CASE OFFICER'S REPORT

Application Reference:	PL/2023/10638
Application Type:	Full planning permission
Site Inspection:	2 February 2024
Consultation ends:	01 July 2024
Case officer:	Julie Mitchell

Site Address:	Chemring Countermeasures Ltd, High Post, Netton, Salisbury, SP4 6AS
Proposal:	Relocation of existing waste pyrotechnic material treatment and processing facility to a new location on the Chemring Countermeasures site, associated operators cabin, storage cabins, storage compound, bunding, drainage, lighting, fencing, hard and soft landscaping (part retrospective).
Recommendation:	Approve with Conditions

Proposal and Site Description

Site Description:
The application site forms part of the enclosed land associated with an existing manufacturing site, the extent of which is shown in the aerial photograph below:



Aerial photograph of the extent of the Chemring site

The site lies to the north and east of the parts of the site which are previously developed but does not extend outside of the existing site boundaries. The site is located at High Post to the north of Salisbury. There are existing accesses to the site from the south off the minor road which connects High Post to Upper Woodford.



Location Plan of the Proposed Site (edged red) and Existing Burning Grounds (edged black)

The application site is approximately 0.17ha in area. It currently comprises a disused area of semi-improved grassland situated within the enclosed grounds of a defence manufacturing facility which extends to some 40 ha. A mature unmanaged hedge is located a short distance to the northeast and southeast, a line of mature Scot's pine trees is located to the southwest and semi-improved grassland to the northwest. The part of the facility in which the application site is located is enclosed by chain-link fencing. The wider area comprises various buildings and structures, Nissen huts, offices, car parking areas and arable land bounded by managed hedges and small pockets of broadleaved woodland.

Proposal:
The proposal is to relocate the existing waste disposal ground to an alternative location within the existing manufacturing site. The waste disposal activity involves burning waste materials. The development itself comprises the installation of a concrete base with two burning pits, trays, cages and a water upstand, enclosed by a 1.8m high mesh fence to allow visibility into the facility. The waste burning ground would replace the existing facility located further to the north-west of the site. The application describes that the waste disposal activities will mostly be conducted during the

day, occasionally requiring early evening use after 5pm. The maximum burn intensity at any one time is calculated to be 16.67MW, burns at this level of intensity will only last a few seconds.

Policies

National Context:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
Core Policy 1 Settlement Strategy;
Core Policy 2 Delivery Strategy;
Core Policy 3 Infrastructure Requirements;
Core Policy 4 Spatial Strategy: Amesbury Community Area;
Core Policy 50 Biodiversity and Geodiversity;
Core Policy 51 Landscape;
Core Policy 52 Green Infrastructure;
Core Policy 57 Ensuring High Quality Design and Place Shaping;
Core Policy 60 Sustainable Transport;
Core Policy 61 Transport & Development;
Core Policy 62 Development Impacts on the Transport Network;
Core Policy 64 Demand management
Core Policy 67 Flood Risk
Core Policy 69 Protection of the River Avon SAC

Relevant Planning History

The Chemring Site has an extensive planning history.

The most recent permissions for the site include the following:

Land immediately to the west of the current application site:
S/2008/1677 ERECTION OF TWO PRODUCTION BUILDINGS, ASSOCIATED ANCILLARY BUILDINGS AND CREATION OF A NEW ACCESS - APPROVED

Land within the existing complex of buildings:
PL/2023/01182 - Installation of a temporary Portakabin building to be used as a dedicated 3D printing location for a period of 5 years - Approved
PL/2023/05125 - Installation of a temporary Portakabin building to be used as a centralised office facility for a period of 5 years - Approved

Land adjacent to the east of the site:
PL/2023/04203 - Install ground mounted solar photovoltaic (PV) panels and associated infrastructure including access road, boundary treatments, CCTV surveillance and underground HV cable - Approved

Consultation Responses

Durnford Parish Council – No response received

Health and Safety Executive - No response received

Environment Agency - Objection withdrawn following additional information

WC Public Health and Protection – No objections

WC Drainage – No objections

WC Archaeology – No objections

WC Ecology - No objection subject to conditions

Representations
No third party representations have been received.

