

Saved policies of the Gloucestershire Waste Local Plan (2002 - 2012) **Adopted October 2004**

POLICY 17 – MINING OF WASTE

THE MINING OF WASTE WILL ONLY BE PERMITTED WHERE MINING WILL PROVIDE A DEMONSTRABLE BENEFIT TO THE ENVIRONMENT, HUMAN HEALTH AND LOCAL AMENITY, OR WHERE THE WASTE IS SHOWN TO BE ENDANGERING HUMAN HEALTH, HARMING THE ENVIRONMENT, OR ITS REMOVAL IS REQUIRED TO FACILITATE MAJOR INFRASTRUCTURE PROJECTS

5.69 The mining of waste is a process by which materials in an existing landfill site are recovered, first by extracting and then treating the materials. The process can be carried out to create more capacity in a landfill or landraising site. The Waste Planning Authority considers that there is no overriding regional or local need for such operations to be carried out within the County in order to increase landfill capacity.

5.70 The process can recover recyclable materials, but generally this has been of little practical value. However, for sites suffering from poor engineering, or causing pollution, this process may be justified in exceptional cases. Such operations would require strict control of leachates, landfill gas, odours and dust to avoid pollution problems and may delay the restoration of the site. The assessment and control of pollution is primarily the responsibility of the Environment Agency as Pollution Control and Waste Management Licensing Authority. As such any proposals regarding the mining of waste would involve close consultation with the Agency.

5.71 The removal of 'waste' materials from former and existing quarries and mines, such as Pulverised Fuel Ash, furnace ash, clinker and metallic slags, are by virtue of the Minerals Act 1981, classed as minerals. The working of these materials is therefore subject to the criteria and policies of the Minerals Local Plan.

POLICY 22 - LANDSPREADING

THE SPREADING OF UNTREATED OR TREATED LIQUIDS, SLUDGE DISCARDS, SEWAGE SLUDGE, SOILS OR ANY DERIVATIVE THEREOF WILL NOT BE PERMITTED UNLESS IT CAN BE SHOWN THAT IT WILL BENEFIT THE FERTILITY OF THE LAND CONCERNED AND WILL NOT:

1. GIVE RISE TO POLLUTION OF WATER RESOURCES, MALODOROUS EMISSIONS OR UNACCEPTABLE HIGHWAY IMPACT (INCLUDING TRAFFIC MOVEMENTS).

2. ENDANGER HUMAN HEALTH OR CAUSE HARM TO THE ENVIRONMENT, IN PARTICULAR WITHOUT:

- RISK TO WATER, AIR, SOILS, PLANTS OR ANIMALS;
- CAUSING NUISANCE THROUGH NOISE OR ODOURS;
- ADVERSELY AFFECTING THE COUNTRYSIDE OR PLACES OF SPECIAL INTEREST.

5.89 Landspreading and mulching are normally outside the scope of planning control. Where such operations are carried out in connection with normal agricultural or forestry operations, the practice is subject to the regulation of pollution control bodies. However, rates of application above the limit of 250 tonnes of waste per hectare per annum [5000 tonnes in the case of dredgings from waterways] as contained in the exemptions for landspreading under the Waste Management Licensing Regulations 1994, would require a waste management licence and would therefore require a planning permission prior to obtaining a licence. There may be a requirement for storage facilities for large volumes of waste that does not arise on an agricultural holding. These may require planning permission and will be dealt with according to the criteria and policies contained within the Development Plan.

5.90 Spreading and injecting wastes on and into agricultural land is a long established method of disposing of many organic agricultural wastes such as manure, slurry, silage effluent and crop residues. There is also potential for the disposal of sewage sludge and certain industrial wastes such as paper sludge, food processing waste (subject to the provisions of the Animal By-Products Order 1999, as amended) and non-food wastes such as lime and gypsum. If not properly managed and controlled there can be environmental problems such as pollution of water resources and complaints over odours. Water resources include groundwater, surface water and watercourses. Landspreading can nevertheless be an economic and environmentally acceptable method of disposing of some organic wastes, subject to appropriate controls. These wastes can contain valuable nutrients, act as a soil improver and reduce the need for artificial fertilisers on cropped land. In the future, pre-treatment by biological degradation would increase the range of wastes that could be finally disposed of in this way.

5.91 The spreading of waste to agricultural land should be carried out with great care, as it is easy to spread toxins and allow build-up of heavy metals. Reference should be made to 'Code of Good Agricultural Practice for the Protection of Soil' published by the Ministry of Agriculture, Fisheries and Food, which provides guidance to farmers and waste operators on matters to consider before spreading onto land. All landspreading activity must be registered with the Environment Agency. Special care should be taken when dealing with sewage sludge disposal within the immediate catchment of the Severn Estuary Site of Special Scientific Interest (SSSI), Ramsar Site and Special Protection Area (SPA).

5.92 The practice of landspreading is subject to a wide range of guidance and legislation which governs the quantity of waste spread on any particular piece of land and its nutrient content to

protect soil and crop quality, human and animal health and water quality. Research is continuing in this area and may be used to refine present controls.

