraph 155). Furthermore, the Guide states that **"The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity for residual waste"** (paragraph 156).
- 4.84 *Permitting and Control* – The Guide reaffirms the role of the Environment Agency as the regulatory authority responsible for issuing, monitoring and enforcing compliance with an Environment Permit in accordance with The Environmental Permitting (England and Wales) Regulations 2010, and necessary for operating an EfW facility. In addition, the Guide confirms that EfWs are required to comply with the requirements of the Industrial Emissions Directive (IDD) which sets mandatory emission limit values (ELVs) and monitoring requirements for a range of potential emissions.
- 4.85 *Forward Policy* – The Guide also states that the UK Government **"... sees a long term role for energy from waste both as a waste management tool and as a source of energy"**. Furthermore, that EfW **"... is in a unique position to fulfil a range of objectives across a number of Government departments. For Defra it helps divert waste out of landfill, for DECC it is a potential source of low carbon energy, for DCLG it can be a contributor to waste planning objectives and for DfT it is a potential source for a variety of transport fuels"** (paragraph 214), albeit the latter is not relevant to the

Proposed Development. The four key principles stated as underpinning current thinking on energy from waste are stated as:

- **“i) energy from waste must support the management of waste in line with the waste hierarchy;**
- **ii) energy from waste should seek to reduce or mitigate the environmental impacts of waste management and then seek to maximise the benefits of energy generation;**
- **iii) Government support for energy from waste should provide value for money and make a cost effective contribution to UK environmental objectives in the context of overall waste management and energy goals;**
- **iv) Government will remain technology neutral expect where there is a clear market failure preventing a technology competing on a level footing” (paragraph 219).**

5. LOCAL PLANNING POLICY AND GUIDANCE

5.1 This chapter provides a summary of the key relevant policies of the local Development Plan, emerging Development Plan and other local policy, strategy and guidance that may be material to the determination of the planning application. These comprise the:

5.2 The extant Development Plan as relevant to waste management planning applications comprises:

- The Wiltshire and Swindon Waste Core Strategy 2006-2026, adopted July 2009;
- The Wiltshire and Swindon Waste Development Control Policies Development Plan Document, adopted September 2009
- The Wiltshire and Swindon Waste Site Allocations Local Plan, adopted February 2013;
- Swindon Borough Local Plan 2026, adopted 26 March 2015;

5.3 Other material considerations at the local level comprise:

- Eastern Villages Draft Supplementary Planning Document, July 2013;
- South Marston Draft Supplementary Planning Document, July 2013; and
- South Marston Draft Neighbourhood Plan, submitted 28 January 2016.

The Wiltshire and Swindon Waste Core Strategy 2006-2026, adopted July 2009

5.4 Whilst SBC is a unitary authority, and thereby a 'waste planning authority' (WPA), planning policy on waste matters has been carried out jointly with Wiltshire Council. The joint Wiltshire and Swindon Waste Core Strategy 2006-2026 (WSWCS) was adopted in July 2009 and sets out the spatial vision, key objectives and overall principles for the development of sustainable waste management facilities up to the year 2026. The WSWCS predates both the NPPF and NPPW (see **Chapter 4**).

5.5 At the time of adoption, the WSWCS indicated that within Swindon, and with reference to the Swindon Municipal Waste Management Strategy (adopted 2006), the aim is to recycle 50.2% of municipal waste by 2009/2010. Furthermore, that

there is a requirement for recovery capacity estimated at 10,000 tonnes per annum (tpa) by 2015 and 20,000 tpa by 2020 to meet their Landfill Allowance Trading Scheme (LATS) targets (paragraph 2.17). In terms of Commercial and Industrial Waste (C&I) this was noted as forming the largest quantity of waste produced in Wiltshire and Swindon and that predicted growth over the 20 year timeframe would likely cause a substantial increase in the amount of C&I waste arisings, giving rise to a requirement of recycling and residual waste disposal facilities (paragraph 2.19). At the time of adoption it was estimated that there was a need for a further 5 recovery sites, providing for a shortfall in capacity of 250,000 tpa (table 3). Whilst the approach taken is to provide a flexible framework through the Waste Site Allocations Development Plan Document is proposed to deliver sufficient sites to meet Swindon's longer-term municipal waste needs and the framework to deliver sites to meet the strategic objectives for C&I waste at a sub-regional level.

5.6 **Policy WCS1: The Need for Additional Waste Management Capacity and Self Sufficiency** seeks to "... address the issue of delivering sufficient sites to meet the needs of the municipal waste management strategies and sub-regional apportionment by providing and safeguarding a network of Site Allocations. The framework of sites will manage the forecast increase in waste arisings associated with planned growth ... 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."

5.7 It is noted that the flexibility required to maintain an adequate framework of strategic and local facilities will be measured through the process of monitoring (e.g. the Annual Monitoring Report (AMR)) to determine when capacity will need to be released.

5.8 **Policy WCS2: Future Waste Site Locations** seeks for "Strategic waste sites allocations to be located as close as practicable (within 16km) of the SSCTs [Strategically Significant Cities and Towns] of Swindon ... In the interests of achieving the objectives of sustainable development, priority will be given to proposals for new waste management development that demonstrate a commitment to utilising the most appropriate haulage routes within and around the Plan area and implement sustainable modes and methods for transporting waste materials."

- 5.9 Strategic waste sites are defined as large and/or more specialist facilities that will operate in a wider strategic manner by virtue of spatial scale, high tonnage of waste managed, specialist nature of the waste managed and/ or a wider catchment area served, which includes energy from waste facilities (EfW). Furthermore, these strategic facilities are expected to serve either large areas within or the entire Plan area, but may also serve areas of Wiltshire and Swindon and surrounding local authorities in a more sub-regional context.
- 5.10 **Policy WCS3: Preferred Locations for Waste Management Facilities by Type and the Provision of Flexibility** provides for the Councils to allocate waste management facilities, in line with Policies WCS1 and WCS2, for, inter alia, :-
- 54,000 tonnes per annum of Treatment capacity for Municipal waste management for Wiltshire and Swindon; and
 - 250,000 tonnes per annum of Treatment capacity for Industrial and Commercial waste management for Wiltshire and Swindon.
- 5.11 With regards Energy from Waste facilities, Policy WSC3 indicates that the preferred locations are within industrial land/employment allocations, site allocations and current waste management facilities. Provision is also made for sites not contained within the Site Allocations Development Plan Document where it can be demonstrated to be in accordance with the provisions of the strategy, objectives and policies of the Waste Development Plan Documents.
- 5.12 **Policy WCS4: Safeguarding Waste Management Sites** seeks to protect the preferred areas identified in the Site Allocations Development Plan Document, existing waste facilities and other sites where planning permission is granted for waste management facilities, from proposals for alternative development within or adjacent that would prevent or unreasonably restrict the use of these sites for waste management purposes. Policy WSC4 also proposes to protect established waste management facilities on industrial estates/business parks from development that would prevent or unreasonably restrict the continued waste development that has planning permission.
- 5.13 **Policy WCS5: Waste Reduction and Auditing** requires certain types of development, including business/industrial/distribution or storage of 300m² or greater, to provide facilities for the recycling/composting (bring systems) and/or

the source separation and storage of different types of waste for recycling and/or composting, with regard to existing capacity of facilities available. Furthermore, proposals are required to be accompanied by Waste Audit which meets the stated criteria.

The Wiltshire and Swindon Waste Development Control Policies Development Plan Document, adopted September 2009

5.14 The joint Wiltshire and Swindon Waste Development Control Policies Development Plan Document (WSWDCP) was adopted in September 2009 and sets out the detailed land use policies for determining planning applications for waste management development to ensure sites are operated and managed to high standards with minimum impacts to local communities and the environment. The WSWCP predates both the NPPF and NPPW (see **Chapter 4**).

5.15 **Policy WDC1: Key Criteria for Ensuring Sustainable Waste Management Development** requires that waste management proposals contribute to the delivery of sustainable development by ensuring that the social, economic and environmental benefits are maximised and adverse impacts, including cross-boundary and cumulative impacts, are kept to an acceptable minimum. Policy WDC1 sets a range of criteria against which waste management proposals will be assessed; these comprise:

“• **The extent to which adverse environmental impacts and cumulative impacts associated with other local development, are avoided, and the adequacy of mitigation and/or compensation for the proposals**

• **The impact of transporting waste to and from the site is minimised**

• **The extent to which adverse impacts on the water environment and flood risk are avoided**

• **The extent to which the development ensures protection and enhancement of local biodiversity, geodiversity and cultural heritage**

• **The extent to which the impact of any structures and buildings is minimised in terms of the appropriate use of scale and form, informed by the Wiltshire Landscape Character Assessment**

• **The quality and appropriateness of the restoration, aftercare and after-use proposals (where applicable), considering the contribution that could be made to the UK, South West and/or Wiltshire, Swindon and Cotswold Water Park Biodiversity Action Plan targets.”**

- 5.16 **Policy WDC2: Managing the Impact of Waste Management** provides for the granting of planning permission where it can be demonstrated where a proposal firstly avoids, adequately mitigates against or compensates for significant adverse impacts with regards: amenity; visual aspects; noise and light emissions; vibration; transportation of waste; air emissions and climate change; the water environment; contaminated land; and the potential loss of best and most versatile agricultural land. Policy WDC2 also requires that proposals be accompanied, where necessary, by assessments of the impacts relating to these.
- 5.17 **Policy WDC3: Water Environment** provides for the granting of planning permission where it can be demonstrated that provision has been made to protect and where appropriate, enhance the local water environment, including groundwater resources, watercourses and other surface water bodies in terms of both quality and quantity, and the avoidance of flood risk. Flood Risk Assessments are required for waste management proposals in areas at risk of flooding or likely to cause flooding elsewhere. Proposals are also required to include appropriate provision for the efficient use of water resources on site.
- 5.18 **Policy WDC4: Protection of Recreational Assets** provides for the granting of planning permission where it can be demonstrated that controls will be made to safeguard and where appropriate enhance public rights of way on or adjacent to development site. Conversely, proposals that would have a significant adverse impact upon tourism or recreational facilities will not be permitted unless mitigation measure are adopted.
- 5.19 **Policy WDC6: Airfield Safeguarded Areas** provides for the granting of planning permission where it can be demonstrated that there would be no unacceptable risk to aircraft safety. The site at Keypoint 145 is shown as falling within the southern limit of the Fairford aircraft safeguarding area.
- 5.20 **Policy WDC7: Conserving Landscape Character** requires that proposals are accompanied by an assessment of adverse impacts on Wiltshire and Swindon's landscape character and that of adjoining areas as appropriate to the scale and nature of development. Particular landscape sensitivities to be addressed include, as appropriate: The New Forest National Park; Cranborne Chase and West Wilshire Downs Area of Outstanding Natural Beauty; Cotswold Area of Outstanding Natural Beauty; and North Wessex Downs Area of Outstanding Natural Beauty. The assessment is to be informed by the Wiltshire Landscape Character Assessment. Proposals should include provision to protect and, where

possible, enhance the quality and character of the countryside and landscape, and where in proximity to settlements must safeguard their character, setting and rural amenity through mitigation measures that incorporate an acceptable separation distance, landscaping and planting, appropriate to the existing landscaping setting.

- 5.21 **Policy WDC8: Biodiversity and Geological Interest** requires that proposals be accompanied by an objective assessment of the potential effects on biodiversity and/or geological interest taking into account cumulative impacts and potential impacts of climate change. The assessment is required to regard the need to maintain and/or enhance sites and species of international and national importance in accordance with relevant statutory requirements. The assessment must also consider: Local Biodiversity Action Plan habitats and species; County Wildlife Sites; Regionally Important Geological and Geomorphological Sites; Local Nature Reserves; and The Great Western Community Forest. Proposals will only be permitted where adverse impacts can be avoided, or adequately mitigated and as a last resort where compensation measures will ensure the maintenance or enhancement of bio/geo diversity.
- 5.22 **Policy WDC9: Cultural Heritage** provides for the granting of planning permission where it can be demonstrated that the areas of archaeological or cultural heritage importance and their settings (as listed) can be protected, enhanced and/or preserved. Areas comprise: Scheduled Ancient Monuments; Registered Battlefields; Listed Buildings; Conservation Areas; Locally important archaeological remains; and Historic parks and Gardens. Proposals affecting sites of known or potential archaeological importance must be accompanied by an appropriate archaeological evaluation. Policy WDC9 provides, where necessary, for developers to preserve in-situ nationally important remains or to agree a scheme of further archaeological mitigation prior to commencement or as part of the overall scheme development. Provision is also made for contributions from the developer in the form of a planning agreement. Proposals affecting the setting of the Stonehenge and Avebury World Heritage Site will not be permitted.
- 5.23 **Policy WDC10: Restoration of Waste Management Sites** requires, where appropriate, for the submission of an appropriate scheme for the restoration and reinstatement of the site on cessation of waste management activities. The submitted scheme should ensure the land is returned to a quality suitable for supporting a range of beneficial after uses. Where appropriate, provision is made

to secure a planning agreement for the long term security and management of a proposed after use.

