

Appendix 10

Guidance for Waste Planning: County Matters

1. In those areas where there are two tiers of local authorities i.e. Wiltshire, most planning applications are dealt with by the district authority but some are considered and decided at county level. In the case of Swindon Borough Council, all such matters are the responsibility of Swindon Borough Council. Schedule 1 of the Town and Country Planning Act 1990 sets out the distribution of functions between local planning authorities. However the complex system that made District Councils responsible for dealing with planning applications for some uses of land involving waste was ended in April 2003 by the publication of Statutory Instrument 2003 No. 1033 on the Prescription of County Matters. The Statutory Instrument requires that, in areas of two tier local government like Wiltshire, the County Council should deal with all waste planning applications.
2. The terms 'refuse', 'waste materials' and 'deposit' are not defined in the 1990 Act. Paragraph 11 of Part 1 of Schedule 4 to the Waste Management Licensing Regulations, 1994, does, however provide that, in the Town and Country Planning Act 1990, references to waste are taken as 'Directive waste' (as defined in Regulation 1 (3) of these Regulations) but, subject to that provision, these terms will be construed by a court according to their ordinary and natural meanings.
3. Difficulties may arise in respect of applications which are properly decided by the district authority but which involve the use of large amounts of engineering fill for such purposes as levelling or landscaping of sites or the construction of bunds or embankments. In such cases, the planning authority will need to consider whether the proposed amounts to fill to be used are reasonable in relation to the requirements of the proposed development, rather than being a device for avoiding proper consideration of, and controls on, the deposit of waste materials or for avoiding liability for the landfill tax. It will, therefore, be appropriate to question developers about the purpose of certain types of proposed development. It will also be necessary to identify the final levels or contours in planning conditions to guard against the excessive use of fill. Districts should liaise with the WPA and the Environment Agency in all cases involving the import of fill material.
4. Other matters where the County Council is obliged to act as the determining authority include:-
 - Applications made under Section 191 and 192 of the 1990 Act (as amended by the 1991 Act) in respect of a certificate of lawfulness of existing use or development, or of proposed use or development where the use or development relates to a County matter.

- Applications for hazardous substances consent where the development falls within the definition of County Matters outlined above. In all other cases, the Borough/District is the appropriate hazardous substances authority.
5. In cases of any doubt on any issues relating to County Matters applications, please contact the Minerals, Waste and Development Control Team at County Hall on tel. 01225 713000 or the planning Department at the District Council in whose area the proposed would be situated.

Appendix 11

Guidance for Waste Planning: Supporting Information for Planning Applications

a)	Where appropriate, applicants will need to provide information on impacts in adjoining Local Authority areas as well as Wiltshire and Swindon.
b)	A full description of the proposed development including the processes involved, layout and design of buildings, plant, operational areas, haul roads and external lighting.
c)	An explanation as to how the proposal represents the BPEO for that waste stream (in accordance with Policy 1 of the Waste Local Plan (WLP)).
d)	The need for the development (as defined in Policy 2 of the WLP) and the markets that it will serve.
e)	The intended lifespan of the operation and its days and hours of operation.
f)	The estimated total capacity and daily throughput for which planning permission is being sought.
g)	The type(s) and quantity of waste to be deposited or handled at the site, including an estimated annual quantity of each waste type to be received and arrangements for the disposal of residues and details of any hazardous materials to be used or stored on the site.
h)	A waste audit as required by Policy 10 of the WLP.
i)	The transport arrangements for waste to be received by the site; including mode of transport, the number of traffic movements per day and per week_ to be generated by the proposal, access and routing and the impact of such journeys upon the existing highway network. A full Traffic Assessment may be required if considered appropriate by the Highways Authority.
j)	Employment opportunities arising from the development.
k)	The compatibility of the development with existing or neighbouring land uses, including any measures to protect local amenities.
l)	The impact on the best and most versatile agricultural land (grades 1, 2 and 3a).
m)	The impact of the development on the landscape, including visual amenity.
n)	The impact of the development upon existing features of nature conservation, geological and wildlife value on the site and the surrounding area.
o)	The impact of the development on scheduled ancient monuments, areas of historical and archaeological interest, and conservation areas.