Planning Considerations and Assessment

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

EIA Regulations:
The aim of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs) is to ensure that major projects that are clearly likely to have impacts on the environment are subject to an EIA so that these impacts are fully assessed and understood before planning permission is granted. Development proposals are categorised in the EIA Regs as either Schedule 1 or Schedule 2 development depending upon the nature and scale of the development. Development proposals within the former category must always be subject to an EIA while those within the latter category must be subject to a determination as to whether the proposals are likely to have significant effects on the environment where one of the threshold criteria is exceeded. In addition, if development falls within Schedule 2 but is within a sensitive location, even if the minimum criteria is not met, a screening opinion is still required to decide whether the proposal is likely to have significant environmental impacts and therefore if an EIA would be required. The first stage of the screening process is therefore to determine whether the development proposals are listed under Schedule 1 or Schedule 2 of the EIA Regs.

Schedule 1 development (9) includes waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste (as defined in Article 3 (2) of Directive 2008/98/EC. The proposed incineration of hazardous waste on land is listed at D10. Schedule 2 development (11(b)) includes installations for the disposal of waste (unless included in Schedule 1) where (i) the disposal

is by incineration; or (ii) the area of the development exceeds 0.5 ha; or (iii) the installation is to be sited within 100 metres of any controlled waters.

In this instance, the development proposal is listed under Schedule 1 of the EIA Regs and therefore, as a new land use, there would be a mandatory requirement for an application for a planning application to be supported by an EIA. However, this development project is clearly not a new development, it is the relocation of an existing waste burning ground to an alternative location within the existing facility, approximately 430 metres to the east of the current location. In this context, the impacts of the disposal of waste by incineration are already known and subject to the appropriate licencing regimes. Any impacts arising from the proposed development in this case are limited to the relocation of the grounds to the north east of the complex when compared with the existing location further to the west of the complex. The LPA are therefore satisfied that the development would not introduce new activities that would be likely to create new or increased environmental impacts, that are not already permitted and subject to licence within the existing facility, at a scale which would necessitate or justify a requirement for EIA by default.

The LPA therefore consider it appropriate to assess the development against Schedule 3 of the EIA Regs to determine whether the relocation of the burning ground within the existing site boundary is likely to have significantly greater effects on the environment and/or any sensitive receptors than the established burning ground in order to determine whether the proposal should comprise EIA development. The selection criteria for screening development involve the Characteristics of the Development; the Location of the Development; and the Characteristics of the Potential Impact. The test in this case for the need for EIA is therefore whether the proposed relocation of the activity 430 metres to the east of the existing location would be likely to give rise to significant effects on the environment in the context of the existing site which operates with the necessary environmental permits.

Development proposals may be subject to EIA depending on whether it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location. An EIA is more likely to be required if the site is located within a ‘sensitive area’ or the size of the development exceeds applicable thresholds such that the development may result in significant environmental effects. The relationship between a proposed development and its location is a crucial consideration and the location of the proposed development must therefore be examined to determine whether it constitutes a ‘sensitive area’. ‘Sensitive areas’ are defined in the EIA Regs and include:

- Sites of Special Scientific Interest (SSSI’s) and any consultation areas around them;
- National Parks;
- World Heritage Sites (WHS);
- Scheduled Ancient Monuments (SAM);
- Areas of Outstanding Natural Beauty (AONB);
- Potential or classified Special Protection Areas (SPAs); and
- Candidate or designated Special Areas of Conservation (SACs).

The proposal site is not within close proximity to any of the above designations.

Characteristics of the Development:
The proposal involves a development that is of a minor scale in the context of the existing site area involved in the existing manufacturing operations and disposal of associated waste. The application

site area is less than 0.2 ha within a site that extends to 40 ha in area. The height of the proposed development does not extend more than 2 metres above ground. Additionally, the proposed activity already takes place elsewhere on the site and the proposal to relocate it to the application site is driven by improvements to the safety of personnel. The proposal does not therefore introduce a new land use. Therefore, despite the nature of the proposal, it is unlikely to result in any adverse or detrimental impact for the surrounding heritage assets or the landscape/rural setting of the area. It is therefore concluded that the characteristics of the development would not warrant an EIA to be submitted.

Location of the Development:
The site is not within a nationally designated landscape but is within a locally designated 'Special landscape area', there is one Scheduled Monument within 1 km (900m) and there are no statutory nature conservation sites within 1 km of the site. The location of the site is not considered to be within a sensitive area for assessment under the EIA regulations in consideration of the constraints listed above.