5.24 **Policy WDC11: Sustainable Transportation of Waste** provides for the granting of planning permission where it can be demonstrated that the proposals facilitate sustainable transport by (as relevant):-

“• 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.”**

5.25 Policy WDC11 also provides for the submission of a Transport Assessment, setting out a range of considerations that should be included therein.

5.26 **Policy WDC12: Renewable Energy** requires that planning applications for waste management proposals must demonstrate that they have had regard, as appropriate to:-

“• The need to maximise the opportunities for renewable energy production both for electricity and heat generation ...

- **New waste management facilities will be required to demonstrate sustainable construction methods including where appropriate the provision of energy from renewable sources.”**

The Wiltshire and Swindon Waste Site Allocations Local Plan, adopted February 2013

- 5.27 The joint Wiltshire and Swindon Waste Site Allocations Local Plan (WSWSA) was adopted in February 2013 and sets provides the framework for strategic and local sites to meet future waste management needs across Wiltshire and Swindon to 2026. The WSWLP is set in the context of the adopted WSWCS and WSWDCP (as above) and whilst adopted subsequent to the publication of the NPPF it predates the NPPW (see **Chapter 4**).
- 5.28 The WSWLP provides for both strategic and local facilities, comprises both site specific allocations and areas of search, and in response to the need to be flexible and responsive to change, provides sufficient sites to provide capacity for existing sites to grow and opportunities for new facilities and/or technologies to become established. As set out in the WSWLP (paragraph 1.4) **“In principle the councils will be supportive of applications for appropriate waste management facilities within the locations set out in this document”**.
- 5.29 **Policy WSA1: Presumption in Favour of Sustainable Development** requires councils to take a positive approach that reflects the presumption in favour of sustainable development as set out in the NPPF.
- 5.30 The need for additional waste management facilities is assessed within the WSWLP in the context of the Waste Core Strategy (Policy WCS3), which itself was based on projections developed as evidence to the draft Regional Spatial Strategy for the South West (July 2008). Table 1.2 of the WSWSA identifies the subsequently permitted waste management capacity as at 2010 with Table 1.3 providing an updated picture of the capacity gap, including:
- -6,000 tonnes per annum (tpa) of treatment capacity for municipal waste management for Wiltshire and Swindon; and
 - 123,000 tpa of treatment capacity for industrial and commercial waste management for Wiltshire and Swindon.
- 5.31 Within the Swindon District, two strategic sites have been allocated: SBC1 Chapel Farm, Blunsdon for waste treatment (energy from waste) comprising 5.5 hectares of greenfield land situated next to an existing landfill and recycling facility, approximately 7.5km north of Swindon; and SBC2 Waterside Park, Swindon for recycling/transfer and waste treatment comprising 9.1 hectares of brownfield

land approximately 3.5km north-west of Swindon. Allocated local waste sites are: SBC3 Brindley Close/Darby Close; SBC4 Land at Kendrick Industrial Estate; SBC5 Rodbourne Sewage Treatment Works; and SBC6 Land within Dorcan Industrial Estate, all within Swindon.

Swindon Borough Local Plan 2026, adopted March 2015

5.32 The Swindon Borough Local Plan 2026 (LP2026) was adopted on 26 March 2015. The LP2026 sets out the Borough's overarching framework to deliver sustainable economic growth up to the year 2026. The LP2026 has been prepared in the context of the NPPF.

5.33 The accompanying Policies Map identifies the Application Site as having been allocated as a 'Key Employment Area' (relevant Policy EC2) and falling within a 'District Heating Priority Area' (relevant Policy DE2). The Key Diagram shows the site as falling within the 'Swindon Urban Area'.

5.34 **Policy SD1: Sustainable Development Principles** – seeks the delivery of sustainable development and support to sustainable communities such that all development will:-

- **be of high quality design;**
- **promote healthy, safe and inclusive communities;**
- **respect, conserve, and / or enhance the natural, built and historic environments;**
- **assess and address the impact of climate change through mitigation and / or adaption measures;**
- **provide or contribute to the assessed local and borough wide infrastructure and service requirements;**
- **contribute to the retention of jobs and growth of the local economy and complement Town Centre regeneration;**
- **be accessible by walking, cycling and/or public transport; and,**
- **use land and resources (such as water, energy, minerals and waste) in an efficient and effective way"**

5.35 **Policy SD2: The Sustainable Development Strategy** sets out the spatial distribution of development. The Policy focuses development within Swindon through a combination of "... **realising development opportunities within Swindon's urban area ...**" within which the site is located, as well as through the allocation of strategic sites, including the allocation of the 'New Eastern Villages' to the south of the site.

5.36 **Policy SD3: Managing Development** sets out the Council's approach to determining planning applications, taking a positive approach reflecting the presumption in favour of sustainable development. This includes:

- Working proactively and jointly with applicants to find solutions;
- Approving, without delay, planning applications that are in accordance with the policies of the Local Plan and adopted neighbourhood plans, unless material considerations indicate otherwise; and
- Approving planning applications unless material considerations indicate otherwise taking into account any adverse impacts of granting planning permission when assessed against the policies of the NPPF taken as a whole or specific policies within the NPPF, where the Local Plan is silent or no longer up to date.

5.37 **Policy DE1: High Quality Design** requires high quality design for all types of development, setting criteria against which applications will be assessed, comprising:

"a) Context and character; in respect of: existing built characteristics; acknowledged features of importance; and existing site conditions.

b) Layout, form and function of the development, in respect of: accessibility, connectivity, permeability, legibility, inclusivity, safety and security, efficiency and adaptability; and siting, orientation, scale, massing, materials and detailing.

c) Amenity, in respect of: Light, privacy, outlook, noise, disturbance, smell, pollution and space.

d) Quality of the public realm."

5.38 **Policy DE2: Sustainable Construction** sets a range of criteria comprising:

"a. Development shall demonstrate passive solar benefits, (heating, ventilation, cooling and lighting) in accordance with Policy DE1, through the layout and design of the site, and orientation and design of buildings.

b. All major development (see glossary) shall meet the following sustainable construction standards until superseded by national prescribed standards. ... [for non-residential development this means BREEAM Excellent]

c. Where on-site provision of renewable technologies is not appropriate, new development can meet CO2 reduction requirements through off-site provision by making 'allowable solutions contributions'. Funds gathered will be used for wider energy efficiency and energy generation initiatives.

d. The use of combined heat and power (CHP), and/or combined, cooling, heat and power (CCHP) with district heating is encouraged. Within the identified "District Heating Priority Areas" and strategic allocations, as shown on the Policies Map, major development shall:

- demonstrate a thermal master-planning approach considering issues such as mix of uses, anchor loads, density and heat load profiles to maximise opportunities for the use of district heating; and**
- incorporate infrastructure for district heating and connect to existing systems where and when they are available or fully justify any alternative approach. "**

5.39 The site is located within an area indicated on the Policies Map as being 'District Heating Priority Area'.

5.40 **Policy EC2: Employment Land and Premises (B-Use Classes)** refers to the 'key employment areas' as defined on the Policies Map such that they will be retained primarily for employment uses (B1, B2 and B8) and that permission would be granted for these and for sui generis uses. Change of use to other uses would only be supported where it is demonstrated that it meets the stated criteria. Part (e) relates to parking standards, whereby permission for employment development not complying with parking standards may be permitted where the impact on off-street parking, safety and amenity is acceptable but that parking for the use by disabled persons should always be provided with the required standard.

5.41 **Policy TR2: Transport and Development** seeks (relevant criteria only): (a) for new development to be located and designed to reduce the need to travel and to encourage sustainable alternatives; (b) access to be appropriate to the scale, type and location without detriment to highway safety and local amenity; (c) development not to prejudice or impede an existing or planned cycle route or make provision for a satisfactory alternative; (d) retain public rights of way or that where there is a loss of a public rights of way, proposals will only be permitted when an adequate acceptable alternative provision or diversion is arranged; (f) provision for appropriate mitigation measures to offset any adverse impacts on the transport network at both construction and operational stages; (g) the submission of a Transport Assessment, Transport Statement or Travel Plan as appropriate; and (h) parking provision, including secure cycle and motorcycle parking in accordance with the Council's adopted parking standards.

5.42 **Policy IN1: Infrastructure Provision** makes provision for all development, subject to economic viability, to contribute to sustainable growth through meeting the costs of new infrastructure made necessary by the development, mitigating the impact of development on the existing infrastructure, providing for the on-going maintenance of infrastructure delivered as part of the development, contribute to the delivery of strategic infrastructure to address cumulative impacts and to contribute to initiatives to increase the effectiveness and efficiency of infrastructure.

5.43 **Policy IN2: Water Supply and Wastewater** addresses future water supply management, the need for new or improvements to existing waste and water facilities, and for (d) development proposals to take account of the capacity of existing off-site water and sewerage/waste water treatment infrastructure and the impact of development proposals upon them, providing for improvements to the water infrastructure where related and appropriate, to be completed prior to occupation of the development.

5.44 **Policy IN4: Low Carbon and Renewable Energy** sets out criteria for the implementation of a range of low carbon and renewable energy schemes, of relevance are:

“a. Appropriate renewable and low carbon energy infrastructure which has benefits for local communities and the local economy will be encouraged and supported. Proposals for low carbon and renewable energy infrastructure, including large-scale freestanding installations, will be assessed under national policies and against the following:

- **social and economic benefits (including local job creation opportunities);**
- **the impacts on, and benefits to local communities; and,**
- **environmental impact**

Any heat produced as part of a renewable energy or combined heat and power (CHP) installation should be productively used on-site or linked to a district energy network. Progress will be measured against a local low carbon electricity target of 200MWe by 2020.

b. A locally delivered modular district energy network shall be enabled and supported which is:

- **focused around areas of high and constant heat demand; and**
- **capable of incorporating additional low and zero carbon energy sources and generation technologies e.g. biomass, waste and combined heat and power**

c. Energy efficiency and low carbon energy generation schemes brought forward by communities, or with major community benefits, will be encouraged and supported in principle.”

- 5.45 **Policy EN1: Green Infrastructure Network** seeks the protection of green infrastructure including that **“... development must provide for the protection and integration of visually or ecologically important existing trees, hedges and woodlands. Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland will only be permitted where the need for, and benefits of, the development in that location clearly outweigh the loss.”** Furthermore, that **“Development shall provide and design green infrastructure to integrate with existing green corridors identified on the Policies Map, to maximise its connections and functions and ensure the sustainable maintenance and management of it.”**
- 5.46 **Policy EN2: Community Forest** seeks to the contribution of the aims and objectives of the ‘Great Western Community Forest’, which covers the entire Swindon Borough, through ensuring a net increase in tree cover, creating/enhancing habitats for biodiversity including built structures in accordance with Policies EN1 and EN4, and ensuring access to local woodlands and opportunities for communities and businesses to benefit from the community forest.
- 5.47 **Policy EN4: Biodiversity and Geodiversity** seeks to avoid direct and indirect negative impacts on biodiversity and geodiversity sites as identified on the Policies Map. The site is neither within nor in close proximity to a biodiversity or geodiversity site. Part (b) of the Policy requires that **“All development, where appropriate shall protect and enhance biodiversity and provide net local biodiversity gain. Where this is demonstrably not achievable, mitigation and compensation measures will be agreed.”**
- 5.48 **Policy EN5: Landscape Character and Historic Landscape** provides for permission where meets the criteria set out under Part (a):-
- **the intrinsic character, diversity and local distinctiveness of landscape within Swindon Borough are protected, conserved and enhanced;**
 - **the design of the development and materials used are sympathetic to the surrounding landscape;**

- **unacceptable impacts upon the landscape are avoided;**
- and,**
- **where other negative impacts are considered unavoidable, they are satisfactorily mitigated.”**

5.49 Furthermore, Part (b) requires that applicants demonstrate how they have taken account of the Landscape Character Assessments and assessed the potential impact with regards a range of stated criteria. Part (c) requires the consideration of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) such that proposals within or abutting the AONB must accord with the relevant criteria of the AONB Management Plan and the NPPF (paragraphs 115 and 116); proposals outside the AONB should not adversely affect its setting.