p)	The impact of the development on public rights of way and access to the countryside.
q)	An assessment of land stability on the site and its environs.
r)	The geological and hydrogeological suitability of the site and its environs.
s)	The impacts of the development (including post restoration) on watercourses, water resources, abstraction rights, flood prevention and drainage on the site and the surrounding area.
t)	The impact of emissions to atmosphere of any product gasses resulting from energy from waste facilities installations.
u)	Measures to prevent and control land contamination, light pollution, noise, smell, dust, birds and vermin, litter and any emissions associated with the proposed operations.
v)	The impact of the development on aircraft movements by virtue of bird strikes hazard.
w)	Landscaping management of existing screening, fencing, new planting and maintenance proposals.
x)	The method of working, including where appropriate, depth, direction and phasing.
y)	A detailed restoration scheme addressing, where appropriate, measures taken and infrastructure to be provided to control and manage gas and leachate production; soil storage and handling methods; pre and post settlement levels, final contours and the relationship of any final landform with the surrounding area.
z)	<p>The planned afteruse of landfill sites, including a 5-year aftercare scheme. Landfill sites are normally subject to two forms of control after waste disposal has ceased:-</p> <ol style="list-style-type: none"> (1) under conditions attached to the planning permission there is likely to be a 5 year after-care period, during which actions taken to restore the completed site are monitored. This work focuses upon the after-use and appearance of the site and covers such matters as restoration to agriculture and tree planting (2) under the controls exercised by the Environment Agency the licence has to be retained by the site operator until the EA is satisfied that the site is stabilised and that there will be no pollution resulting from the breakdown of waste. The operator may not be able to surrender the licence for many years. <p>The aftercare period for planning matters is set out in the Town and Country Planning Act 1990 (Schedule 5(7)), as modified by the Planning and Compensation Act 1991 (Schedule 1(6)). The maximum aftercare period is set at 5 years from completion of the restoration condition on a site, or on the relevant part where there is phased restoration. The maximum aftercare period can be varied by the Secretary of State by regulations, but this has not been done.</p>

Appendix 12

Guidance for Waste Planning: Potential Issues for Planning Conditions

a)	Commencement and duration of the operations (including completion and restoration of landfill, temporary ancillary facilities and the removal of plant and buildings).
b)	The type(s) of waste to be handled.
c)	Restrictions on the hours and days of operation, this may exclude weekends, public holidays and night-time working.
d)	Details of the layout and design of buildings, plant, operational areas, means of access, working areas and haul roads.
e)	Measures to prevent mud from being carried onto the public highway including the provision of wheel cleaning facilities and suitable surfaced access roads.
f)	Controls over the methods to be used and the time of year when soils can be handled, stripped and stored.
g)	The provision of new landscaping/screening and fencing including the prior planting and subsequent maintenance of trees, shrubs or hedges around the periphery of the site in order to screen the development.
h)	Protection from the impacts of the development to be afforded to the landscape and areas of nature conservation, geological and scientific value.
i)	Protection of local amenities, human health and the environment including; measures to control noise, emissions, light, odour, dust, litter, and any other potential nuisances arising from waste development.
j)	The establishment, where appropriate, of a buffer zone, within which activities will be restricted.
k)	Measures to protect drainage, flood prevention measures and water resources from pollution on site and in the surrounding area.
l)	The preservation in situ and/or the investigation and recording (including the appropriate publication of results) of archaeological remains.
m)	Protection of public rights of way.
n)	The retention and maintenance of habitats of acknowledged nature conservation value, or the creation of replacement habitats where appropriate.
o)	Details of phasing for the infilling and progressive restoration of the site, including depth of soil cover following completion of importation of waste materials and satisfactory surface infrastructure for the control of landfill gas and leachate to ensure that the approved afteruse of the site is not compromised.
p)	Provision of aftercare measures.
q)	Long term land stability issues.

Appendix 13

Guidance for Waste Planning: Potential Matters for Inclusion in Planning Agreements

a)	Highways and access improvements and highway maintenance
b)	Traffic weight restrictions
c)	Environmental protection and enhancement (including habitat and species protection and creation)
d)	Protection and/or replacement of sites of acknowledged local, regional, and national importance
e)	Protection and/or replacement of important environmental and landscape features
f)	Protection of local amenity and protection and/or replacement of other natural resources, for example the water environment
g)	Transfer/dedication of public rights of way and the replacement of local community facilities where lost through development, for example public open spaces
h)	The provision of recycling facilities as part of new development
i)	Restoration and long term aftercare of the site