

15th January 2019

Dear Councillor

You are summoned to a meeting of the:

Full Council

**on Monday 21st January 2019 at 7pm
at the Civic Centre, Sambourne Road, Warminster, BA12 8LB**

Membership:

Cllr Batchelor (Broadway)	Cllr Jolley (Broadway)
Cllr Brett (East)	Cllr Macfarlane (West)
Cllr Davis (East)	Cllr Nicklin, Chairman of Council and Mayor (West)
Cllr Doyle (East)	Cllr Pitcher (Broadway)
Cllr Fraser (West)	Cllr Ridout (West)
Cllr Fryer (Broadway)	Cllr Robbins (East)
Cllr Jeffries Vice Chairman of Council and Deputy Mayor (Copheap)	

Members of the public are warmly welcome to attend meetings of the Council and its committees, unless excluded due to the confidential nature of the business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fiona Fox'.

Fiona Fox BA (Hons) MCIPD FILCM
Town Clerk

A G E N D A

1. Apologies for Absence

To receive and accept apologies, including reason for absence, from those unable to attend.

2. Declarations of Interest

To receive any declarations of interest under Warminster Town Council's Code of Conduct issued in accordance with the Localism Act 2011.

3. **Minutes**

3.1 To approve as a correct record, the minutes of the Full Council meeting held on Monday 19th November 2018; copies of these minutes have been circulated and Standing Order 12.1 provides that they may therefore be taken as read.

3.2 To note any matters arising from the minutes of the meeting held on Monday 19th November 2018.

4. **Mayor's Announcements**

4.1 To note any announcements made by the Mayor.

4.2 To note the engagements for the Mayor **(See attached)**.

5. **Questions**

To receive questions from members of the Council submitted in advance.

6. **To Authorise the Sealing of Documents**

None.

Standing Orders will be suspended to allow for public participation.

7. **Public Participation**

To enable members of the public to address the Council with an allowance of three minutes per person regarding any item on the agenda and **to receive** any petitions and deputations.

Standing Orders will be reinstated following public participation.

8. **Correspondence Circulated**

Members to note the list of all correspondence circulated to members since the last meeting. **(See attached)**.

9. **Reports from Unitary Authority Members & Police**

To note reports provided which are relevant to the Council.

10. **Reports from External Representatives**

To receive brief reports from any member who has attended an external meeting as a Council representative.

11. **Proceedings of Committee**

To receive minutes with recommendations from Committees, already circulated, and to consider any questions arising from them.

11.1 HR Committee: 2nd and 15th October 2018 respectively

11.2 Planning Advisory Committee: 12th November 2018

11.3 Devolved Services and Assets Committee: 16th October and 22nd November 2018 respectively.

11.4 Town Development Committee: 24th September 2018

11.5 Finance and Assets: 5th November 2018

12. **The Lake Pleasure Grounds Skatepark Project**

Warminster Town Council (WTC) took ownership of the project on 17th September 2018 **(FC18/063.1 refers)**. Since then officers and the Skateboard Working Group (SWG) have undertaken wide-ranging fact finding and have held discussions with those involved in delivering the skatepark. The project has required extensive re-work to energize it, not with

its supporters and the Friends of Warminster Park (FOWP) who have remained consistently committed, but with the working group who have moved the project forward to a point where a viable project 'go' decision can be made with confidence.

The recommendation from the SWG is that WTC should replace the skatepark. A report for decision containing details of the recommendations and a breakdown of project costs, is attached for members perusal and members are requested to resolve on the following:

- That WTC should replace the skatepark
- The overall project cost, including contingency
- Funding sources, where from and how much
- Skatepark construction company
- The type of haul road; stone
- The appointment of a project manager
- Outline of time scales

13. Budget and precept

Members to approve the budget and Precept for 2019/2020. The Finance and Assets Committee are proposing a precept request of £786,483. The weekly Band D equivalent will increase by 7p per week/£3.83 per annum. The new Band D equivalent charge will be £127.96 per annum, a 3.09% increase.