5.50 **Policy EN6: Flood Risk** seeks to address the risk of flooding with part (a) setting criteria of:-

“a. The risk and impact of flooding will be minimised through:

- **directing development to areas with the lowest probability of flooding;**
- **ensuring that all development addresses the effective management of all sources of flood risk;**
- **ensuring that development does not increase the risk of flooding elsewhere including on adjoining and surrounding land; and**
- **ensuring wider environmental benefits of development in relation to flood risk. ”**

5.51 Part (b) requires the application of the Sequential Test, and where necessary the Exception Test, at site specific level. Part (c) requires a site specific Flood Risk Assessment to be carried out for proposals on land of 1 hectare or more or within Flood Zones 2 or 3, requiring the implementation of appropriate mitigation and management measures. Part (d) also requires the assessment of the proposals against the Local Flood Risk Management Strategy to address locally significant flooding including that affecting neighbouring authorities, also with the implementation of appropriate mitigation and management measures. Part (e) requires the submission of a drainage strategy to incorporate sustainable urban drainage systems and to ensure that run-off rates are attenuated to greenfield run-off rates, unless otherwise justified. Finally, Part (f) requires that the sustainable urban drainage system should seek to enhance water quality and biodiversity in line with the Water Framework Directive.

- 5.52 **Policy EN7: Pollution** states that **“a) Development that is likely to lead to emissions of pollutants such as noise, light, vibration, smell, fumes, smoke, soot, ash, dust, grit or toxic substances that may adversely affect existing development and vulnerable wildlife habitats, shall only be permitted where such emissions are controlled to a point where there is no significant loss of amenity for existing land uses, or habitats.”** Part (b) similarly seek to protect future development from the emission of pollutants from an existing use, such that the proposal would only be permitted where the users of the future development are protected from a loss of amenity in accordance with Policy DE1.
- 5.53 **Policy EN8: Unstable Land** seeks to ensure that development is not located on unstable land unless appropriate measures are carried out and there is demonstrated to be no adverse effect on neighbouring uses. Part (c) establishes that responsibility lies with the developer/landowner.
- 5.54 **Policy EN9: Contaminated Land** requires that (Part (a)) land that is either contaminated or strongly suspected of being contaminated will only be permitted when an appropriate assessment has been carried out which identifies the level and nature of contamination and need for removal/treatment, the potential for contaminants to affect surface and ground water has been established, decontamination measures have been identified to achieve a suitable level of land quality and measures taken to ensure any migrating gas is managed. Part (b) provides for conditions to ensure the carrying out of necessary remedial works and Part (c) establishes that responsibility lies with the developer/landowner.
- 5.55 **Policy EN10: Historic Environment & Heritage Assets** sets out the framework for assessing development that may affect the historic environment including historic buildings, conservation areas, historic parks and gardens, landscape and archaeology. Part (b) requires that “

“Proposals for development affecting heritage assets shall conserve and, where appropriate, enhance their significance and setting. Any harm to the significance of a designated or non-designated heritage asset, or their loss, must be justified. Proposals will be weighed against the public benefits of the proposal, whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.”

- 5.56 Part (c) seeks to protect Listed Buildings and their settings such that development would not be permitted “... **where there will be an adverse impact on those elements which contribute to their special architectural or historic significance, including their setting**”
- 5.57 Part (d) seeks to protect Scheduled Monuments and nationally important archaeological sites and their setting in situ, unless justified or not feasible whereupon provision is made for excavation and recording. Development affecting archaeological remains of less than national importance will be conserved in a manner appropriate to their significance. Provision is also made for an appropriate assessment and evaluation to be submitted as part of planning application where in areas of known or potential archaeological interest.
- 5.58 Part (e) seeks to protect the Conservation Areas within the Borough and those elements that contribute to their special character or appearance. Similarly Part (f) seeks to protect features that form an integral part of a Park or Garden’s historic interest and significance. Finally, Part (g) requires that any proposal that would affect a locally important or non-designated heritage assets or its setting will be expected to conserve its significance and any harm is to be weighed against the public benefits of the proposal including securing its optimum viable use.
- 5.59 **Policy NC3: New Eastern Villages – including Rowborough and South Marston Village Expansion** provides for an urban extension to the east of Swindon, located on land to the east and south of the Application Site, and separated by adjacent industrial and retail development, and railway line. The Policy focuses on the future development parameters to be provided and related design criteria.
- 5.60 **Policy RA3: South Marston provides for the extension of South Marston village**, located to the east of the Application Site, albeit separated by industrial development and agricultural fields. The Policy focuses on the future development parameters to be provided and related design criteria.

Eastern Villages Draft Supplementary Planning Document, July 2013

- 5.61 The Eastern Village Draft Supplementary Planning Document (SPD) provides guidance for and direction to the delivery of development in the new Eastern Villages set in the context of Local Plan Policy NC3.

5.62 The Eastern Villages development will comprise new homes, major new infrastructure, employment opportunities, shops, schools, open space, sports, leisure, health and other facilities. The Eastern Villages development would also enable a number of new transport connections and improvements, including at the White Hart Junction (A419/A420) and various junctions onto the A420.

5.63 The Eastern Villages draft SPD does not encompass the Application Site.

South Marston Draft Supplementary Planning Document, July 2013

5.64 The South Marston Draft SPD provides the framework for the development of South Marston, setting out the expectations and requirements for development within the village in the context of Local Plan Policies NC3 and RA3.

5.65 The South Marston development includes the allocation for 500 homes plus realising opportunities for development in the village including at Crown Timber and Thornhill Industrial Estate. Much of the focus is on design criteria and the integration of South Marston with the emerging Eastern Villages development.

5.66 The South Marston draft SPD does not encompass the Application Site.

South Marston Draft Neighbourhood Plan, submitted 28 January 2016

5.67 The South Marston Draft Neighbourhood Plan was the subject of public consultation between 28 January 2016 and 10 March 2016; if adopted, the Neighbourhood Plan will form part of the Development Plan for the purposes of determining planning applications, but in the interim is a material planning consideration and accorded due weight.

5.68 The focus of the Neighbourhood Plan is set the framework for development within South Marston in accordance with Local Plan policies including the integration with the Eastern Villages. Comprises 14 policies that cover aspects of integration, design, the village centre, the highway network, access to the A420, connectivity and permeability, Rowborough traffic, cycleways and footways, green infrastructure, hedges, broadband and mobile reception, utilities, flood risk and housing provision for the elderly.

5.69 The South Marston Neighbourhood Plan does not encompass the Application Site.

6. PLANNING APPRAISAL

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 This section addresses the planning matters that may be considered material to the determination of the planning application, set in the context of the statutory Development Plan and material considerations as set out within Chapters 4 and 5.

6.3 The relevant planning matters are:

- The Principle of Waste Management Facilities;
- Proximity Principle and Location of Waste Management Facilities;
- The Principle and Location of Warehouse Development;
- Landscape and Visual Amenity;
- Transport and Highways;
- Public Rights of Way;
- Air Quality;
- Noise;
- Light Pollution;
- Cultural Heritage;
- Ecology and Nature Conservation;
- Trees and The Great Western Community Forest;
- Flood Risk and Drainage;
- Contaminated Land;
- Permitting and Pollution Control;
- Design;
- Restoration;
- Employment;
- Airport Safeguarding/Safety;
- South Marston and Eastern Villages; and
- The Principle of Sustainable Development and Planning Balance.

6.4 Each of the above matters is addressed separately as follows:-

The Principle of Waste Management Facilities

6.5 As a starting point it is important to note that the proposed REC will manage residual waste, which is waste that is left following the practicable removal of recyclable materials (i.e. pre-treated waste), either as RDF in the form of a brick,

pellet or baled, or as other pre-treated wastes. Furthermore, the proposed REC would use a proven form of Advanced Conversion Technology (ACT), known as gasification, to generate circa 14.5MW of electricity plus circa 1.5MW of heat. The proposed REC would have capacity to process up to 150,000 tonnes of waste per annum.

- 6.6 *Waste Hierarchy* - In accordance with the waste hierarchy the proposed REC constitutes 'other recovery', that is a technology that produces energy from the waste. This is explicit in the Overarching National Policy Statement for Energy (EN-1) which states (paragraph 3.4.3) that **"... the principal purpose of the combustion of waste or similar processes ... is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity and heat"** (emphasis added).
- 6.7 In this respect the WMPE (page 10) indicates that in moving towards the 'zero waste economy' materials should be reused, recycled or recovered wherever possible. The WMPE illustrates the waste hierarchy (page 11) and explicitly (in text) identifies 'gasification which produces energy' as a technology falling within the 'other recovery' tier, and thereby not the lowest tier which is reserved for 'landfill and incineration without energy recovery'. In this respect, the WMPE indicates the Government's support for the recovery of energy from residual waste and identifies that this also delivers environmental benefits, reduces carbon impacts and provides economic opportunities (page 13).
- 6.8 Similarly, the NPPW (paragraph 1) states the driving of waste management up the waste hierarchy supports the achievement of sustainable development and resource efficiency. The NPPW (Annex A) also provides an illustration of the waste hierarchy with the supporting text identifying 'other recovery' as where **"Waste can serve a useful purpose by replacing other materials that would otherwise have been used"**, with 'disposal' being **"the least desirable solution where none of the above options is appropriate"**. Given that the proposed REC will serve a useful purpose (i.e. the recovery of energy) and thereby replace other less desirable materials (i.e. fossil fuels used for conventional energy generation), it is clear that within the scope of the NPPW definition of the waste hierarchy the proposed REC constitutes 'other recovery'. Similarly, that moving waste up the waste hierarchy is also an integral part of the NPPG (paragraph 009).

- 6.9 The application of the waste hierarchy is manifest in Article 4 of the European Waste Framework Directive and translated into UK legislation through the Waste (England and Wales) Regulations 2011. The waste hierarchy is defined within Regulation 12 as comprising: **“(a) prevention; (b) preparing for re-use; (c) recycling; (d) other recovery (for example energy); and (e) disposal.”**
- 6.10 Government (Defra) Guidance on Applying the Waste Hierarchy (Section 1.1), illustrates the waste hierarchy as identified in the WMPE (see above) which explicitly identifies gasification as falling within ‘other recovery’. The Guidance and accompanying Evidence Base distinguishes between different forms of energy from waste technologies, such that incineration (direct combustion) is clearly differentiated from gasification. Accordingly, when applying the waste hierarchy ‘gasification’ falls within the ‘other recovery’ tier in its own right, unlike incineration for which it is necessary to demonstrate the difference between incineration with energy (i.e. falling within ‘other recovery’) or incineration without energy (i.e. falling within ‘disposal’); no such distinction is made with regards gasification.
- 6.11 Similarly, the more recent Government (Defra) Energy from Waste; A guide to the debate report also makes this distinction (explicitly stating the relevant definitions and that the term incineration is often erroneously used to cover all forms of energy from waste) and requires that waste be treated at the highest tier of the waste hierarchy in environmental and economic terms (paragraph 20). The waste hierarchy is again illustrated as that shown in the WMPE (see above) which explicitly identifies gasification as falling within ‘other recovery’.
- 6.12 The Guide to the Debate also makes a distinction between recovery (R1) and disposal (D10) operations for which it states that all municipal waste incinerators (noting that differentiation between incineration and gasification) be deemed as disposal unless and until they are demonstrated to exceed the threshold to qualify as a recovery operation. In summary, the formula used calculates the efficiency of the municipal solid waste incinerator and expresses this as a fraction, based on the total energy produced as a proportion of the fuel incinerated, and incorporates a number of variables that can only be determined with any accuracy at the detailed technology design phase. Furthermore, the formula is dependent on the proportion of energy that is output as heat or electricity, which can only be determined once the balance of energy off-take has been established following the negotiations for supply contracts at the post-planning stage.

