

COMPTON BASSETT PARISH COUNCIL
MINUTES OF THE SPECIAL MEETING HELD AT BENSON HALL ON 13th NOVEMBER 2014

Present - Cllrs P. Szczesiak (Chairman) D. Coward (Vice Chairman) P. Alberry, E. Waite, P. Barnett, D. Jackson, R. Evans (Parish Clerk)

Apologies for Absence - J. Reiss

Also Present - Steve Burns (Hills Operations Director)

Cllr Szczesiak opened the special meeting to consider Hills Waste Solutions planning application 14/09744 for Lower Compton at 7pm and invited Cllr Alberry to give a brief presentation of the main points contained in Hills' application.

Cllr Alberry explained that Hills' application was to build a permanent new waste facility at Lower Compton.

The main functions of the October 2014 facility are stated to be:

1. Collection of 44,000 tepe of dry re-cyclates such as glass, cans, paper, cardboard and plastics, including some 14,000 tepe of plastic and cardboard (previously taken to the Porte Marsh facility in Calne)
2. Waste transfer (import and export) of 40,000 tepe of green waste
3. Import of 35,000 tepe plastic and cardboard waste for the production of power station fuel pellets (MSW waste) for export to Lakeside Power Station at Colnbrook, Slough or the Northacre MBT facility at Westbury

The application stated that the application would involve 116,092 HGV movements which amounted to 1 HGV every 2 minutes for 12 hours a day for 283 days per year every year on a permanent basis which was a very significant increase of around 20% on current HGV movements.

Cllr Alberry explained that the majority of the HGV traffic would pass through Calne which would be likely to have serious long term health concerns in Calne where air quality was already above the EU legal limit for NOx.

Cllr Alberry explained that the application was contrary to Wiltshire Council's air quality strategy "***Wiltshire Council working collaboratively will seek to maintain the good air quality in the county and strive to deliver improvements in areas where air quality fails national objectives in order to protect public health and the Environment***"

It was noted that Wiltshire Council had recommended refusal of a previous application in September 2013 on the grounds that the 97,656 HGV movements would "***contribute to air quality exceedences within the Calne Air Quality Management Area***".

Since the present application involved significantly more HGV movements in the Calne air quality management area (AQMA) it was considered that Wiltshire's Officers would have to make a similar recommendation for the current proposal.

Cllr Alberry explained that, in the opinion of Gregory Jones QC, a leading expert in planning law, that it would be unlawful to approve Hills' October 2014 planning application because it would violate EU air quality directives and National Planning Policy.

Cllr Alberry explained that the proposed facility was too large for North Wiltshire's needs so that significant waste tonnages would have to be brought from outside a 16km radius of Chippenham which was contrary to the proximity principle and in violation of :

1. Wiltshire The Wiltshire and Swindon Waste Core Strategy 2006-2026;
2. WCS1 (The need for additional waste management capacity and self-sufficiency);
3. WCS2 (Future strategic waste site allocations located as close as practicable (within 16km) to the SSCTs of Swindon, Chippenham, Trowbridge and Salisbury);
4. WCS3 (Waste site allocations at identified MRF/WTS sites);
5. WCS5 (Developers to demonstrate the most sustainable option for waste management);
6. Core Policy 55 (Development proposals likely to exacerbate air quality must demonstrate effective mitigation);
7. Core Policy 60 (Sustainable transport);
8. Core Policy 61 (Transport impact assessment in line with national guidance);
9. Core Policy 65 (Movement of goods);
10. WDC2 (Reduction of environmental impacts) and
11. WDC11 (Sustainable waste transport & minimisation of waste transport distances).

The Waste tonnages for dry re-cyclates in Wiltshire based on Hills' data confirmed that North Wiltshire did not need a 44,000 tepa MRF due to the new Amesbury MRF which was now taking waste from the South and East of the County. North Wiltshire's MRF requirement was for around 8,000 tepa.

| 2013 | North | East | South | West | Total |
|---|----------------|----------------|----------------|----------------|------------------|
| Kerbside MRF Waste (Multi-Materials) | 6567 te | 5250 te | 6511 te | 6308 te | 24636 te |
| Brings Sites MRF Waste | 1274 te | 473 te | 1057 te | 1011 te | 3815 te |
| Lower Compton MRF Waste | 7841 te | 5723 te | 7568 te | 7319 te | 28,451 te |

Cllr Alberry explained that the optimum place for such a large import/export waste management facility would be at Stanton St Quintin which was next to Wiltshire's strategic HGV route (A350) and the M4 from where large tonnages of power station fuel pellets could be exported along the M4 to Slough without having to be imported in through the Calne AQMA only to be exported out through the Calne AQMA, degrading the Calne air quality unnecessarily.