POLICY 25 - CONSERVATION OUTSIDE DESIGNATED SITES

PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE ADVERSE IMPACTS ON FEATURES, WHICH ARE OF MAJOR IMPORTANCE FOR WILD FLORA AND FAUNA, NATURAL AND CULTURAL HERITAGE CAN BE PREVENTED OR MITIGATED.

5.101 Maintaining biodiversity is an important issue. It can be defined as “the sum total of life’s variety on Earth”. Proposals for waste development will be assessed against the Biodiversity Action Plan for the County, which sets out a strategy and local targets for various habitats and species for improving biodiversity of the County. Reference is made in the development considerations section to the opportunities that can exist for sustaining and improving biodiversity. Designated sites form only part of the natural resources of this County. Features such as wildlife/habitat corridors, traditional field boundaries, ponds, geological/geomorphological sites and small woods also need to be protected from development as they form part of a network of wildlife refuges which enables the migration and dispersal of species.

5.102 This policy provides general protection from waste development for undesignated features that are important not only to wild flora and fauna but also for Gloucestershire's' cultural heritage. In this sense, cultural heritage includes the social, scientific and historical context that makes Gloucestershire the diverse County it is today. The status and value of natural habitats needs to be assessed at the time of each application irrespective of whether there is a designation.

POLICY 33 - WATER RESOURCES – POLLUTION CONTROL

PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE THERE WOULD BE NO UNACCEPTABLE RISK OF CONTAMINATION TO SURFACE WATERCOURSES, BODIES OF WATER OR GROUNDWATER RESOURCES.

5.114 Protection of surface and groundwater resources is a major environmental factor in considering of any waste development. Topography, the underlying geology and hydrogeology may exclude sites even though they may have permission for industrial use. Despite safeguards it may be considered that there is a too great a risk of pollution should the environmental management systems fail leading to contamination of water resources. Applicants will need to provide an assessment of the potential risk, and may be required to undertake a hydrological and geological survey appropriate to the nature of the proposal. Development proposals will be required to incorporate provisions for the containment and proper disposal of waste related substances and discharges that have the potential to cause pollution to surface or groundwater

resources. The use of an appropriate buffer strip along any significant watercourses will also need to be incorporated to give protection from pollution and to safeguard wildlife corridors.

5.115 Pollution damage can result from landfill leachate, surface water run-off and discharge of waste water from landfills, composting and recycling plants, as well as interference with drainage and water movement in flood plains. It should be noted that the potential risk of water pollution from agricultural units could be dramatically reduced by using anaerobic digestion plants for agricultural wastes. The Environment Agency is a statutory consultee and has records of sensitive water abstraction points and zones that require protection. It is not possible to be specific about these in this Plan as the areas will vary over time due to changing conditions, including climate permeability of the ground strata, and the proximity of other groundwater sources which exert competing abstraction forces. However, a good indication of the most vulnerable areas can be gained by reference to the Groundwater Vulnerability Maps produced by the Environment Agency. The Agency has also produced 'Policy and Practice for the Protection of Groundwater' which provides helpful guidance.

POLICY 37 – PROXIMITY TO OTHER LAND USES

PROPOSALS FOR WASTE DEVELOPMENT WILL BE DETERMINED TAKING INTO ACCOUNT SUCH MATTERS AS THE EFFECT ON THE ENVIRONMENT, OCCUPANTS' AND USERS' AMENITY AND HEALTH, THE COUNTRYSIDE, THE TRADITIONAL LANDSCAPE CHARACTER OF GLOUCESTERSHIRE, THE LOCAL HIGHWAY NETWORK, ANY HAZARDOUS INSTALLATION OR SUBSTANCE AND ANY ADVERSE CUMULATIVE EFFECT IN COMBINATION WITH OTHER DEVELOPMENT IN THE AREA. WHERE APPROPRIATE, SUITABLE AMELIORATIVE MEASURES SHALL BE INCORPORATED IN THE PROPOSALS TO MITIGATE, ATTENUATE AND CONTROL NOISE, DUST, LITTER, ODOUR, LANDFILL GAS, VERMIN, LEACHATE AND FLUE EMISSIONS.

5.134 The proximity of a waste management facility to other land uses is a critical issue. The use of buffer zones with woodland planting or landscaped earth bunding is commonly used to provide screening. Factors to be taken into account will include; the nature of the waste and the process involved; the direction of the prevailing wind; the amount of enclosure for the processes; use of odour neutralisation and minimisation; measures for dust control; vehicle sheeting; the number of persons affected by the development and its duration; the effects on amenity that pollution would cause; local topography providing natural screening; the extent of noise and vibration generated by the operations; the proposed hours of working; and the impact of flood-lighting. The effects on health are specifically addressed by the licensing agency when considering whether a waste management licence should be issued for the process and its terms and conditions.

5.135 Certain sites and pipelines are designated as dangerous substance establishments by virtue of the quantities of hazardous substance present. The siting of such installations will be subject to planning controls, for example under the Planning (Control of Major-Accident Hazards) Regulations 1999, with the objective in the long term to maintain appropriate distances between establishments

and residential areas and areas of public use. In accordance with Department of Environment circular 11/92 the Local Authority will consult the Health and Safety Executive as appropriate about the siting of any proposed dangerous substance establishments.