- 6.13 Notwithstanding the above, whilst the Guide to the Debate indicates that demonstrating R1 status is “... **important for planning purposes and in the application of the Proximity Principle** ...” (paragraph 54) it also clearly states that “**R1 status is not mandatory for energy from waste plant** [Energy from Waste being defined as all conversion technologies, including incineration and gasification] **and will not form part of an environmental permit**” (emphasis added).
- 6.14 It is worthy of note that neither the NPPF, WMPE, NPPG nor EN-1 make reference to the R1 status being required to be demonstrated in order to meet the requirements of the waste hierarchy. It is also worthy of note that many of the energy from waste plants within the UK are capable of being R1 compliant, but because this is not a mandatory requirement unless the facility proposing to import waste from abroad, the operators have not applied to the Environment Agency (as the body responsible for certifying the R1 calculation) for such certification.
- 6.15 It is therefore clear that whilst demonstrating the recovery credentials of a facility is ‘important’ the use of the R1 calculation is not a ‘mandatory’ requirement nor is it required for environmental permitting; furthermore, the R1 calculation can only be established with any accuracy at a post-planning phase once technology design and balance of energy off-take has been confirmed, and in any event the waste hierarchy identifies gasification as an ‘other recovery’ operation. It is therefore interpreted that the R1 status is not required to be demonstrated with regards the proposed REC development, which is for gasification, and that the waste hierarchy clearly identifies gasification as forming an ‘other recovery’ operation.
- 6.16 The Application Site is located within the District Heating Priority Area as identified within the Swindon Local Plan 2026 (Policy DE2), which seeks to maximise opportunities for the use of combined heat and power (CHP), with district heating to be encouraged and major development required to demonstrate a thermal master-planning approach to maximise the use of district heating and incorporate infrastructure for district heating or justify any alternative approach. The proposed REC will generate circa 14.5MW of electricity plus circa 1.5MW of heat. The Applicant is currently in discussions with a number of potential local recipients of the energy that will be generated at the proposed REC. Accordingly, it is proposed that the electricity generated would be routed by

private wire to a nearby user and/or, in the event that a local user cannot be secured, routed to the national distribution network. Similarly, it is proposed that the heat generated at the facility would also be routed to a local user and/or potentially used within both the facility and adjacent proposed warehouse. The Application Site is appropriately located adjacent to high-energy industrial users with large-scale manufacturing to the north and existing industrial warehouses to the east, as well as the industrial warehouse as part of the Proposed Development.

6.17 Accordingly, the proposed REC would be consistent with the objectives of Waste Development Control Policies (Policy WDC12) to maximise opportunities for renewable energy production for electricity and heat, the Swindon Local Plan 2026 (Policy IN4) that encourages and supports the renewable and low carbon infrastructure which has benefits for local communities and the local economy, and seeks for heat generated by renewable energy to be used on-site or linked to a district energy network and (Policy DE2) by demonstrating that the Applicant is in on-going negotiations for the supply of energy (heat and electricity) to local business users.

6.18 In summary, moving waste up the waste hierarchy is an integral facet of European and national legislation and thereby enshrined in national and local planning policy. With this respect it is emphasised that:

- i) The proposed REC would only treat residual waste, that is waste that is left following the practicable removal of recyclable materials (i.e. pre-treated waste) and thereby cannot be treated at any higher tier of the waste hierarchy;
- ii) The proposed REC will use gasification, an advanced conversion technology, that recovers energy from the waste in the form of heat and/or electricity, the proportion of which will depend on the off-take user;
- iii) Gasification is explicitly identified within the waste hierarchy as stated in the WMPE, NPPW, the Defra Guidance on Applying the Waste Hierarchy and Defra Energy from Waste: A Guide to the Debate as falling within the 'other recovery' tier and therefore does not fall within the lowest tier of the waste hierarchy;
- vi) Gasification, as distinct from incineration, is not required within the waste hierarchy to demonstrate whether it qualifies as 'other recovery' (R1) or 'disposal' (D10), and therefore calculating R1 is not a necessary facet to demonstrate its energy recovery credentials;
- v) Notwithstanding the above, demonstrating compliance with R1 status is not a mandatory requirement for Energy from Waste facilities as stated in the Defra Guide to the Debate;
- vi) The proposed REC is in accord with local planning policies that seek to maximise opportunities for renewable energy production for electricity and

- heat, and encourages and supports the delivery of renewable and low carbon infrastructure;
- vii) The REC would also recover value through the removal of ferrous / non-ferrous metals; and
 - viii) The REC would also recover value through the recycling/re-use of the bottom ash from the gasification process which can be used as construction materials / road substrate.
- 6.19 Accordingly, the proposed REC is compliant and supportive of the waste hierarchy in recovering value from residual waste at the highest tier as possible.
- 6.20 *Need* - The need for the proposed REC is set in the context of both the national and local perspective, with the NPPW requiring that a quantitative or market need should only be required to be demonstrated where proposals are not consistent with an up-to-date Local Plan (paragraph 7). The Defra Guide to the Debate references a 2011 European report that identified that even when taking into account the consented yet unbuilt capacity, there remains an estimated 7mt/annum capacity gap in residual waste treatment within Great Britain. Furthermore, that the UK's ability to manage SRF/RDF is insufficient to meet the expansion in materials produced and passing through Mechanical and Biological Treatment Plants (MBTs), which extract the recyclate. The Guide to the Debate states that in 2012 circa 963,944 tonnes of RDF was exported from the UK; the WMPE (page 20) identifies that the volume of RDF exported from the UK has grown significantly, from zero in 2009 to nearly 900,000 tonnes in 2012. The Guide to the Debate notes that whilst such exports are permissible, the energy recovered from the waste is a lost resource to the UK and does not contribute to the UK renewable energy targets; nor does it contribute to securing UK energy supplies or reducing the reliance on fossil fuels within the UK.
- 6.21 The Overarching National Policy Statement for Energy (EN-1) (paragraph 3.4.1) sets the need for new renewable electricity generating projects in the context of the UK Government's commitment to sourcing 15% of its total energy from renewable sources by 2020 and identifies this need as urgent with energy from waste facilities being one of several sectors that would assist in the achievement of this target. Furthermore, EN-1 states (paragraph 3.4.4) that the ability of energy from waste projects to deliver predictable and controllable electricity is increasingly important in ensuring the securing of UK energy supplies. Similarly, the National Policy Statement for Renewable Energy (EN-3) states that waste burned is deemed renewable and contributes to meeting the UK's renewable energy targets. The NPPF (paragraphs 95 to 98) identify the planning system as

key to supporting the delivery of renewable energy, considered central to economic, social and environmental dimensions of sustainability and to have a positive strategy to the promotion of renewable energy and low carbon sources, and to identify opportunities where development can draw its energy from a decentralised, renewable supply. It is also noted within the NPPF (paragraph 98) that applicants should not be required to demonstrate the overall need for renewable energy schemes and should approve such applications if the impacts are or can be made acceptable. The Defra Guide to the Debate notes that the typical content of residual waste includes between 50% to 66% of biogenic materials (i.e. food wastes / wood) which cannot be extracted for recycling due, for example, to the waste being too contaminated to be economically or practically separated (paragraph 18). Furthermore, that the energy recovered from residual waste is considered to be a partially renewable energy source (paragraph 19).

- 6.22 Accordingly, the Proposed Development supports the national need for waste recovery facilities to meet the national capacity gap in residual waste treatment facilities, to reduce the unsustainable export of RDF to other nations, to enable the recovery of energy (heat and power) that is currently lost to UK energy supplies and thereby support the security of UK energy supply, reduce reliance of fossil fuels and assist in the achievement of UK targets for renewable energy.
- 6.23 At the local level the Wiltshire and Swindon Waste Core Strategy states a need for additional capacity to treat municipal waste in the order of 10,000 tpa by 2015 and 20,000 tpa by 2020 (paragraph 2.17), and that to meet the identified capacity gap in commercial and industrial waste a further 5 recovery sites required to provide for a shortfall in capacity of 250,000 tpa (table 3). The Waste Core Strategy (Policy WCS1) makes provision to address the capacity gap in the current and forecast increase in waste arisings by supporting the delivery of sufficient sites, whilst acknowledging that self-sufficiency and the import/export of waste needs to be balanced in accordance with the principles of sustainable development and sustainable transport. In accordance with these Plan area needs, the Waste Core Strategy (Policy WCS3) makes provision for the allocation of sites to provide waste treatment facilities for 54,000 tpa of municipal and 250,000 tpa of commercial and industrial wastes.
- 6.24 The Waste Site Allocations is set within the context of the Waste Core Strategy figures, albeit slightly revising this to a negative requirement for municipal waste

but retaining a requirement for 123,000 tpa of treatment capacity for industrial and commercial wastes. Whilst the figures have been revised, there is still a clear and demonstrable need for further waste management facilities within the Plan area to meet, as a minimum, their own capacity gap. Accordingly, the proposed REC would provide a recovery facility that supports a reduction in the identified capacity gap, whilst being located within a sustainable location (see below).

- 6.25 It is also worthy of note that, as identified in the Defra Guide to the Debate, provision of waste management infrastructure within the UK is largely market-led, such that the ability to secure funding and/or commercial contracts for the residual waste feedstock provides control over capacity and thereby avoids too much or too little provision.
- 6.26 In summary, the proposed REC supports the treatment of residual waste in accordance with the waste hierarchy as an 'other recovery' facility, supports a reduction in RDF exports (thereby maximising opportunities to recover energy within the UK), supports the achievement of renewable energy targets and security of UK energy supplies, whilst addressing the capacity gap in both national and local recovery facilities. Accordingly, the principle of development has been demonstrated to be in accord with relevant national and local planning policy.

Proximity Principle and Location of Waste Management Facilities

- 6.27 The proximity principle is the subject of Article 16 of the Waste Framework Directive. That the proximity principle is capable of being a material planning matter is manifest in The Waste (England and Wales) Regulations 2011 and set out within the NPPG (paragraph 55).
- 6.28 The NPPW (paragraph 1) seeks for communities and business to take responsibility for their own waste in line with the proximity principle. The WMPE seeks (page 29) to establish a network of waste management facilities to enable waste to be treated at one of the nearest appropriate installations, i.e. the 'proximity principle', with every member state working towards self-sufficiency.
- 6.29 However, both the NPPG (paragraph 007) and the Guide to the Debate (paragraph 152) make it clear that the proximity principle does not require that waste be treated at the absolute closest facility to the exclusion of all other considerations. The Guide to the Debate quotes the Waste Framework Directive

and that the proximity principle requires only that mixed municipal waste “... **be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health**” (paragraph 152).

- 6.30 Furthermore, the NPPG (paragraph 007) also makes it clear that “... **there is no expectation that each local authority should deal solely with its own waste to meet the requirements of self-sufficiency and proximity principles**”; and that “**The ability to source waste from a range of locations / organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in over capacity**” (which is also quoted in the Defra Guide to the Debate, paragraph 156). In addition, the Guide to the Debate states that “**There is nothing in the legislation or proximity principle that says accepting waste from another council, city, region or country is a bad thing and indeed in many cases it may be the best economic and environmental solution and/or be the outcome most consistent with the proximity principle**” (paragraph 154). With this respect the Guide to the Debate highlights that there is “... **an overemphasis on restricting waste to local waste, particularly by defining it by administrative ownership of waste and quantities it implies, can lead to sub-optimal solutions in terms of cost, efficiency and environmental impact; and a significant loss in long term flexibility**” (paragraph 155).
- 6.31 The proposed REC will accept residual waste primarily from the wider Swindon area to meet the identified local need (see above), but also seeks the flexibility to accept residual wastes from beyond this catchment to meet the operational requirement to have a continuous feedstock of residual waste and the ability to secure appropriate contracts for such feedstock as and when commercial contracts are available/up for renewal. In the wider context, the proposed REC could support a reduction in the significant volumes of RDF exported from England (see paragraph 6.19 above) resulting in the loss of energy to the UK market and environmental cost of transporting waste abroad.
- 6.32 In supporting both the national need to reduce exports from England and in meeting the local shortfall in capacity for residual waste treatment, the proposed REC would be in accord with the proximity principle. Furthermore, in acknowledgement of comments made in both the NPPG and the Defra Guide to

the Debate, the proposed REC facility should not be limited to receiving wastes only from particular catchment area.