Stanton St Quintin (unlike Lower Compton) has been designated as one of Wiltshire's 26 sites which are suitable for an MRF/WTS facility and Hills already have a mothballed WTS facility at Stanton St Quintin which would reduce unnecessary waste transport mileages.

Cllr Alberry explained that the deadline for objections was on 20 November 2014 which was only a week away and asked for questions

Cllr Barnett asked whether all Hills' activities were temporary and time limited.

Cllr replied that in Hills' view the green waste and woodchip activities were not time limited but that Wiltshire Council had refuted that view in 2012 when they explained in detail to Hills that, on the basis of how the applications were submitted and approved, these activities were considered to be an integral part of the activities which were time limited, so that the MRF/WTS temporary permission expired in 2016 and the landfill temporary permission expired in 2022, at which all activities would cease apart from the Household Re-cycling Centre which was not time limited and was outside the temporary permissions area.

Cllr Coward commented that continued operations on a permanent basis would have a detrimental effect on the habitat in that it would prevent any wildlife from returning to the site on a permanent basis thereby contributing to a long term degradation in biodiversity.

At this point the meeting was joined by Steve Burns (Hills Operations Director).

Mr Burns attended as an observer but wanted to make the following points:

1. Mr. Burns stated that the dry-recyclates for North Wiltshire for 2013/2014 were just under 10,000 tepa, which it was noted were consistent with the figures for 2012/2013.
2. A 8,000 tepa MRF was planned for Westbury which would receive waste from West Wiltshire

and further reduce the need for a 44,000 tpa at Lower Compton for North Wiltshire's waste.

3. Mr Burns commented to the meeting that the 44,000 tpa at Lower Compton was actually a facility to process plastic and cardboard from all over Wiltshire for export and that the current MRF facility was effectively a "bulking station" where waste was imported in small HGVs and bulked for export in large HGVs. Mr. Burns further commented that Hills' mothballed facility at Stanton St Quintin was too small for the proposed activities. Cllr Alberry commented that as the new facility was effectively a large shed, such a shed could be constructed in short order without much difficulty which would be preferable to suffering a long term permanent degradation of the air quality in Calne.

4. Mr Burns also explained that Hills were bidding for future Wiltshire waste contracts which included the MRF facility at Lower Compton which would potentially separate co-mingled waste which would save the Wiltshire tax payer the cost of some 30 waste collection HGVs per year (a revenue saving of around £130,000 per HGV - £4m per year) compared to the capital cost of £2m for the shed and £4.6m for the sorting equipment. Cllr Coward pointed out that Hills would expect to make a commercial return on the investment and would be re-charging the Wiltshire taxpayer for the provision and operation of this facility so that this was simply a trade-off between revenue and capital expenditure and not necessarily a genuine saving for the Wiltshire tax payer but a commercial proposition for Hills to make money.

5. Finally Mr. Burns stated that if permission for the new application was not granted then Wiltshire's waste would have nowhere to go and that Wiltshire Council would fail in their statutory obligations. Cllr Coward commented that this sounded a bit like blackmail. Mr Burns responded that Wiltshire had already rolled over the existing waste contract for a further year. Cllr Alberry commented that this may not be lawful under EC procurement rules without an open tender.

Mr Burns then left the meeting.

A further discussion took place after which it was resolved to object to Hills' planning application on the following grounds:

1. The proposal involves 116,092 HGV movements per year, the majority of which would pass through the centre of Calne with no significant diesel emission mitigation. This amounts to 1 HGV movement every 2 minutes for 12 hours a day for 283 days per year on a permanent basis which would have a material detrimental effect on the Calne Air Quality Management Area where air quality already exceeds the EU legal limits. Any approval would cause long term health concerns in Calne and be contrary to Wiltshire's air quality strategy, WDC2 (Reduction of environmental impacts) and Core Policy 55 (Development proposals likely to exacerbate air quality must demonstrate adequate mitigation).

2. The proposal does not comply with the National Planning Policy Framework (NPPF12), the UK adopted Planning Policy Statement 10 (PPS10 Planning for Sustainable Waste Management) and EU air quality directives (including Article 191 (2) TFEU) such that any approval would be unlawful.

3. The Environmental Impact Statement is materially deficient and does not provide a "greenfield" baseline environmental impact assessment which renders the submission unlawful.

4. The scale of the proposed facility is well in excess of North Wiltshire's requirements, which means that the application is not sustainable. Substantial amounts of waste will have to be imported from outside a 16km radius of Chippenham which is contrary to the Wiltshire and Swindon Waste Core Strategy 2006-2026, WCS1 (Need for additional waste management capacity), WCS2 (Waste Proximity Principle - 16 km radius), WCS5 (Most suitable waste option), Core Policy 65 (Movement of Goods) and WDC11 (Sustainable waste transport & minimisation of waste transport distances).
Action: Compton Bassett Parish Clerk to register the objections with Wiltshire Council before the 20 November 2014 deadline.