Characteristics of the Potential Impact:

Landscape: The site is not situated within the AONB; it is however within the locally designated Special Landscape Area (SLA) (Saved policy CL6 of the Salisbury District Local Plan). However, the context of the site is that the existing manufacturing site is of a far larger scale than the development site itself and in terms of landscape sensitivity this is considered low due to the proximity and relationship with existing built form. The potential impact of the scale of development for landscape receptors in the context of the existing site is low and is not therefore considered to be of significance to constitute EIA development in this regard.

Ecology: The submitted ecological impact assessment identifies that there are no statutory nature conservation sites within 1km of the application site. It further states that the proposed development is not of a type that would significantly impact upon any Ramsar sites/SPAs/SACs/ SSSIs, according to MAGIC's SSSI Impact Risk Assessment feature. Two non-statutory nature conservation sites located within 1km of the application site are identified, these are Little Down East and Highpost Golf Course LWSs. The potential impact on ecology is not significant to constitute EIA development and can be properly assessed with the Ecological Impact Assessment submitted as part of the normal considerations of the planning application.

Heritage: The proximity to identified heritage assets is noted as follows:

• Ogbury Camp Scheduled Monument (List Entry Number:1005677) lies approximately 900 m to the north of the site.
• Two barrows NW of Little Down Scheduled Monument (List Entry Number:1005678) lies approximately 1.2 km to the west of the site
• Enclosure NW of Downbarn West Scheduled Monument (List Entry Number:1003042) lies approximately 2 km to the east
• The Stonehenge and Avebury World Heritage Site (WHS) lies over 1.5 km to the north west of the site.
• Great Durnford Conservation Area is located approximately 1.2 km to the north west of the site.
• Netton Conservation Area is located approximately 1.5 km to the south west of the site.
• There are no listed buildings within 1.2 km of the site.

The proposal would not extend the activity further towards the WHS or its setting, it is therefore considered that the development would be unlikely to have any impact on the WHS or its Outstanding Universal Value (OUV). The potential impact of development would not constitute EIA development in this regard.

The proposed development would also not encroach further towards any of the other identified heritage assets above except for the Enclosure NW of Downbarn West (Scheduled Monument), however the separation distance is still 2 km. The potential impact of development would not constitute EIA development in terms of identified heritage assets with regards to the position of the existing burning ground.

An archaeological evaluation was carried out on 27th/28th July by Wessex Archaeology in accordance with a written Scheme of Investigation based on the advice of the County Archaeologist. No remains or items of interest where found from this evaluation. The negative results of the evaluation have been confirmed by the County Archaeologist who is not concerned that the proposals will result in any significant implications for archaeological interests. The potential impact of development would also not constitute EIA development in this regard.

It is not therefore considered that the potential impact of this proposed development for any sensitive heritage receptors will be significant enough to constitute EIA development.

Transport/Highways: The proposal is not associated with an increase or change in the nature of manufacturing on site and there would be no change in vehicle movements either from goods inwards/outwards or additional employees. The rationale for the development is for safety and operational efficiency reasons. It is not therefore considered that the potential impact of the proposal would constitute EIA development in respect of the potential for impacts on the transportation and highway networks.

Residential Amenity: Given that the land use for manufacturing and disposal of associated waste by burning is long established at this facility and the relocation will remain remote from any residential receptors, the Council's Public Protection Team has raised no major environmental concerns about the proposals. It is not therefore considered that the development constitutes EIA development in this regard.

Contamination: The EA have identified the relationship of the site to the Principal Aquifer and whilst a holding objection was raised on the grounds of insufficient information, this has been withdrawn and it is advised that a condition would be adequate to deal with the potential for contamination.

Summary of Characteristics of the Potential Impact:
As a result of the development's nature; scale; and location, it is not considered that its potential impact on the sensitive heritage, ecological, landscape or other environmental receptors, will be of a significant magnitude which would therefore warrant the need for an EIA taking into account that the land use is established and would not introduce a new waste burning facility at this site.

Conclusion:
Through the process of considering the potential impacts it is evident that the site-specific impacts of relocating the existing waste disposal ground to an alternative location 430 metres to the east

within the grounds of the manufacturing facility are limited to on-site ecological and archaeological interests and risk of contamination. These impacts can be properly considered through the assessment of the planning application together with the ecological impact assessment and archaeological investigations which have been submitted with the application without the requirement for EIA in this instance. The LPA is satisfied that an EIA is NOT required for the proposed development.

Having assessed the application in regards to the EIA Regulations, the planning considerations are set out below:

Principle of Development:
The proposed development is situated within the existing site boundary to the rear of the main developed area of the site. The proposed development consists of a low-level platform to provide a new waste burning ground and positioning of a portable office structure. The proposal does not require the formation of any new access points.