- 6.33 The Proposed Development is consistent with the Waste Core Strategy (Policy WCS2) in that as a strategic waste facility it is located within 16km of Swindon (a strategically significant city) and would utilise the most appropriate haulage routes within and around the Plan area. The Application Site is appropriately located on the Keypoint Industrial Estate with access to the strategic highway network, notably the A420 and A419. The use of such haulage routes could be controlled by a suitably worded planning condition. In terms of the proximity principle, Waste Core Strategy WCS2 acknowledges that such strategic facilities are expected to serve a catchment that may extend beyond the Plan area, serving areas of Wiltshire and Swindon and surrounding local authorities in a sub-regional context.
- 6.34 Whilst the Wiltshire and Swindon Waste Site Allocations Local Plan does not allocate the Application Site for waste management purposes, the Waste Core Strategy (Policy WCS3) makes provision for non-allocated sites to come forward. Furthermore, that with regards energy from waste facilities, the preferred locations are within industrial land / employment allocations. In this respect, the location of the Application Site for the Proposed Development is consistent with this policy.
- 6.35 The Application Site is located within a 'key employment area' as identified within the Swindon Local Plan 2026 which makes provision (Policy EC2) for employment related development and sui generis uses, such as the proposed waste management facility. Accordingly, the Proposed Development is consistent with this policy.
- 6.36 The proposed waste management facilities would not compromise the delivery of the Eastern Villages development and related design criteria as set out within the Swindon Borough Local Plan (Policy NC3) and Eastern Villages Draft SPD, nor would it conflict with the delivery of development and design criteria with regards South Marston as set out within Swindon Borough Local Plan (Policy RA3), South Marston Draft SPD and South Marston Draft Neighbourhood Plan policies.
- 6.37 In summary, the proposed REC will accept residual waste primarily from the wider Swindon area to meet the identified local need, but also seeks the flexibility to accept residual wastes from beyond this catchment to meet operational needs

and meet a national need to reduce the exports of RDF abroad. The proposed REC will be located on an appropriately allocated site, accessible to major haulage routes and would not compromise the delivery of development as set out within the Eastern Villages Draft SPD or South Marston Draft SPD or the policies of the emerging South Marston Neighbourhood Plan. Furthermore, the Application Site is of a suitable size and configuration to accommodate the Proposed Development, is appropriately located in an industrial setting away from residential receptors and is in close proximity to a number of potential high-energy users that could benefit from the off-take of energy, either as heat or electricity. Accordingly, the location of the proposed REC has been demonstrated to be in accord with relevant national and local planning policy.

The Principle and Location of Warehouse Development

- 6.38 The Application Site is located within a 'key employment area' as identified within the Swindon Local Plan 2026 which makes provision (Policy EC2) for employment uses including warehouse and storage (Use Class B8). Accordingly, the proposed warehouse is consistent with this policy.
- 6.39 The proposed warehouse would be appropriately located adjacent to the proposed REC; as noted within the Waste Core Strategy (Policy WCS3) the preferred locations for such waste management facilities is industrial land/employment allocations as they can easily be accommodated alongside each other without detriment to each other's operations. Similarly, the Waste Core Strategy (Policy WCS4) seeks to protect existing waste management facilities from future industrial development and vice-versa to ensure that development would not prevent or unreasonably restrict operations. The proposed REC and warehouse form a single application; in bringing these developments jointly forward the developer has full control over such matters, thereby protecting both the future warehouse and waste management operations.
- 6.40 In addition to the above, a review of the Application Site's planning history revealed that the use for industrial warehousing has previously been granted permission, the latest being for distribution and warehousing (use class B8) as proposed, which was granted approval in 2011.
- 6.41 Accordingly, the principle and location of the proposed warehouse is consistent with these policies.

Landscape and Visual Amenity

- 6.42 That part of the Application Site proposed for development (i.e. excluding access along the existing Road 1 and Road 2) is occupied by ephemeral/short perennial vegetation to the north, much of which appears to have been previously disturbed, with the remainder dominated by tall ruderal vegetation with patches of poor semi-improved grassland and a few larger strips of grassland. There are no distinct boundaries to the Application Site which is bordered on three sides by young broadleaved woodland/dense scrub with occasional mature trees. There is a public right of way (footpath) that passes through the southern and western boundaries of the Application Site. There is a small electricity sub-station situated on the eastern boundary. The surrounding land is occupied by a combination of the Honda Plant and associated testing track to the north, industrial warehouses to the east, the Western Main Line railway and small retail park with former Madison Hotel (now vacant) to the south, and a small parcel of open land to the west beyond which is the A419 dual carriage way. The nearest residential properties are those located within Stratton St. Margaret to the west of the A419 dual carriageway, with some isolated properties located along Thornhill Road to the east which are separated from the Application Site by the existing industrial warehouses; the village of South Marston is to the north-east and also separated from the Application Site by existing industrial warehouses. The areas of land to the south, beyond the A420 and retail park, and to the east, beyond the industrial warehouses are allocated within the Swindon Borough Local Plan 2026 for the 'Eastern Villages', an extensive residential-led, mixed use, urban extension.
- 6.43 The Application Site is not subject to any statutory or non-statutory landscape designations, with the northern edge of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) situated circa 4km to the south at its closest. The Proposed Development has incorporated the two existing mature trees into the design which will be protected during construction. It is proposed to provide a landscaped buffer along the Application Site boundary and a more formal landscaped area between the proposed REC facility and industrial warehouse. The landscaping will include new tree and shrub planting along the eastern boundary, adjacent to Road 2, and along the western boundary as part of a landscape buffer.

- 6.44 The Proposed Development is located to the west of the Keypoint Industrial Estate and has been designed to respond to the character of the local area and, with regards the proposed REC, to meet the operational requirements of the facility including those of the pre-requisite Environmental Permit. The main building and other structures of the proposed REC have been designed to be as small as possible whilst accommodating the necessary plant and machinery, and the movement of vehicles around the site. The proposed REC flue stack has been designed to be as narrow as possible, with the height (52m) being the minimum required to ensure compliance with the relevant emissions targets set by the European Industrial Emissions Directive (IED). The building and other structures, as applicable, would be clad using materials similar to adjacent industrial buildings and coloured to minimise their visual effect.
- 6.45 The potential effects on the landscape character and visual amenity have been assessed as part of the Environmental Impact Assessment (see **Environmental Statement, Chapter 6**). This landscape and visual amenity impact assessment (LVIA) provides an assessment of the impacts on the Wiltshire and Swindon's landscape character including the North Wessex Downs AONB (see below) and is accompanied by proposed landscape mitigation and enhancement planting (see **Dwg K.0170_01 Rev J**) and is therefore in accord with the requirement set out within the Wiltshire and Swindon Waste Development Control Policies Development Plan Document (Policy WDC7) and thereby enables the proposals to be considered against the criteria as set out within Policy WDC1.
- 6.46 *Landscape Features & Character* - The LVIA concluded that there would be no significant effects on the limited landscape features that exist within the Application Site, with some minor benefit arising from the retention of the mature trees and additional landscape planting. Furthermore, the industrial-style buildings, stack and activities of the Proposed Development would not be out of context with the local landscape character, with the neighbouring Honda Plant, industrial buildings and their associated activities to the north and east, and the urban development and infrastructure (i.e. A417, A420 and main railway) to the west and south. The effect on the national and district landscape character was determined to be negligible, attributable to the limited scale of development when considered in the context of adjacent industrial land uses as perceived from the wider environment and when viewed from more distant views also set the context of the urban area of Swindon. The effect of the 52m high flue stack on the national, district and local character area as also considered to be negligible due

to its being seen and experienced in the context of the adjacent industrial land uses and urban area, which would reduce with increasing distance from the Application Site.

- 6.47 Accordingly, the Proposed Development is in accord with the Swindon Borough Local Plan 2026 (Policy EN5) as the proposed REC and warehouse would not adversely affect, and thereby protects, the national, district or local landscape character and provide additional tree and shrub planting, enhancing local landscape features. Furthermore, the Proposed Development has been designed to respond to the materials of adjacent buildings whilst providing a landscape buffer to the boundary of the facility to soften its appearance at the street level.
- 6.48 *The North Wessex Downs AONB* - The Screened Zone of Theoretical Visibility (SZTV) indicated that the Proposed Development may theoretically be visible from restricted locations within the North Wessex Downs AONB; however, field survey determined that with the intervening field and roadside vegetation, the Proposed Development would be barely discernible from the surrounding industrial development, such that there would be no notable changes to views and the Proposed Development would not conflict with the AONB Management Plan 2014-19 or AONB 2012 Position Statement on Setting.
- 6.49 It is therefore concluded that, given the distance, limited inter-visibility and the context of surrounding industrial land uses there would be no harm to the landscape or scenic beauty of the North Wessex Downs AONB, and accordingly the Proposed Development would not conflict with the aims of the NPPF (paragraph 115) to afford the greatest level of protection to national landscape designations. Similarly, the Proposed Development is also in accord with the Swindon Borough Local Plan 2026 (Policy EN5, part (c)), being compliant with the AONB Management Plan and not adversely affect the AONB's setting.
- 6.50 *Visual Amenity* - The assessment of potential effects on visual amenity concluded that only those users of the public right of way that passes directly to the south and west of the Proposed Development would be significantly affected. Whilst the Proposed Development may be visible from other locations, such views would be limited by a combination of intervening buildings, infrastructure and vegetation and set within the context of the neighbouring industrial and urban landscape. The effect of such views would reduce the greater the distance between the view and Application Site.

6.51 Users of the public right of way currently experience views in the context of the adjacent industrial development, existing scrub/vegetation and trees of the Application Site and adjacent land to the west, railway lines and the urban/retail development to the south, and therefore set in the surrounding urban/industrial context. Notwithstanding this, to mitigate the effects on users of the public right of way, the Proposed Development incorporates a landscape buffer zone to accommodate the route of the public right of way where it falls within the Application Site, along the southern and western boundaries. Whilst following adjacent to the private road access for a short length along the southern boundary, the path would then be separated from the facility by tree and shrub planting, forming a visual barrier towards the proposed REC and warehouse whilst maintaining the existing westward views over the adjacent scrub towards the A417 and Swindon. Therefore the significant visual effects of the Proposed Development have been mitigated in accordance with Swindon and Wiltshire Waste Development Control Policies (Policy WDC2).

Transport and Highways

6.52 The planning application is accompanied by a Transport Assessment (TA) (see **Environmental Statement, Chapter 7 and Appendix 7.1**), in accord with the requirements of the NPPF (paragraph 32), Wiltshire and Swindon Waste Development Control Policies (Policy WDC11) and Swindon Local Plan 2026 (Policy TR2, part (g)).

6.53 The private industrial estate Road 2 serving the Application Site comprises a 7.3m wide carriageway with lighting and intermittent footway; this private estate road also serves the Honda plant to the north. The private industrial estate Road 1 that connects to Thornhill Road also comprises a 7.3m carriageway with shared foot/cycleway on the western side. Thornhill Road, a public highway, provides access to the primary road network, notably the A420 (east – west) and A417 (north – south). There is a rail terminal located to the north of the adjacent TDG industrial building; to the south of the site lies the Western Main Line railway which connects Swindon with Bristol and London Paddington. The Transport Assessment identified that the Application Site is within a reasonable walking/cycling distance to a large part of Swindon’s residential area and is also accessible by public transport, with a bus stop within 500m of the Application Site offering a service Mondays to Fridays between 05:30 to 23:00 with a 30 minute daytime frequency.

- 6.54 The traffic assessment was based on baseline traffic flows from surveys undertaken in 2015 and forecast flows for the year 2021, as agreed with the Local Highway Authority, with analysis undertaken specifically at Thornhill Road, the A420 (east of Gablecross roundabout) and the A420 (west of Gablecross roundabout). The results of the assessment of operational traffic flows indicated that when compared to the context of the approved industrial development at the Application Site, whilst there would be an increase in HGV movements at these junctions there would be an overall reduction in the total number of vehicle movements. Furthermore, it was concluded that the change in traffic flows would be unlikely to materially or discernibly alter the risk of accidents on the highway network. Accordingly, the operational effects of traffic generated by the Proposed Development were deemed to be acceptable and not significant. The traffic generated during the construction phase will not exceed the numbers generated during the operational phase and in this respect are also considered to be acceptable and not significant. Notwithstanding this, mitigation measures to further reduce the effects of traffic on the highway network are proposed with regards both the construction and operational phases, including a Construction Traffic Management Plan and measures to be identified within a Travel Plan to minimise the number of car borne vehicle movements by staff and visitors; the surrounding network has been assessed as being of a suitable standard such that further mitigation is not required. Consideration has also been given to the cumulative effects of the Proposed Development alongside the anticipated growth attributable to the proposed Eastern Villages urban extension. The Eastern Villages urban extension would have a significant effect on the operation of the highway network in its own right and it is understood its implementation is to be accompanied by a package of mitigation measures including improved junction capacity. Accordingly, it was concluded that the effects of the increased traffic generated would be mitigated by this package of mitigation such that the cumulative effect would be negligible.
- 6.55 Accordingly, the Proposed Development is in accord with the relevant transport-related principles of the NPPF (paragraph 32) and that of the Wiltshire and Swindon Waste Development Control Policies (Policies WDC2 and WDC11) and Swindon Local Plan 2026 (Policy TR2, part (b)), specifically that the proposed REC and industrial warehouse are of a scale and nature that is appropriately located within an existing industrial estate, with safe and suitable access to the public highway and would not have an adverse effect, either individually or cumulatively, on the operation of the surrounding highway network, without need

for additional transport infrastructure, as confirmed within the accompanying TA. Furthermore, the site is accessible for walking/cycling from a potential employee catchment area and by the public transport network.