All other papers issued for the budget preparation remain in use and have been provided to all members. **(An up to date summary is attached).**

14. Advanced Thermal Treatment Facility Westbury (18/09473/WCM)

(Planning minute PC/18/093 refers). A member of the public has approached the Council with details of the above planning application, requesting that WTC object to the plans. A copy of the request is attached. The matter was referred to WTC Planning Committee for comment, but members resolved that it should be a decision for the full Council. **(FC/18/076 refers).** The full plans are available on line at the Wiltshire Council planning department portal, search by number, **18/09473/WCM**. Members are reminded that Wiltshire Council is the local planning authority, but towns and parishes may comment on applications outside their boundaries. Planning objections can only be made on valid planning grounds. These are called material considerations. The material considerations which are relevant in most planning applications are attached for members perusal. **(See attached).**

Members are requested to consider whether they wish to comment on application 18/09473/WCM, and if so to agree a response to Wiltshire Council.

15. Communications

The members to decide on items requiring a press release and **to nominate** a speaker for any item on the agenda if required.

The next meeting will be held on the 18th March 2019

Minutes from this meeting will be available to all members of the public either from our website www.warminster.uk.com or by contacting us at Warminster Civic Centre.

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Mayor's Engagements for Full Council
Councillor Tony Nicklin 12th November – 14th January 2019

Saturday 24 th November	Opening of Warminster Christmas Market at the Civic Centre
Saturday 24 th November	Switching on of the Warminster Christmas Lights
Tuesday 4 th December	Wiltshire Council Carol Service (Deputy Mayor Councillor Steve Jeffries)
Friday 7 th December	Fairfield Farm College Christmas Fair
Saturday 15 th December	Warminster Philharmonic Christmas Concert
Sunday 23 rd December	Minster Church Carol Service
Tuesday 8 th January	Opening of Bo and Co Coffee Garden
Tuesday 8 th January	Warminster and District Stroke Club New Year Sponsors tea party invitation
Tuesday 15 th January	Lunch and talk about being a Mayor at Warminster Conservative Club

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CORRESPONDENCE LIST

Date	Name	Item/Response	Action Taken
12.11.18	Wiltshire Council	Briefing Note 372 - A vision for special education in Wiltshire	email
14.11.18	Wiltshire Council	SEALED TRAFFIC REGULATION ORDER – Western Wiltshire (Off Street Parking Places) Order 2018	email
15.11.18	Wiltshire Police	Crime Update 11-14 Nov 2018 14/11/2018	email
15.11.18	Wiltshire Police	Crime Update 14-15 Nov 2018 15/11/2018	email
19.11.18	Wiltshire Police	November Newsletter 17/11/2018	email
19.11.18	Wiltshire Police	Crime Update 15-19 Nov 2018 19/11/2018	email
20.11.18	Wiltshire Police	Crime Update 19-20 Nov 2018 20/11/2018	email
21.11.18	Wiltshire Council	Press release - £8m investment in highways/parking	email
21.11.18	Wiltshire Council	Cllr Mrs Wayman's November Newsletter	email
22.11.18	Wiltshire Police	Crime Update 20-21 Nov 2018 21/11/2018	email
22.11.18	Wiltshire Police	lack Friday - How To Shop Online Safely 21/11/2018	email
23.11.18	Wiltshire Police	Crime Update 21-23 Nov 2018 23/11/2018	email
23.11.18	Civic Voice	civic update - 23rd November 2018	email
23.11.18	Wiltshire Council	Latest news and events from Warminster Our Community Matters for 11/23/2018	email
26.11.18	Wiltshire Police	Crime Update 23-26 Nov 2018 26/11/2018	email
27.11.18	Rural Services Network	The Rural Bulletin - 27 November 2018	email
29.11.18	Wiltshire Police	Crime Update 28-29 Nov 2018 29/11/2018	email
29.11.18	Democratic and Member Services	Briefing Note 373 - Service Devolution and Asset Transfer to Town & Parishes	email

