

**Statement by CPRE Gloucestershire****Reference: Issue 3/CPRE****Issues of non conformity with Government Policy****1) Duty to Co-operate.**

Since the publication of the WCS and the focussed changes, the Localism Bill has passed into law and the Government has published the draft NPPF. Both are material considerations in assessing the soundness of the WCS.

The Localism Bill Part 6 Chapter 1 paragraph 110 puts an obligation on planning authorities to cooperate on development plan documents. We can take the draft NPPF as ministerial guidance provided for in para 110; paragraph 23 of the draft NPPF includes waste as a strategic priority for co-operation and paragraphs 44 to 47 set expectations of positive cooperation. GCC have tabled document C.D. 10.132 as evidence of cooperation. The document is a record of a series of meetings in 2007. Two are with neighbouring counties with a primary focus on minerals. However it is interesting to note that these counties stated that they were in an early stage of considering location of waste management facilities/ producing waste DPDs, thus offering an opportunity for co-operation across county borders. There is no evidence that this opportunity was explored further. Achieving a sustainable strategy involves minimising the transport of waste. The Cirencester area is much closer to Swindon than to any of the sites in Zone C and the road connection is good. Similarly the Lydney area is closer to parts of Wales and finally Avonmouth is about half an hour further down the M5 than Javelin Park. In all these areas plans were announced for waste recovery facilities while GCC was developing the WCS. There is no evidence that any of these possibilities were explored or recognised in the drafting of the WCS which appears to be based on the idea of self sufficiency of capacity for Gloucestershire. The WCS is unsound in this respect and does not demonstrably represent the most sustainable option. It can be made sound by including co-operation as one of the options under Policies WCS2 and WCS 4 by adding words along the following lines immediately after the statement of quantities to be processed “These requirements can be met by a combination of local minor facilities, major strategic facilities and co-operation with neighbouring authorities to optimise use of sub-regional facilities.” Plus adding a phrase at the end of the policy “Planning applications for local or strategic facilities will demonstrate that the local authority in respect of MSW and the industry in respect of C and I waste has explored opportunities for cross county border co-operation and they have been shown to be less sustainable than the proposal or not viable”.

**2) General Protection of the Landscape.**

PPS7 paragraph 15 makes it clear that all landscape is to be protected for its intrinsic beauty. The draft NPPF omits this essential protection for non-designated landscapes. CPRE, with others, have been lobbying for its reinstatement and we believe from statements made by the prime minister and ministers that they are sympathetic. For

instance the prime minister in his letter of to the National Trust in September 2011 stated “I have always believed that our beautiful British landscape is a national treasure. We should cherish and protect it for everyone’s benefit.” and “I believe that sustainable development has environmental and social dimensions as well as an economic dimension, and we fully recognise the need for a balance between the three.”

Certainly one can interpret the emphasis on sustainable development and the wording of the fifth bullet point of paragraph 19 in the draft NPPF to give protection to landscape quality in general but because the wording is not explicit such an interpretation would be open to argument. Given these circumstances we would urge the inspector to put greater weight on this provision of PPG7 as the extant planning policy than on the provisions of the draft NPPF.

Because the WCS as drafted only refers to protection of the green belt and AONBs it is in our opinion unsound. GCC recognise this and have suggested an alteration under focus change 32 to the text of paragraph 4.223. Because this change is not translated into any of the policies it affords no protection to non-designated landscapes. The WCS can be made sound by re-titling policy WCS 11 to be “Landscape” and then adding a first sentence to read “In general all waste development proposals will be permitted which do not cause significant harm to the intrinsic beauty of the local landscape as identified in local landscape character assessment. In the case of AONBs....”

### 3) PPS10 on choice of technology.

We support the requirement for the WCS to be technically neutral. There is however no statement in the WCS as to what this means. PPS10 in Annex E sets out criteria to be taken into account when selecting sites in a development plan. The introduction requires that local authorities should bear in mind the envisaged waste facilities in terms of type and scale, taking into account best available technology (not involving excessive costs). We interpret this to mean the application of the Environment Agency’s guidance on Best Available Technology or Best Practical Environmental Options. There is no evidence in appendix 5 that BAT or BPEO have been applied in the assessment of the suitability or selection of the strategic sites in Zone C. The WCS in contrast states in paragraph 4.81 that it will be up to the industry to decide on the right technology and size of plant. Focus change 18 does not adequately remedy this deficiency as it states that the choice will be made through the procurement process currently running. As this procurement process was always for a 150,000 tpa plant and has narrowed down to an incinerator these words effectively pre-empt all the strategic options said to be possible in policy WCS 4. Furthermore the question of choice of technology and scale applies to all future projects which are certainly not subject to the current procurement process. These words should be deleted. In addition, for MSW the assessment of Best Available Technology is a matter for the WDA preferably with independent consultant advice. The WCS needs to define “Technology neutral”. We suggest that it should be an expansion of paragraph 4.59 “Being technology neutral means that the Council has no predetermined preference of one technology over another. The choice of technology for a waste management function will be determined by the best balance between economic, social and environmental factors for the site under consideration using the technique of Best Available Technology or Best Possible Environmental Option.”

It follows from the above that we do not believe that the council have properly applied paragraphs 18, 20 and 21 of PPS10. We suggest that it might be necessary to insert a Policy on technical choice incorporating the sentiments of the above draft paragraph for the WCS be properly sound in this respect.

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