6.56 Consideration has been undertaken to consider the potential use of the nearby rail spur for the import of residual waste materials. Investigations concluded that the rail spur to the east of the site is fully let and at capacity, and would not be suitable without significant investment. Notwithstanding, it was concluded that as the proposed REC facility would primarily source residual waste from within the wider Swindon area, the use of rail links would not be a practical transport alternative for the majority of imported materials as this would still involve collection vehicles travelling along the local highway network. Furthermore, the construction of rail infrastructure necessary to import the remainder of materials from beyond the wider Swindon catchment would be neither practical given the space constraints and necessity to maintain the operation of the existing highway and rail network, nor economical given that the contracts for imported materials will change over time (and thereby may not be located in proximity to suitable rail links) and would in any event comprise only a limited proportion of the overall residual waste received at the proposed REC facility.

6.57 In any event, the Proposed Development is located within close proximity to the strategic highway network (A420 and A417) with the connecting private industrial estate access roads also designed to accommodate the nature and volume of vehicles that will be generated by the Proposed Development. Accordingly, the Proposed Development is in accord with the principles of sustainable transport, such that whilst opportunities to exploit alternative transport modes have been demonstrated as being impractical, the Application Site is located and designed to accommodate the efficient delivery of goods and supplies in accordance with the NPPF (paragraph 35), the Wiltshire and Swindon Waste Development Control Policies (Policy WDC11) and Swindon Local Plan 2026 (Policies WDC2 and TR2, part (a)).

Public Rights of Way

6.58 There is a public right of way (footpath) that passes through the southern and western boundaries of the Application Site, albeit the route is not discernible on the ground.

- 6.59 The Proposed Development has integrated the retention of the public right of way into the design of the site layout. The public right of way would be routed within a landscape buffer zone that would be adjacent to the private road access for a short length along the southern boundary and then be separated from the proposed REC and warehouse by tree and shrub planting, forming a visual barrier towards the site operations, but maintaining the existing westward views over the adjacent scrub towards the A417 and Swindon.
- 6.60 The Proposed Development would therefore be in accord with the Wiltshire and Swindon Waste Development Control Policies (Policies WDC2 and WDC4) and Swindon Local Plan 2026 (Policy TR2, part (d)) that both seek to retain the public rights of way

Air Quality

- 6.61 The planning application is accompanied by an Air Quality Assessment (AQA) (see **Environmental Statement, Chapter 5**) which assesses the potential effects on air quality arising from the emissions from the flue stack, bio-aerosol emissions and odour from the operation of the REC facility, and the potential dust emissions during construction and emissions associated with the traffic generated from the operation of both the proposed REC facility and warehouse.
- 6.62 The AQA concluded that the releases of all regulated pollutants released from the flue stack are determined to be insignificant in terms of their ambient effect on human health and protected nature conservation sites, and pose no threat to the attainment of applicable environmental standards. The effects of bio-aerosols and odours were considered to be insignificant and slight respectively at most of the close residential locations falling to and insignificant and negligible respectively at all residential locations when designed in mitigation measures were considered. The effect of dust arising from construction activities was determined to be low falling to negligible with the implementation of the identified mitigation measures. The impact of additional traffic resulting from the construction activities and subsequent operation of the proposed plant is estimated to be neutral. Furthermore, an assessment of the cumulative effects arising from the Proposed Development together with the potential developments at Honda and Advanced Plasma Power, as identified in consultation with Swindon Borough Council, concluded there would not be any additional effect. It was therefore concluded that the Proposed Development would not pose a threat to human health or amenity based on accepted environmental standards.

- 6.63 Accordingly, the Proposed Development would not have an adverse effect, either individually or cumulatively, on the ability to comply with the national air quality objectives nor any Air Quality Management Areas (AQMAs), and would therefore be in accord with the principles set out within the NPPF (paragraphs 109 and 124). Furthermore, it has been demonstrated that the Proposed Development would not lead to an adverse effect on air quality and would be appropriately controlled such that there would not be a significant loss of amenity for existing land uses or habitats, and is therefore in accordance with Swindon Local Plan (Policy EN7). In meeting these criteria, the Proposed Development is also in accord with the Swindon and Wiltshire Waste Development Control Policies (Policy WDC2) in managing and mitigating potential effects on air quality.
- 6.64 In addition to the above, all emissions from the flue stack will be continually monitored to ensure compliance with the emissions thresholds of the Industrial Emissions Directive (IED) and all emissions data collated, as part of the conditions under the pre-requisite Environmental Permit which is issued, monitored and enforced by the Environment Agency. In this respect it is noted the NPPF (paragraph 122), as reiterated within the NPPG (paragraph 050), the NPPW (paragraph 7), requires that Local Planning Authorities focus on whether a proposed development is an acceptable use of land and the impact of that use, rather than the control of processes, health and safety issues, or emissions that are subject to approval under pollution control regimes; in this instance, the pre-requisite Environmental Permit, which will ensure that the facility operates such that air quality standards will be complied with to protect the environment and human health.

Noise

- 6.65 The planning application is accompanied by a Noise Assessment (see **Environmental Statement, Chapter 10**) which assesses the potential effects on noise quality associated with both construction activities and operations.
- 6.66 The Application Site is not located within a noise sensitive area, being generally surrounded by industrial development, in proximity to the mainline railway line to the south and the strategic highway (trunk road) to the west. Monitoring was undertaken at the nearest residential properties on Watermead Road to the west and Thornhill Road to the east. The assessment concluded that due to the very nature of construction noise levels would exceed the existing baseline conditions but that whilst they may be audible at receptor locations it is unlikely to cause

any disturbance, with the most likely effects arising from piling activities (if required) also assessed as low. The only stated exception within the assessment related to piling during the 23:00 to 7:00; however it is not proposed for construction work to be carried out during evenings/over night (see Chapter 3), which could be controlled through a suitably worded planning condition. With regards operational noise it was concluded that the predicted operational noise at sensitive locations was also negligible to low.

- 6.67 Accordingly, the Proposed Development would not have a significant adverse effect on health and quality of life from noise and is therefore in compliance with the NPPF (paragraphs 109 and 123), the Swindon and Wiltshire Waste Development Control Policies (Policy WDC2).

Light Pollution

- 6.68 The Application Site is not located within a light sensitive area, being set within the context of an existing industrial estate with street lighting along both privately owned estate Road 1 and Road 2, and to the east of Swindon's urban area such that the area is not subject to 'dark skies'. Accordingly, the Proposed Development is compliant with the relevant policies of the NPPF (paragraph 125) which seeks to protect against light pollution and its effect on local amenity and nature conservation, and the Swindon and Wiltshire Waste Development Control Policies (Policy WDC2).

Cultural Heritage

- 6.69 The planning application is accompanied by a Cultural Heritage Assessment (see **Environmental Statement, Chapter 12**) and accompanying Desk Based Heritage Assessment (see **Environmental Statement, Appendix 12.1**) in accord with the requirements of the NPPF (paragraph 128) which requires an applicant to describe the significance of any heritage assets and their setting.
- 6.70 The Cultural Heritage Assessment identified that there were no heritage assets within the Application Site. There is a Scheduled Monument (Site of Roman Town, West of Wanborough House) approximately 830m to the south and 13 Listed Buildings within the vicinity of the site and the Stratton St Margaret Conservation Area to the north-west. There have been no previous archaeological investigations recorded at the Application Site; a ground penetrating radar (GPR) survey was undertaken in March (see **Environmental Statement, Appendix 12.2**).

- 6.71 The Cultural Heritage Assessment concluded that there would be no adverse effects upon archaeological remains attributable to either the construction phase or operational phases. The baseline survey clarified that much of the Application Site has been heavily impacted upon by previous groundworks, and no archaeological remains were identified by the geophysical survey. Furthermore, there will be no adverse effects upon the significance of designated heritage assets though changes to their 'setting' were identified following detailed settings assessment and is aligned with the overarching requirement to conserve heritage assets. Mitigation in the form of archaeological monitoring and recording during topsoil stripping of the southern half of the site is proposed; however, as the assessment and survey did not identify any potential heritage assets this mitigation would be sufficient to manage any eventuality that remains are present that were not identified during geophysical survey.
- 6.72 It is therefore concluded that the Proposed Development would not conflict with the objectives of the NPPF (Section 12) which seeks to conserve and enhance the historic environment. In particular the Proposed Development is consistent with the requirement that LPAs, with regard to heritage assets, 'conserve them in a manner appropriate to their 'significance' (paragraph 126). The information supplied with the planning application is consistent with the requirement (paragraph 128) for an applicant 'to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail is proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.' No harm to heritage assets has been identified, and thus no weight regarding harm to heritage has been identified to be put in the planning balance (as per paragraphs 134 and 135). Furthermore, appropriate mitigation has been recommended, as per the advice set out in the Framework (paragraph 141).
- 6.73 Similarly, the Proposed Development will accord with the Swindon Local Plan (Policies EN5 and EN10) and Wiltshire and Swindon Waste Development Control Policies (Policy WDC9); the Application Site not falling within a known 'valuable historic and heritage area and asset' and nor will there be any adverse effects on the archaeology, known heritage assets or their setting.
- 6.74 The Proposed Development would not lead to harm to any Listed buildings, and would be consistent with the requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires 'special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Application Site does not comprise a building or land 'in' a Conservation Area and will not harm the Stratton St Margaret Conservation Area due to the limited visibility of the Proposed Development.

Ecology and Nature Conservation

- 6.75 The planning application is accompanied by an Ecological Assessment and Phase 1 Habitat Survey, and bat activity and reptile surveys (see **Environmental Statement, Chapter 11**), and therefore meets the requirements of Wiltshire and Swindon Waste Development Control Policies (Policy WDC8) to provide an objective assessment of the potential effects on biodiversity including cumulative effects and potential effects of climate change.
- 6.76 The ecological assessment identified eight statutory designated sites within 5km of the Application Site, the nearest of which is Stanton Park Local Nature Reserve (LNR) at 2.3km, followed by the Seven Fields LNR at 3.6km. The nearest Site of Special Scientific Interest (SSSI) is also a LNR, Coate Water, located 4.1km from the Application Site. The geological SSSI, Great Quarry, is located 4.4km from the Application Site. The remaining sites comprise the Radnor Street Cemetery LNR at 4.5km, the Old Town Railway Cutting SSSI geological site at 4.5km, Quarry Wildlife Garden LNR at 4.8km and Okus Quarry SSSI, another geological site, at 4.9km distant. Three non-statutory designated sites, all Local Wildlife Sites (LWSs), were identified within 2km of the Application Site: River Cole LWS at 340m; St Julian's Community Woodland WWT Reserve and LWS at 880m; and the Kingdown Old Railway Line LWS at 1.7km distant. No protected or notable plant species were identified during the Extended Phase 1 habitat survey and it was determined that the Application Site is unlikely to support anything other than common species typical of the species poor grassland and ruderal vegetation. Furthermore, none of the habitats within the Application Site were identified as being listed as Habitats of Principal Importance under Section 41 of the NERC Act (2006). The Application Site was determined to be of no more than local value for birds; of local importance for bats with only low and moderate levels of bat activity for foraging and community with activity focused on peripheries of the land adjoining the woodland and scrub; of site importance for badger with no evidence during field survey; local importance for reptiles given their recorded presence in the wider area, albeit absence during observations suggesting they are not present; local importance for amphibians again given

their recorded presence in the wider area but in the absence of suitable breeding habitat making presence at the Application Site highly unlikely; and local importance for invertebrates. Overall, the ecological assessment concluded that the habitats and value to protected and notable species was moderate to low, with the higher value features located along the margins of the Application Site, which are proposed to be retained.