CORRESPONDENCE LIST

Date	Name	Item/Response	Action Taken
30.11.18	Jacqui Abbott	Latest news and events from Warminster Our Community Matters for 11/30/2018	email
03.12.18	Wiltshire Police	Christmas Drink Drug Driving Campaign Launched In Wiltshire And Swindon 30/11/2018	email
03.12.18	Wiltshire Police	Crime Update 29 Nov - 03 Dec 2018 03/12/2018	email
05.12.18	Wiltshire Police	Crime Update 03-04 Dec 2018 04/12/2018	email
06.12.18	Wiltshire Police	Crime Update 04-06 Dec 2018 06/12/2018	email
07.12.18	WALC	WALC newsletter - December 2018	email
07.12.18	WALC	WALC newsletter Part 2- December 2018	email
10.12.18	Wiltshire Council	Parish Newsletter	email
10.12.18	Wiltshire Council	Planning decisions from Wiltshire Council for November	email
10.12.18	Wiltshire Police	Witness Appeal - Warminster 10/12/2018	email
10.12.18	Wiltshire Police	Crime Update 06-10 Dec 2018 10/12/2018	email
11.12.18	Wiltshire Council	Briefing Note 374 - Wiltshire Housing Site Allocations Plan Update	email
11.12.18	Wiltshire Council	Urgent road closure:- North Row (Part), Warminster 13.12.18 for 4 days	email
12.12.18	Wiltshire Police	Crime Update 10-11 Dec 2018 11/12/2018	email
12.12.18	Wiltshire Police	Witness Appeal - Westbury 12/12/2018 14:00:46	email
13.12.18	Wiltshire Police	Crime Update 11-12 Dec 2018 12/12/2018	email
13.12.18	Wiltshire Council	Parish Newsletter - w/b 10 December 2018	email
13.12.18	Wiltshire Police	Crime Update 12-13 Dec 2018 13/12/2018	email
13.12.18	Wiltshire Police	Witness Appeal - Westbury 13/12/2018	email

CORRESPONDENCE LIST

Date	Name	Item/Response	Action Taken
17.12.18	Wiltshire Council	Seasonal Greetings and December Highways Newsletter	email
17.12.18	Wiltshire Police	Public Information 17th Dec 17/12/2018	email
17.12.18	Wiltshire Police	Witness Appeal - A350 West Ashton 17/12/2018	email
18.12.18	Wiltshire Police	Witness Appeal After Woman Dies in Collision Near Warminster 19/12/2018	email
20.12.18	Wiltshire Police	Neighbourhood Watch Launches New Web Site 19/12/2018	email
20.12.18	Wiltshire Police	Latest Edition Of National Neighbourhood Watch E-Newsletter 19/12/2018	email
02.01.19	Wiltshire Police	Crime Update 27-31 Dec 2018 31/12/2018	email
02.01.19	Wiltshire Police	Witness Appeal - Warminster Assault 27/12/2018	email
02.01.19	Cornerstone	Cornerstone Warminster Christmas news sheet	email
03.01.19	Wiltshire Police	Crime Update 01-03 Jan 2019 03/01/2019	email
07.01.19	NTG	Agenda NTG meeting Tuesday 8th January 2019	email
07.01.19	Wiltshire Police	Hm Revenue And Customs Alert 07/01/2019	email
07.01.19	Wiltshire Council	Parish Newsletter - w/c 7 January 2019	email
07.01.19	Wiltshire Police	Crime Update 03-07 Jan 2019 07/01/2019	email
07.01.19	WALC	WALC newsletter and office staffing information	email
08.01.19	Wiltshire Police	Alert - Fake Tv Licensing Emails 08/01/2019	email
09.01.19	Wiltshire Police	Crime Update 07-08 Jan 2019 08/01/2019	email
09.01.19	Wiltshire Council	Briefing Note 19-001 - Statutory Consultation Opens on Vision for Special Needs Schools	email
10.01.19	Wiltshire Police	Crime Update 08-09 Jan 2019 09/01/2019	email
14.01.19	Wiltshire Council	Record of decisions received in December 2018 from Wiltshire Council	