Core Policy 34 provides that developments will be supported outside the Principal Settlements, Market Towns and Local Service Centres in certain circumstances, including the expansion of existing businesses. The proposal is not an expansion of the existing business in that it seeks to improve the safety and efficiency of operations carried out within the existing manufacturing facility rather than increase the site area or scale of operations. Although not specifically intended for the circumstances of this application, there is no conflict with the aims of employment policies. The principle of development is considered acceptable in the context of the established and permitted land use of the existing site.

Health and Safety:
The Health and Safety Executive has been consulted as part of this application and no response has been received. However it is noted that the HSE previously stated in response to consultation on the previously withdrawn application that "The Explosives Inspectorate, having considered carefully the type and location of the proposed development, has no comment as this is an explosives site and the works would be subject to licensing by the Explosives Inspectorate under the Explosives Regulations 2014.

Landscape Impact:
The application site is on relatively high and exposed ground where there is potential for long range views from the north east and south east. However, the proposed development is to be located between two established bands of trees to the north and south of the site and the proposed burning ground structures and ancillary portable office container are both low in height. If seen across a distance, the visual impact of the proposed development would be difficult to discern separately from the far larger scale and range of buildings of which it would form part. Given these factors and the relationship of the site to the various buildings on the established manufacturing site, some of which date from World War II, the visual impact of the proposed development on the surrounding landscape is considered to be negligible.

Archaeology:
The site was subject to a geophysical survey in 2008 (Wessex Archaeology, 2008), which identified a number of pit-like anomalies within the footprint of the proposed processing facility. These were subsequently tested by trial trenches in 2020 (Wessex Archaeology, 2020), which only revealed

some tree throws below a shallow topsoil but no buried archaeological remains. The geophysical survey revealed a significant Iron Age enclosure some 150m to the north-west but there is no evidence that any associated remains lie within or close to the proposed processing facility.

On this basis, it has been previously established that the footprint of the proposed processing facility has little archaeological potential and the Council's Archaeologist confirms that there are therefore no grounds to recommend an archaeological response should this proposal be permitted. It is therefore concluded that there are no archaeological concerns and no further action is required as regards the buried archaeological heritage in relation to this application.

Ecology:

Habitat Regulations Assessment: Hampshire River Avon Special Area of Conservation (SAC) Catchment

The site is situated 1 km from the nearest part of the River Avon SAC. Immediate effects on the river system from the proposed development as built are unlikely. However, the development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater, specifically there is a risk of ground water pollution during the construction phase. A condition is recommended by the Environment Agency (see 'Contamination' below). The Council's ecologist notes the comments submitted by the Environment Agency who are satisfied with the proposals and recommended conditions and has advised that if the EA and Wiltshire Council's Drainage Team are satisfied with the proposals, there would be no objection on ecological grounds. The suggested condition therefore is considered to satisfactorily address any potential risk to the SAC catchment.

Protected Habitats/Species

The Council's ecologist has noted the part retrospective nature of the application and that the footprint of the development has already been constructed. From the ecological reports provided, the site was assessed as unlikely to support protected species or habitats due to habitat unsuitability. Measures to enhance opportunities for wildlife are included within the reports which are welcomed.

BNG

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory. Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver biodiversity gains. The NPPF also encourages applications to deliver measurable net gains (para 180 d). Section 6.3 of the Ecological Impact Assessment detail a number of measures to ensure no net loss of biodiversity which are outlined on the Planting Details drawing.

Drainage and Flood Risk:

The site is in Flood Zone 1 and there is a low risk of surface water flooding and a low risk of ground water flooding.

The Council's drainage team confirms that the philosophy of the soakage design is to use the drainage field as dispersal and filtration, whilst acknowledging that such a large area will produce a volume of run-off incompatible with this as an infiltration method. The principal storage for the rainfall events is therefore provided in the form of geocellular crates below the drainage field. The disposal facility is bunded by earthworks to the north and east, the existing topography falls

predominantly north, with a fall to the east, all leading towards undeveloped land. The bunds will effectively hold back any run-off from the slab on the site and no flood risk is posed to buildings or neighbouring land. As the slab contains no critical infrastructure or dwellings the return period for soakaway design has been limited to a 1:30yr return period. It is advised that the proposed works are minor in nature and will not result in a significant increase in impermeable area or corresponding flood risk when compared to the existing baseline scenario. As such, the drainage team have no objections to this application.