- 6.77 The Proposed Development would incorporate a landscape buffer, comprising the retention of existing mature trees and the planting of new trees and shrubs, providing new habitat and opportunities for nesting and foraging, as well as a protected ecological corridor for the movement of species, providing a net biodiversity gain. The ecological assessment also recommended a lighting scheme that avoids light spill to adjacent habitats and the installation of bird and bat boxes as further enhancement. In addition, pollution prevention and control measures, a pre-construction nesting bird and badger surveys, the adoption of reasonable avoidance measures have been recommended to ensure there would be no significant harm during the construction phase.
- 6.78 The assessment concluded that there would be no significant harm arising to biodiversity or nature conservation interests, either individually or in combination with other developments. The Proposed Development would not have an adverse effect on the identified Sites of Special Scientific Interest (SSSI), nor would there be any loss or deterioration of irreplaceable habitats or identified sites within the Swindon Local Plan 2026 Policies Map. Furthermore, there would be no significant effects on protected species, including birds, bats, badgers, dormouse, amphibians, reptiles and invertebrates. The existing mature trees would be retained and the green infrastructure network enhanced by the additional tree and shrub planting within the landscape buffer, providing a net biodiversity gain. The Air Quality Assessment (see **Environmental Statement, Chapter 5**) considered the potential effects of the Proposed Development on protected nature conservation sites and concluded that the effects would be negligible.
- 6.79 Accordingly, the Proposed Development accords with the relevant principles of the NPPF (paragraphs 109 and 118, and paragraph 125 with regards to light pollution and mitigation), the Wiltshire and Swindon Waste Development Control Policies (Policy WDC8) and the Swindon Local Plan 2026 (Policies EN1, EN2 and EN4). Furthermore, the proposed pollution prevention and control measures adopted during the construction phase and the operation of the proposed REC

facility in compliance with the pre-requisite Environmental Permit, would ensure that emissions are controlled such that there would be no significant loss of habitats in accord with the Swindon Local Plan 2026 (Policy EN7).

Trees and the Great Western Community Forest

- 6.80 An **Arboricultural Survey and Impact Assessment** has been carried out. It was confirmed with Swindon Borough Council that trees on the western and north-western boundary are subject to a Tree Preservation Order (TPO). A total of 9 trees/groups were identified during survey, 6 of low quality and 3 of moderate quality, although one tree within a group was identified as being dead.
- 6.81 The Proposed Development would retain the majority of trees which are located along the northern and western boundaries of the Application Site, with the exception of the dead oak within the group of trees and partial removal of the group of trees to the north. The remainder of trees and their roots would be protected during the construction phase in accordance with British Standard BS:5837:2012. The site layout has been designed to enable their continued protection during the operational phase through their incorporation into a landscape buffer. It is also proposed to provide additional tree and shrub planting within the landscape buffer, specifically along the eastern boundary adjacent to Road 2 and the western boundary which will provide suitable mitigation for the partial removal of the group of trees to the north. The new tree planting will lead to a net increase in terms of tree numbers and diversity on site when compared to the existing arboricultural resource. It is considered that the Proposed Development will lead to a net benefit from an arboricultural perspective when comparing potential loss/impacts with new planting.
- 6.82 Accordingly, the Proposed Development would be in accord with Swindon Local Plan 2026 (Policies EN1 and EN2) through the protection of existing trees and the enhancement of the green infrastructure network and by providing for an overall increase in tree cover within Swindon Borough, with access provided along the eastern and southern boundaries along the existing public right of way.

Flood Risk and Drainage

- 6.83 The planning application is accompanied by an assessment of the potential effects on Hydrology and Flood Risk (see **Environmental Statement, Chapter 8**) and a Flood Risk Assessment (see **Environmental Statement, Appendix 8.1**) in accordance with the requirements of the NPPF (paragraph 100), the Wiltshire and

Swindon Waste Development Control Policies (Policy WDC3) and Swindon Local Plan 2026 (Policy EN6, part (c)).

- 6.84 The Application Site comprises undeveloped land which is predominantly flat with site levels of between circa 104m and 102m above Ordnance Datum, falling from the south to the north. There is a shallow ditch and earth bund along the eastern boundary, adjacent to Road 2, with a further ditch to the north. No other watercourses were identified at the Application Site or within its vicinity. There is a private surface water sewer along the industrial estate access road and a private foul water sewer serving the Keypoint industrial development, draining to the Thames Water sewer north of the railway siding. There are no records of sewer flooding in the vicinity of the Application Site.
- 6.85 The Application Site is located within Flood Zone 1, which indicates the probability of flooding at less than a 1 in 1,000 chance in any one year. The Strategic Flood Risk Assessment did not identify any groundwater flooding and the underlying geology suggests the risk of groundwater flooding is low. There is no risk of flooding from the failure of reservoirs. Overland surface water flow is currently directed to the surface water drainage network. The assessment concluded that overall risk of flooding from all sources was considered to be low.
- 6.86 Details of the outline drainage strategy are provided in the Flood Risk Assessment. In summary, it is proposed that the surface water runoff from the Proposed Development will be intercepted by an on-site sustainable urban drainage system (SUDs), capable of containing the run-off of a design storm of 1 in 100 year return period with an appropriate allowance for climate change. The SUDs would comprise below ground geo-cellular storage with flows controlled to discharge at the greenfield (pre-development) run-off rate into the on-site drainage ditch. Furthermore, the drainage system would incorporate pollution control measures such as trapped gullies, bypass separators and/or full retention separators. The drainage system would be designed in accordance with the relevant national standards and guidance including the SuDS Manual, Building Regulations Part H, BS EN 752:2008, BS EN 858-2:2003, together with Environment Agency documents such as Rainfall Runoff Management for Developments and the Interim Code of Practice for Sustainable Drainage Systems.
- 6.87 Drainage and pollution control mechanisms specific to the proposed REC include that all waste would be transferred from vehicles within the main building,

minimising opportunity for rainwater contamination; the waste bunker will be water retaining with a sump such that impermeable to groundwater inflow and pumped waters could be appropriately disposed; waters originating from within the facility from wash down/cleaning would be directed to the foul water drainage under a trade effluent licence and under relevant consents; and any plant containing potentially polluting substances will be appropriately bunded in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2011.

- 6.88 The assessment concluded that with the implementation of the proposed drainage strategy there would be a negligible effect on flood risk, with some benefit arising from the reduction in peak flows during storm events. Furthermore, with the use of the proposed oil separators and appropriately designed plant, the risk of surface water contamination would be negligible.
- 6.89 It has therefore been demonstrated that the Proposed Development is appropriately located within an area of low flood risk and that the proposed drainage strategy, incorporating SUDS, would manage surface water such that there would be no increase in flood risk at the Application Site or elsewhere, including an allowance for climate change. Accordingly, the Proposed Development is in accord with the principles of the NPPF (paragraphs 100 and 103, and paragraph 109 with regards water quality), the Wiltshire and Swindon Waste Development Control Policies (Policies WDC2 and WDC3) and Swindon Local Plan 2026 (Policy EN6).

Contaminated Land

- 6.90 The planning application is accompanied by an assessment of the potential effects on Hydrology and Ground Conditions (see **Environmental Statement, Chapter 9**). The assessment included a site walkover and Phase 1 Desktop Study (see **Environmental Statement, Appendix 9.1**).
- 6.91 The assessment identified that potential sources of contaminated would be based on historic land uses at the Application Site and surrounding area, including earthworks undertaking in the early 2000s with evidence of made ground across the Application Site and any contamination associated with nearby industrial uses, the road and railway line. The assessment identified the potential for contamination during both the construction and operational phases; however, the assessment recommended a range of mitigation measures that could be

implemented and would satisfactorily either remove the ground contamination or contamination pathways, such that there would be no significant effects on the Application Site's geology, soils, or contamination during the operation of the facility which would be subject to operational methodology and risk assessments.

- 6.92 Accordingly, the Proposed Development is in accord with the relevant principles of the NPPF (paragraphs 109 and 121), the Swindon and Wiltshire Waste Development Control Policies (Policy WDC2) and Swindon Local Plan 2026 (Policy EN8 and EN9) such that the Application Site is/can be made suitable for development with appropriate mitigation measures. Furthermore, it is noted that the NPPF (paragraph 120) and Swindon Local Plan 2026 (Policy EN8, part (c) and EN9, part (c)) states that the use of potentially contaminated or unstable land rests with the developer and/or landowner.

Permitting and Pollution Control

- 6.93 The proposed REC facility would be designed and operated with due regard to the requirements of the pre-requisite Environmental Permit which is issued, monitored and enforced by the Environment Agency under The Environmental Permitting (England and Wales) Regulations 2010. In addition, the proposed REC facility will be required to comply with the requirements of the Industrial Emissions Directive (IED) which sets mandatory emission limit values (ELVs) and monitoring requirements for a range of potential emissions, compliance with which is also undertaken by the Environment Agency under the Environmental Permit.
- 6.94 The Environmental Permit will contain conditions to protect the environment and human health, typically:
- Waste inputs – type, quantities, annual throughput;
 - Process controls – how activities on site will be managed
 - Emissions limits – air, land and water
 - Performance monitoring – on-going measurement of activity
- 6.95 Furthermore, the WMPE (page 15) confirms that the Environment Agency is the main regulator of waste management and that among its responsibilities are the determinations of applications for Environmental Permits under Article 23 of the revised Waste Framework Directive.
- 6.96 The NPPF (paragraph 122), as reiterated within the NPPG (paragraph 050), the NPPW (paragraph 7), requires that Local Planning Authorities focus on whether a

proposed development is an acceptable use of land and the impact of that use, rather than the control of processes, health and safety issues, or emissions that are subject to approval under pollution control regimes; in this instance, the pre-requisite Environmental Permit, which will ensure that the facility operates such that the necessary standards will be complied with to protect the environment and human health.

Design

- 6.97 The Proposed Development has been designed to respond to the character of the local area and, with regards the proposed REC, to meet the operational requirements of the facility including those of the pre-requisite Environmental Permit. The main building and other structures of the proposed REC have been designed to be as small as possible whilst accommodating the necessary plant and machinery, and movement of vehicles and plant both within the site layout and internally within the main building. The proposed REC flue stack has been designed to be as narrow as possible, with the height (52m) being the minimum required to meet the relevant emissions targets as set by the European Industrial Emissions Directive (IED). The main building and other structures of the Proposed Development would be clad using materials similar to adjacent industrial buildings and coloured to minimise their visual effect.
- 6.98 The Proposed Development meets the relevant principles of the NPPF (paragraph 58), specifically, the site layout both internally and externally within the proposed REC is functional and provides for the safe movement and separation of vehicles and people, including staff, visitors and members of the public. Together the proposed REC facility and industrial warehouse optimise the Application Site's potential. Whilst functional, the materials and design of buildings reflect that of neighbouring industrial properties for which the LVIA determined would be appropriate to the local landscape character, whilst providing a landscaped corridor to provide an attractive place for workers and users of the public right of way. Furthermore, notwithstanding the proposed REC facility's functional design and the necessary plant and machinery, the NPPF (paragraph 65) guides decision-makers not to refuse permission for buildings or infrastructure that promote high levels of sustainability because of concerns over any incompatibility with a townscape where such concerns have been mitigated. In this respect the Proposed Development is also in accord with the relevant requirements of the NPPW (paragraph 7). Accordingly, the Proposed Development is also in accord with the relevant principles of the Swindon Local Plan 2026 (Policy SD1), being of

a high quality design, and promoting healthy and safe communities through the separation of the public from operational activities and enhancement of the public rights of way and those relevant criteria of the Swindon Local Plan 2026 (Policy DE1).

- 6.99 With specific regard to the proposed industrial warehouse, the site layout makes provision (as shown on Drawing **K.0170_01 Rev J**) for the provision of waste and recycling storage facilities in accordance with the Wiltshire and Swindon Waste Core Strategy (Policy WCS5). Given that the precise details of the industrial warehouse occupation are as yet unknown, it is considered appropriate to secure the required Waste Audit through the use of an appropriately worded condition.

Restoration

- 6.100 The proposed REC would be a permanent facility for which it is anticipated would be subject to the periodic replacement and upgrading of plant, and modernisation of the building and structures, as and when required. Accordingly, it is not considered relevant to provide a restoration scheme in accordance with the Wiltshire and Swindon Waste Development Control Policies (Policy WDC10) which seeks to secure a waste management site's restoration and after-use; although not stated, this policy appears to be more applicable to landfill sites.

Employment

- 6.101 The proposed REC facility would generate circa 20 new employment opportunities for a range of skilled/unskilled workers, comprising with a further 10 indirectly employed from local specialist businesses. Furthermore, whilst the precise details of the industrial warehouse occupation are unknown, the use for storage and distribution would also generate employment opportunities within the local area either directly within the facility itself or indirectly through the transport of goods etc.; it is estimated to be circa 28 employment opportunities. It is to be anticipated that there would opportunities for local people and for training and apprenticeships in both facilities. Furthermore, cheaper energy supplied to local businesses may in turn lead to expansion and further job creation.
- 6.102 Accordingly, whilst the operational employment opportunities may be modest, support is provided within the NPPF (paragraph 18) to development that seek to secure economic growth to create jobs and prosperity, and the ambitions of the NPPW (paragraph 1), and that of Swindon Local Plan 2026 (Policy IN4).