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REPORT FOR DECISION

Lake Pleasure Ground Community Skatepark 21 January 2019

Recommendation

That the Council approves the identified project costs of £ £230,697, plus a contingency of £23,070. That the Council uses its Community Infrastructure Levy (CIL) towards the project to top-up funds raised and applied for, which total £171,624 to date, the CIL contribution would therefore be £59,073. That Maverick is awarded the contract to build the skatepark and Davey Lucey Ltd is awarded the contract to install a stone haul road to access the site. That SJ Surveyors Ltd is appointed as Project Manager with immediate effect, and that the project timescales are approved and for work to commence.

Purpose of the Report

To assist members in reaching decisions set out in the recommendations which are:

- The overall project cost, including contingency
- Funding sources, where from and how much
- Skatepark construction company
- The type of haul road; stone
- The appointment of a project manager
- Outline of time scales

Background

The project was started by Friends of Warminster Park in 2007. The project was taken over by the Council on 17 September 2018. Since then officers and the Skateboard working group have undertaken wide-ranging fact finding and held discussions with various involved parties.

Emphasis has been placed on the fact that this project began in 2007, however it is critical to focus on where it stands today and what the Council has achieved to date:

- The current 'committee' of young people (and supporters) remains vibrant and committed to the project. This has been a continuous rolling committee since 2007, the numbers have not dwindled. It would be wrong to suggest that as those who started the project in 2007 have moved on, that the need has vanished. It has not.
- The project started with the Council on 17 September 2018 with a pre-meeting 4 September 2018, 16 weeks ago.
- Achievements to date:

Prior to 4 September 2018 WTC officers held meetings with grant funding bodies and FOWP when it became clear the project could not proceed owing to FOWP's lack of formal status and that they were not the land owners.

Extensive fact finding which led to the briefing meeting on 4 September.

Arranged a briefing meeting for all members, advisors, FOWP within weeks of officers ascertaining that the project had stalled.

Secured £20k of funding within the first 6 weeks of project going live with WTC.

Completed application for £100k grant within 12 weeks of go live.

In summary the project has required extensive re-work to energise it, not with its supporters and the FOWP who have remained consistently committed, but with the working group who have moved the project forward to a point where a viable project 'go' decision can be made with confidence.

Key issues for consideration

Should the Council fully commit to the project and replace the skatepark

Council has already taken on the project and committed to it in principle. The decision is whether to commit fully to the project and the budget set out on the assumption that the grant application made to Plain Action is successful.

The overall project cost, including contingency

The overall cost of the project has been budgeted as £253,767 plus VAT. This includes a 10% contingency.

Funding sources, where from and how much

The Council has received £85k CIL and the recommendation is that the Council commits to funding the outstanding balance of the project from this levy because:

- It is a completely CIL compliant project
- The skatepark was top of the priority list for CIL funding
- If members do not spend this money, the Council may lose some of it
- It is by far the simplest funding source for the council; it is within the WTC's control
- Currently there are no other go live projects
- It does not require an up lift in the precept to fund the project

It is expected that over time the CIL funding will be replenished as new development takes place and therefore other substantial projects may also be funded in future years.

Skatepark construction company

Of the three quotes obtained, the one from Maverick is clearly the lowest. Maverick are undoubtedly one of the leading providers of skateparks in the UK and have a proven track record of creating innovative, bespoke skate and bike parks.

The stone haul road

The approved planning application is for a stone haul road to be laid. The specification for which was provided by Maverick working in collaboration with the concrete suppliers who have confirmed that this is their preferred working surface. The road would be made up of 550 tonne of concrete i.e. 28no. 8 wheeled lorry loads. To comply with the current in

principal agreement with Wiltshire Wildlife Trust this road would have to be removed in its entirety.