Contamination:

The site is located in a groundwater source protection area and above a major aquifer. The Environment Agency originally submitted an objection on the grounds that inadequate information has been provided to demonstrate that the risks of pollution posed to water quality can be safely managed. The EA note that the current burning operation takes place on bare ground whereas the proposal is to burn or 'flash' waste pyrotechnics on a concrete pad and then collect the ash for disposal, therefore the impacts of the proposal are based on an understanding how the new working area and working methodology differs from the current way of working in terms of the way contamination might enter the ground and controlled waters. The submitted contamination risk assessment for the proposed burning activities (ACS Ltd Contaminated Land Investigation and Assessment Report dated July 2021) focuses on existing ground contamination at the proposed burning site. To remove the objection, confirmation was sought that no residual contaminants are left following a burn and therefore there is no unacceptable risk to controlled waters, with groundwater in this location being particularly sensitive designated within Source Protection Zone 2. Disposing of contaminated surface water from the burning ground into the environment under any circumstances is not considered acceptable. Further detail focused on the risk posed by the burning activities to controlled waters has been submitted and reviewed the EA. On this basis, the EA has withdrawn their objection, subject a single condition requiring a 'Working Plan document', setting out how the waste treatment area is to be constructed and how the treatment process will be controlled to prevent the possibility of pollution of the Principal Aquifer.

Access:

The proposed development does not include any new accesses or alteration to existing accesses. The proposal is not associated with an increase or change in the nature of manufacturing on site, consequently there would be no change in vehicle movements either from goods inwards/ outwards or additional employees. The rationale for the development is for safety and operational efficiency reasons. The nature of the proposed development would therefore not result in an increase in the volume of traffic into and out of the site and it is not considered that there are any highway safety implications given the distance of the application site from the highway.

Residential Amenity:

Given that the land use for manufacturing and disposal of associated waste by burning is long established at this facility and the relocation will remain remote from any residential receptors, the Council's Public Protection Officer has raised no objections or concerns to the proposals.

Conclusion:

The principle of development is considered acceptable in the context of the operations undertaken at the existing site. The development site has a number of constraints which have been considered against the EIA regulations and in detail. It can be concluded from the consultee

responses that there are no issues which cannot be suitably addressed by planning condition. There are no representations from the parish council or third parties to be considered. Given this and the fact that development will provide a safer alternative to the existing burning ground within the established site and does not introduce a new use, the application is recommended for approval.

Conditions: (5)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan 700 CCM LP 001 dated 6/10/2023
Site Plan BLD BG PA 002 dated July 2020
Area A - Plan BLD BG PA 003 R1 Revision dated Oct 2020
Area A - Elevations BLD BG PA 004 R1 Revision dated Oct 2020
Area A - Sections BLD BG PA 005 dated July 2020
Area B - Elevations and Sections BLD BG PA 006 dated July 2020
Area C - Plan, Elevations and Sections BLD BG PA 007 dated July 2020
3D View - BLD BG PA 008 dated July 2020
Waste Pyrotechnic Material Detonation & Disposal Facility Proposed Drainage 12928-100 (P3) Revision dated 5/1/2024
Waste Pyrotechnic Material Detonation & Disposal Facility Drainage Details 12928-101 (P3) Revision dated 5/1/2024
Burning Ground - Existing Drainage Plan
12928-300 (P2) Revision dated 5/1/2024

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The development will be carried out in strict accordance with the following documents:

• Planting Details. June 2020. Chemring Countermeasures;
• Ecological Walkover Update. May 2024. South Downs Ecology

REASON: For the protection, mitigation and enhancement of biodiversity.

4 Prior to the first use of the proposed waste pyrotechnic material treatment and processing facility, the applicant shall provide a Working Plan document that sets out how they shall

construct the waste treatment area and control the treatment process to prevent the ingress of contaminants into underground strata and therefore reasonably prevent any possibility of pollution of the Principal Aquifer or other controlled waters. This document shall be submitted and approved in writing by, the local planning authority. The working plan document shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

REASON: To protect the quality of controlled waters in the local area.

5 No additional external light fixture or fitting will be installed within the application site other than those shown on drawing Horizontal Illuminance 3075-DFL-ELG-XX-LD-EO-13001-S3-P04. November 2023. DFL unless details of the additional new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity.

Informatives: (1)

There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)