Airport Safeguarding/Safety

- 6.103 The Application Site falls within the southern limit of an 'Aircraft Safeguarding Area' as shown on the Wiltshire and Swindon Waste Development Control Policies Proposals Map. The Applicant has undertaken liaison with Defence Infrastructure Organisation, who have confirmed that **"...the development falls within the safeguarding 91.4m height zone; therefore the MOD would have no objection to any development that is less than 91.4m in height. The MOD would request that any tall structures, such as emission stacks, be lit for air traffic safety at RAF Fairford"** (see **Appendix 1**).
- 6.104 The proposed flue stack would be fitted with the appropriate lighting in accordance with MOD specifications. Accordingly, it has been demonstrated that the Proposed Development would not result in an unacceptable risk to aircraft safety and is therefore in accord with Wiltshire and Swindon Waste Development Plan Policies (Policy WDC6).

South Marston and Eastern Villages

- 6.105 The Swindon Local Plan 2026 (Policy RA3) provides for the urban extension of South Marston Village to the east of the Application Site; Swindon Local Plan 2026 (Policy NC3) provides for an urban extension to the east of Swindon on land to the east and south of the Application Site. The Proposed Development would not compromise the delivery of developments proposed in either of these policies.
- 6.106 The Application Site is located within proximity to but not located within either of the South Marston Neighbourhood Plan area, South Marston Draft Supplementary Planning Document study area or the Eastern Villages Draft Supplementary Planning Document study area. The Proposed Development would not compromise the delivery of developments or aspirations set out in the draft Supplementary Planning Documents or the draft Neighbourhood Plan.

The Principle of Sustainable Development and Planning Balance

- 6.107 The NPPF (paragraph 2) reiterates that planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the NPPF (paragraph 7) states that the purpose of the planning system is to contribute to the achievement of sustainable development which is set in the context of the economic, social and environmental roles.

6.108 In this respect, it has been demonstrated that the Proposed Development would:

- Economic:
 - Provide a reliable form of decentralised source of energy in the form of heat and/or power that will be provided either to local business users (subject to on-going discussions) and/or the national distribution network;
 - Provide cheaper energy to local businesses, thereby reducing costs which may in turn lead to expansion, employment stability or creation;
- Social:
 - Meet an identified need for waste management facilities to treat residual waste from within the Swindon/wider Swindon area and wider catchment, and to reduce the export of RDF abroad;
 - Manage waste responsibly and in accordance with the principles of the waste hierarchy and proximity principle;
 - Provide employment opportunities for a range of skilled/unskilled workers both directly within the proposed REC and the adjacent Industrial Warehouse and indirectly through the supply chain; such positions may be filled by local residents;
 - Be accessible by walking, cycling and public transport for potential employees from within the locality;
- Environmental:
 - Manage residual waste at the highest tier possible within the waste hierarchy;
 - Support the achievement of UK targets for renewable energy generation and thereby tackle climate change;
 - Be operated in accordance with the pre-requisite Environment Permit such that the facility will be modern, clean and efficient facility in accordance with European and UK standards and would not therefore have an adverse effect on human health or the environment;
 - Be of a high quality design which is in context with the local area and provide additional landscaping and planting to mitigate and enhance both visual amenity and the biodiversity of the locality;
 - Be appropriately located in an area that is not environmentally sensitive and for which the accompanying Environment Statement has demonstrated that any potentially significant adverse effects on the environment can be satisfactorily mitigated to an acceptable level;
 - Be appropriately located in an area that benefits from good transport links to the strategic highway network and for which it has been demonstrated can accommodate the nature and volume of predicted traffic; and
 - Be an efficient use of land that is appropriately allocated for both industrial warehousing (B8) and waste management facilities (sui-generis), and is of a layout that maximises the site's potential without detriment to the design or environment.

6.109 Accordingly, the Proposed Development is demonstrably in accord with the principles of sustainable development, and those identified in the Wiltshire and

Swindon Waste Development Control Policies (Policy WDC1) and Swindon Local Plan 2026 (Policy SD1).

6.110 With this regard, the NPPF (paragraph 14) places a 'presumption in favour of sustainable development' such that decision-takers are required to approve without delay development that is in accord with the development plan, or where the development plan is absent, silent or out of date, planning permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits or that specific policies of the NPPF indicate otherwise. The Wiltshire and Swindon Waste Site Allocations Local Plan (Policy WSA1) seeks for the councils to take a positive approach that reflects the presumption in favour of sustainable development, as set out in the NPPF, as does the Swindon Local Plan 2026 (Policy SD3).

6.111 This planning appraisal has demonstrated that the Proposed Development is in accord with the relevant policies of the Development Plan and other material considerations, including the principle of sustainable development.

7. SUMMARY AND CONCLUSIONS

- 7.1 This Planning Statement accompanies a detailed planning application, submitted on behalf of Rolton Kilbride, with respect to the construction and operation of a Renewable Energy Centre (use class sui generis) for the recovery of energy (heat and electricity) principally from non-hazardous Refuse Derived Fuel together with other non-hazardous pre-treated wastes using an Advanced Conversion Technology process known as 'gasification', with the associated plant and infrastructure, and an industrial warehouse (use class B8) with associated plant and infrastructure, and a new vehicle access and landscaping, on land at Keypoint 145, Thornhill Road, Swindon, Wiltshire, SN3 4RY (the Application Site).
- 7.2 The proposed Renewable Energy Centre would manage non-hazardous residual waste, which is waste that has already undergone some form of primary treatment to remove recyclable materials, and will have the capacity to process up to 150,000 tonnes of non-hazardous waste per annum. Furthermore, the proposed facility would generate circa 14.5MW of electricity plus circa 1.5MW of heat which could be routed to nearby business users with any excess electricity fed into the national distribution network.
- 7.3 The proposed Renewable Energy Centre complies with the principles of the waste hierarchy, such that the Refuse Derived Fuel and other pre-treated wastes would be treated at the highest tier possible. There is a demonstrable national need for such facilities to reduce the export of Refuse Derived Fuel abroad and support the achievement of the UK's renewable energy targets and providing security of UK energy supplies. At a local level the proposed Renewable Energy Centre would address an identified need for recovery facilities. The facility would primarily source the waste materials from within the wider Swindon area and is compliant with the principles of the proximity principle.
- 7.4 The Application Site is allocated for employment and sui generis uses, such as the proposed industrial warehouse and Renewable Energy Centre, and is appropriately located to the strategic highway network for which it has been demonstrated as capable of accommodating the nature and volume of predicted traffic. Both the Renewable Energy Centre and industrial warehouse would generate employment opportunities for skilled/unskilled persons, and may be drawn from the local area; the Application Site is within walking and cycling distance from Swindon urban area and served by public transport.

- 7.5 The Application Site is not located within an environmentally sensitive area. However, an Environmental Impact Assessment has been carried out to assess the potential effects arising from the Proposed Development from which it was concluded that any potentially significant adverse effects on the environment can be satisfactorily mitigated to an acceptable level. Furthermore, the proposed Renewable Energy Centre would be operated under conditions set within the pre-requisite Environmental Permit, issued, monitored and enforced by the Environment Agency to ensure no there would be no adverse effect on human health or the environment. In addition, emissions to air would be continuously monitored to ensure compliance with the European Industrial Emissions Directive.
- 7.6 The Proposed Development is in accord with the relevant policies of the Development Plan and other material planning considerations including the principles of sustainable development. Accordingly, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework, the Proposed Development should be approved without delay.

APPENDIX 1 – EMAIL FROM THE DEFENCE INFRASTRUCTURE ORGANISATION

Amanda Stobbs

From: DIO SEE-EPS SG3a2 (Sylvester, Diane Mrs) <DIOSEE-EPSSG3a2@mod.uk>
Sent: 26 February 2016 10:47
To: Amanda Stobbs
Subject: RE: 20150225- Swindon - Request for Safeguarding Advice
Attachments: mod_lighting_guidance[2].pdf

Amanda

MOD states the following regarding lighting requests:

“In the interests of air safety, the MOD requests that the proposed development is fitted with aviation warning lighting. The development should be fitted with a minimum intensity 25 candela omni - directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.”

Many Thanks
Di

From: Amanda Stobbs [mailto:Amanda.Stobbs@pegasuspg.co.uk]
Sent: 26 February 2016 09:09
To: DIO SEE-EPS SG3a2 (Sylvester, Diane Mrs)
Subject: RE: 20150225- Swindon - Request for Safeguarding Advice

Di

Thank you for getting back to me with regards the above. Would you be able to advise or direct me to the appropriate guidance with regards lighting.

Many thanks, Amanda

Amanda Stobbs

Principal Planner

Pegasus Group

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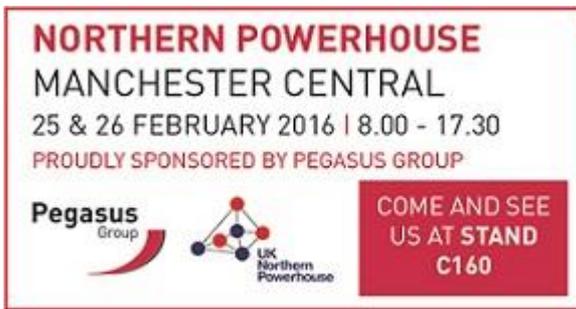
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From: DIO SEE-EPS SG3a2 (Sylvester, Diane Mrs) [mailto:DIOSEE-EPSSG3a2@mod.uk]

Sent: 25 February 2016 15:00

To: Amanda Stobbs <Amanda.Stobbs@pegasuspg.co.uk>

Subject: 20150225- Swindon - Request for Safeguarding Advice

Good Afternoon

I have assessed your enquiry below and can confirm that the development falls within the safeguarding 91.4m height zone; therefore the MOD would have no objection to any development that is less than 91.4m in height. The MOD would request that any tall structures, such as emission stacks, be lit for air traffic safety at RAF Fairford.

Many Thanks

Di Sylvester

Assistant Safeguarding Officer

DIO Safety Environment & Engineering

Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

From: DSA-MAA-MRP Enquiries (MULTIUSER)

Sent: 12 February 2016 07:36

To: DIO-Safeguarding-Statutory (MULTIUSER)

Subject: FW: K.0170 Swindon - Request for Safeguarding Advice

Good morning

Please see the attached email. After discussing this with senior staff they believe that this should be forwarded onto you for further action.

Thanks

Eric

From: Amanda Stobbs [mailto:Amanda.Stobbs@pegasuspg.co.uk]

Sent: 11 February 2016 13:39

To: DSA-MAA-MRP Enquiries (MULTIUSER)

Subject: K.0170 Swindon - Request for Safeguarding Advice

WARNING: An attachment to this email may contain a potentially harmful file. If this email is unsolicited **DO NOT** open the attachment and advise your local help desk immediately. If you requested the attachment ensure that a virus scan is carried out before the file is opened.

Dear Sir/Madam

I'm writing with regards a development proposal to be located at the Keypoint industrial estate to the east of Swindon, to the north of the A420 and east of the A419 (see attached). Reference to the Wiltshire and Swindon Minerals and Waste Proposals Map (2009) shows the site as falling at the edge of an Aerodrome Safeguarding Zone, which it appears may relate to RAF Fairford.

The proposed development is for an energy resource centre and adjacent warehouse. The energy resource centre would comprise predominantly a large industrial building to a height of 24m above ground level; the warehouse would be of a similar/lower height. The majority of plant associated energy resource centre would also be lower than the building with the exception of the emissions stack. The emissions stack would be 52m above adjacent ground level and under normal operating conditions would not emit a visible plume.

In terms of context, the site is located within the urban fringe of Swindon; to the east are existing warehouses/industrial buildings, to the north is the Honda plant, to the west is the A419 dual carriageway with urban areas of Swindon beyond, and to the south is a railway line, the A419, some retail units (similar to industrial buildings) and beyond this is currently greenfield land although this has been allocated in the Wiltshire Local Plan for a large urban expansion (the Eastern Villages Expansion).

We would be grateful for your advice with regards any aircraft safeguarding issues / confirmation that the proposals would not cause any safeguarding concerns.

If you wish to discuss this above or require any further information, please do not hesitate to contact me.

Regards, Amanda

Amanda Stobbs

Principal Planner

Pegasus Group

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