The appointment of a project manager (PM)

Three quotes have been secured for project management of the project start-up, build and post-build. It is considered essential that a project manager is appointed to bring the expertise needed to oversee construction to the highest standards and minimise the risk to the Council of a cost overrun, in addition a PM provides independent oversight of the entire project.

Outline of time scales

If the Council's application for EU funding is successful council must sign the contract with the skatepark provider by 29 March 2019.

Military Covenant funds have already been received, a condition is that works commence within one month. This would be the scrub clearance works for the haul road, which needs to be finished before bird nesting season officially February to August inclusive.

Proposed project commencement date (build phase) 1 May 2019

Completion within 17 weeks

Grand opening proposed date, 1 September 2019

2.5% of final skatepark funding retained for one year to address snagging issues which would be overseen by the PM

Project final completion September 2020

Financial and Resource Implications

The Town Council currently has £85,000 of CIL funding, it is being asked to commit £59,073 of this to the identified project costs (up to £82,143 including contingency). This would mean there is no additional call on the Council Tax precept and no call on Council Reserves for funding. In addition, it gives a very visible sign of the benefits that CIL funding is being provided to the local community.

The Council will have stage payments and will pay VAT upfront to reclaim it later, but all these aspects are set out in the funding spreadsheets and the Councils Financial policies and regulations.

In the event of a cost overrun on the project, the Town Council would be expected to make up any shortfall. The risk of this is considered to be low and will be managed to minimise the chances of it happening.

Legal Implications and Legislative Powers

The Council has the power to provide this service under the General Power of Competence.

Environmental Implications

There are environmental implications in the construction of the haul road and the skatepark, extensive mitigation measures are in place including the removal of the haul road on completion of the skatepark, the reinstatement and enhancement of the land on which the haul road is built. Tree protection measures will be put in place and all relevant licences for work next to the watercourse will be applied for and adhered to, the Environment Agency; and discharge into a watercourse Wiltshire Council.

The provision of a skatepark will have a positive effect for those who no longer have to journey out of town for a skatepark that meets their needs.

Risk Assessment

There is a risk that funding would not be secured from Plain Action. In such an eventuality the project would have to be delayed until one or more other sources of funding were secured. There would be an additional risk that the Military Covenant Funding would be lost.

There is a risk that the project could go over budget – this risk has been minimised by a robust project costing process including the use of a Quantity Surveyor. Overruns will be minimised by contracting a project manager with immediate effect.

While all the permissions or licences required have been agreed in principle there is, of course, a low risk of refusal. Formal applications could not be sent until Council agreed to proceed with the project.

Crime and Disorder

Under the Crime and Disorder Act the Council has a Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area; and

(c) re-offending in its area

Experience from other Councils suggests that provision of a skatepark will have a positive impact in reducing crime and disorder.

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Budget Summary
Year Ended 31st March 2020

	2018-2019		2019-2020	<i>Budget</i>	
	Projected	<i>Budgeted (revised)</i>	Proposed	<i>Incr/Decr</i>	
EXPENDITURE					
Council Administration	208620	213613	229140	15527	7.27%
Civic & Democratic	7879	6500	9700	3200	49.23%
Policy & Communications	12000	10150	10500	350	3.45%
Council Events	23000	22300	24500	2200	9.87%
Grants & Projects	41100	41100	48600	7500	18.25%
Outside Services	45050	51150	51500	350	0.68%
Town Park	136970	104700	149375	44675	42.67%
Open Spaces	16535	10030	15280	5250	52.34%
Cemetery & Churchyard	944	1115	1100	-15	-1.35%
Public Conv - Town Park	7793	10600	8250	-2350	-22.17%
Public Conv - Central Car Park	18156	19215	17172	-2043	-10.63%
Street Furniture	10160	10810	10855	45	0.42%
Pavilion Café	47000	54820	46500	-8320	-15.18%
Play Areas	400	54982	55382	400	
Skate Park	0	0	7000	7000	
Finance	575607	611085	684854	73769	12.07%
Civic Centre - Administration	87628	94000	81770	-12230	-13.01%
Civic Centre - Bar	5450	3850	5450	1600	41.56%
Civic Centre	93078	97850	87220	-10630	-10.86%
CCTV	66084	66434	66241	-193	-0.29%
Dewey House	13390	13285	13150	-135	-1.02%
	79474	79719	79391	-328	
TOTAL EXPENDITURE	748159	788654	851465	62811	7.96%
INCOME					
Council Administration	3055	2000	6000	4000	200.00%
Civic & Democratic	21	0	0	0	
Policy & Communications	0	0	0	0	
Council Events	3500	2900	3500	600	20.69%
Grants & Projects	0	0	0	0	
Outside Services	0	0	0	0	
Town Park	7463	6960	7143	183	2.63%
Open Spaces	0	0	0	0	
Cemetery & Churchyard	1500	1500	1500	0	0.00%
Public Conv - Town Park	0	0	0	0	
Public Conv - Central Car Park	0	0	0	0	
Street Furniture	570	0	0	0	

Budget Summary

Year Ended 31st March 2020

	<u>2018-2019</u>		<u>2019-2020</u>	<i>Budget</i>	
	Projected	<i>Budgeted</i>	Proposed	<i>Incr/Decr</i>	
Pavilion Café	40000	26250	40000	13750	52.38%
Play Areas	0	9000	9000	0	
Skate Park	0	0	0	0	
Finance	56109	48610	67143	18533	38.13%
Civic Centre - Administration	40180	39000	42000	3000	7.69%
Civic Centre - Bar	12000	8000	12000	4000	50.00%
Civic Centre	52180	47000	54000	7000	14.89%
CCTV	20084	20434	20241	-193	-0.94%
Dewey House	7200	7200	7200	0	0.00%
	27284	27634	27441	-193	
TOTAL INCOME	135573	123244	148584	25340	20.56%
NET REVENUE EXPENDITURE	612586	665410	702881	37471	

Budget Summary

Year Ended 31st March 2020

	2018-2019		2019-2020	Budget	
	Projected	Budgeted	Proposed	Incr/Decr	
PROJECTS					
General Capital	44000	44000	44000	0	Reduced from £44K in 2017/18. Reinstated in 2018/19
Devolved Services	0	0	0	0	
Loan Charges	39602	39602	39602	0	
CAPITAL & PROJECT EXPENDITURE	83602	83602	83602	0	0.00%
TOTAL NET EXPENDITURE	696188	749012	786483	37471	5.00%
Financed as follows					
General Reserve at 1st April	155090	161002	207914		
General Reserve at 31st March	207914	161002	207914 **		
Funded from/(added to) General Reserve	-52824	0	0		
Precept Support Grant	0	0	0	0	
Precept Required	749012	749012	786483	37471	5.00%
TOTAL TAXATION FUNDING REQUIRED	749012	749012	786483	37471	5.00%
	696188	749012	786483		
ADJUSTED BASIS			NYA		
Band D Equivalents		6034	6146.54	112.54	1.87%
Precept per Band D Equivalent (£/annum)	£	124.13	£127.96	£3.83	3.09%
Precept per Band D Equivalent (p/week)		238.06	245.40	£0.07	3.08%

Note:** Recommended <u>minimum</u> reserve equal to			
3 months net revenue expenditure	153147	166353	175720

	31/03/2018	31/03/2019	31/03/2020
Earmarked Reserves	(Actual)	(Projected)	(Available)
Council - Revenue	29261	33848	33848
Council - Capital/Buildings	203779	237277	281277
Devolved Services	37788	37788	37788
Elections	11613	16613	21613
CCTV	16176	16637	16262
	298617	342163	390788
General Reserve	155090	207914	207914
	453707	550077	598702

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On 8 Dec 2018, at 3:00 pm, [REDACTED] wrote:
Dear Councillors,

Planning application 18/09473/WCM and appeal on 18/03816/WCM

I have asked for this plan to be considered by you on Monday and would like to ask your committee to object to it. I have put some background in this email as it is too complicated to explain in three minutes which I believe is the limit in public participation.

The background to the current waste gasification plant application is that at present approx. 70,000 tonnes per annum of Wiltshire's residual waste is incinerated in Slough or the EU. This waste is called refuse derived fuel (RDF) (a mixture of unrecyclable plastics etc. as well as other materials which could be recycled, but which are not). Some of this waste is processed (dried and baled up) at the present Mechanical and Biological Treatment plant in Westbury which is run by Hills, then sent out to be incinerated. The MBT plant has a poor history of fires and problems with flies suffered by local residents. The Ham is 400m away and the nearest house is 200m away.

In 2015 Wiltshire Council gave permission (14/12003/WCM) for Hills/Northacre Renewable Energy to build a thermal treatment plant for the refuse derived fuel instead of sending it elsewhere. In plants like this the RDF is heated, gas released and burned to run a turbine to produce some electricity (very inefficient though and not set up to use the waste heat).

The proposed site is between the MBT plant and Arla Dairies. Hills/NRE have not built the 2015 plant because the gasification technology they proposed has since been discredited - one person was killed in an explosion in a similar plant in Dudley in 2017. Also, the Environment Agency now requires a 75m tall chimney to disperse pollutants, not the 60m chimney which was permitted.

Since then new housing estates have been built in Westbury alongside the A350. There are five primary schools and a secondary school within the plume grounding area (i.e. where pollutants from the chimney could land, including dioxins and furans which are unregulated). As with the Warminster anaerobic digester, the site is on the Western edge of the town. The prevailing wind would carry emissions onto the town and beyond, along the escarpment towards Bratton, Edington and the SSSI grasslands of Salisbury Plain.

In the Summer Hills/NRE put in another application for a larger scale plant with a different (unspecified) gasification technology (18/03816/WCM). If approved, the plant would have taken our domestic waste but also commercial and industrial waste from a wide geographical area. This plan was narrowly refused by WC on the grounds that it would have a detrimental impact on the landscape: *'The proposed development, by reason of its height, bulk and location on rising ground on the edge of the built-up area, would have an adverse impact on the appearance of the area. This would conflict with Core Policy 51 in the Wiltshire Core Strategy, which seeks to protect, conserve and enhance the visual amenity of the landscape'*. (WC refusal notice).

There were many other reasons why Westbury wanted the plant refused (not least the detrimental effect on air quality and health from extra HGVs) but the planning officers would not let the councillors come up with other reasons.

The air quality management area in the centre of Westbury is already over the UK/EU targets and any extra traffic will make the situation worse. The plant would have a 20-25 year life and would have a capacity of 160,000 tonnes per annum (4 million tonnes in 25 years) and emit 6 million tonnes gross of CO2 over 25 years. Wiltshire Council planners have a responsibility for Air quality and climate change. The Environment Agency has to award an operating permit for the plant but air quality relating to traffic pollution and climate change impacts are not their responsibility - this lies with Wiltshire Council planners.

Hills are now appealing against WC's refusal of their plan and at the same time have put in a new (but very similar) application (18/09473/WCM). The impact of this on the landscape is no different as they have just lowered a building by 1m, in fact, the impact is arguably worse (sludge coloured buildings). Please see the comparative sizes and photomontage:

<Relative sizes.png>

<Footprints.png>

(See also Section 4 of the attached document from Westbury Gasification Action Group)

There are over 500 letters of objection on the Wiltshire Council planning portal which will give you an idea of the range of objections. There are objections from Westbury and Frome Town Councils, several parish councils and an MEP, too.

I would like to ask Warminster TC to object to 18/09473 and write to the planning inspectorate who are dealing with the appeal on 18/03816/WCM, on these grounds..

1. The plant would have an unacceptable impact on the landscape because it conflicts with Core Policy 51 in the Wiltshire Core Strategy which seeks to protect, conserve and enhance the visual amenity of the landscape.

2. The plant will affect the air quality because of increased traffic bringing waste along the A350 round Warminster, into the Westbury AQMA which is over the UK/EU limits already and on the A350 beyond Westbury towards Trowbridge. . Core Policy 55:

‘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.’ 6.116 Core Policy 55 requires that all development, which because of the size, nature or location will have the potential to exacerbate known areas of poor air quality, is required to overcome this barrier to development by demonstrating the measures they will take to help mitigate these impacts.

The applicant has not demonstrated how they can improve the air quality in the AQMA in particular or in Westbury in general.

3.. The National Planning Policy Framework (revised July 2018) outlines the necessary balance between economic, social and environmental considerations in order to achieve sustainable development (i.e. development which does not compromise the ability of future generations to meet their own needs). .." to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

The proposed plant would permanently dispose of 160,000 material resources per annum, much of which could be reused and recycled instead. Recycling rates in England are around 40% but Wales has already achieved over 60%. The plant would not minimise waste and pollution and would contribute to climate change through CO2 emissions (31 tonnes an hour). It is a backward looking plan. Approving waste incineration will lock the Council and Hills into feeding the incinerator for the next 25 years and as recycling technology improves waste will be imported from further and further afield in order to feed the plant. Hills will take all the profits (including from a large amount of commercial and industrial waste) as well as a 15-year government subsidy. The Council tax payer will bear the infrastructure costs on the road system and the potential health costs from poor air quality.

The applicant's claims that the plant will save on CO2 emissions, is higher up the waste hierarchy and is better than landfill do not hold water and can be disproved using DEFRA's own figures. DEFRA minister Therese Coffey, has recently said that there is sufficient incineration capacity in the UK.

Another incinerator near Swindon was recently refused and an appeal is about to start. A new incinerator is about to open beside the M5 in Gloucestershire.

4. The proposed Westbury plant falls within the 4000m buffer zone of a Greater horseshoe bat core roost which is protected under EU and UK law and in the Wiltshire Council Bat Special Areas of Conservation Planning Guidance for Wiltshire, yet no bat surveys have been done. The plant will have 24/7 turbine noise and lighting around its perimeter. See map on page 9 of WC's guidance to developers. <http://www.wiltshire.gov.uk/bat-special-areas-of-conservation-planning-guidance-for-wiltshire.pdf> I think WC and the applicant are in breach of the legislation and the WC planning guidance.

Sorry this is so long. I hope this doesn't spoil your weekend!

Yours,



<Westbury Gasification Action Group objection 18 09473 WCM.pdf>

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What can I base my decisions on?

Planning decisions can only be made on valid planning grounds. These are called material considerations. The following material considerations are relevant in most planning applications:

- national planning policy and advice
- local planning policies
- draft policy
- the environmental, social and economic impacts of the proposal
- access and provision of infrastructure for the site
- the design of the proposal
- the planning history of the site
- the views of organisations and individuals, in relation to relevant planning matters.

Other considerations exist and ultimately the courts are the arbiters of what is a material consideration. It is also important that planning decisions are made in line with other corporate objectives in the council such as regeneration. This should be reflected in your local plan. But you may need to work with colleagues across the local authority to

The following issues are **not** material considerations for planning decisions:

- loss of views (unless a view is identified and protected in a development plan document)
- competition between businesses
- moral considerations (for example, religious objections to licensed premises)
- political or ideological opinions
- the cost of the development
- whether or not the applicant owns the site
- issues covered by other legislation (for example Building Regulations).

understand what a specific proposal could do to meet wider objectives.

When applications are approved they often have conditions attached. For example, there could be a condition specifying the type of construction materials to be used. Sometimes a section 106 planning obligation will be agreed through a condition. This could require affordable housing or on-site remedial works.

An applicant can appeal against a refusal, or against conditions. These appeals are heard by a planning inspector, who then makes the final decision.