5.136 The area covered by this Local Plan already contains a number of dangerous substances establishments and major accident hazard pipelines. Whilst they are subject to stringent controls under existing health and safety legislation it is considered prudent to control the kinds of development permitted in the vicinity of these installations. For this reason, the Planning Authority has been advised by the Health and Safety Executive of consultation distances for each of these installations. In determining whether or not to grant planning permission for a proposed development within these consultation distances the Planning Authority will consult the Health and Safety Executive about risks to the proposed development from the dangerous substance establishment in accordance with Department of Environment circular 11/92.

NOISE AND VIBRATION

5.137 The Government takes the view that during the working week, except in certain circumstances, the daytime nominal limit at noise-sensitive properties used as dwellings should normally be 55 dB LAeq,1h (free field). This is roughly the equivalent of a person talking and generally agreed to be a tolerable noise level. The night-time nominal limit should be 42 dB LAeq,1h, (free field). Definitions of daytime and night-time may depend on local circumstances. Daytime would normally be defined as 0700-1900, and night-time as 1900-0700. The working week is generally regarded as being Monday to Saturday, with Sundays and Public/Bank Holidays normally regarded as periods of rest.

5.138 Complaints about noise from waste management facilities are likely to arise from an increase in noise levels attributable to the new development above the existing background (ambient) noise. A difference of around 5dB is of marginal significance but when it approaches 10dB or higher above background noise then complaints are likely. Since background noise levels vary throughout a 24-hour period noise levels need to be assessed for separate periods comparable to the hours of operation of the proposed development. The main sources of noise will be from fixed and mobile processing plant; waste-handling operations involving discharge, compaction or loading; and the general movement of Heavy Goods Vehicle traffic.

5.139 For waste management operations noise attenuation measures are expected to be an integral part of any development. The aim should be to ensure that complaints are unlikely from the proposed facility. Measures to ensure that noise levels are constrained to a reasonable level could involve; specially designed plant and equipment; acoustically clad plant and equipment; siting plant and equipment away from noise sensitive properties; proposing better working practices by minimising double handling and using conveyors instead of loading shovels fitted with reversing alarms and bird scaring methods other than gas guns. It is not intended that the recommended noise limits become the minimum at which operations work. Operators are asked to take all reasonable steps they can to achieve quieter working.

AIRBORNE EMISSIONS

5.140 Airborne emissions from waste management development ranges from particulate such as dust to gases that may or may not be toxic, explosive and malodorous. Although the Environment Agency will largely be responsible for regulating atmospheric emissions, planning authorities will need to ensure that a proposed development takes account of specialist equipment and pollution control measures that will be required. Provided that air re-circulation and exhaust equipment is appropriately designed and regularly maintained then such emissions are unlikely to present significant environmental problems. Open storage of waste and waste residues will be discouraged. Exceptions may be made depending upon the location and proximity to other land uses. Vehicles used to transport wastes will generally need to be enclosed. Any abstraction of water that is required to cover these operations will require a license from the Environment Agency under the terms of the Water Resources Act 1991.

5.141 Airborne emissions from waste to energy recovery incineration plants are a particular source of concern despite stringent controls by the Environment Agency. Full account will need to be taken of any prevailing background pollution and any cumulative impact of additional emissions that may arise from the operation of the proposed development. Small-scale plants operating at capacities of less than one tonne per hour and ancillary to a primary use of land will be considered on their merits in the context of the criteria and policies of the Development Plan. Commercial clinical waste incinerators will be considered against the criteria and policies of the Development Plan. Large hospitals may generate significant quantities of clinical waste and could justify the operation of an incinerator within the hospital complex. Such proposals will not be resisted provided that waste is predominantly generated by the hospital concerned and that existing infrastructure can be utilised.

ODOURS

5.142 Pungent odours are frequently associated with sewage treatment works, to a lesser extent where wastes are being landfilled, or with composting if windrows are not rotated sufficiently. Solvent recovery may also give rise to odour where inadequate plant is used. Other processes such as anaerobic digestion incorporate odour control systems and will therefore only cause problems if the unit has to be opened for major maintenance works.

5.143 Odour nuisance tends to be very subjective and lacks a reliable scientific basis. This presents a difficulty for enforcement procedure. Where waste management facilities are likely to generate offensive odours then proposals must be enclosed, incorporating effective odour control measures.

POLICY 38 - HOURS OF OPERATION

THE WASTE PLANNING AUTHORITY WILL WHERE APPROPRIATE IMPOSE A CONDITION RESTRICTING HOURS OF OPERATION ON WASTE MANAGEMENT FACILITIES TO PROTECT AMENITY.

5.144 With the exception of industrial estates, or unless there are exceptional circumstances, all waste management facilities which may have an adverse effect on amenity will be subject to restrictions on their hours of operation. These will normally be 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturday with no working on Sundays and Public Holidays other than for essential maintenance. To avoid queues of Heavy Goods Vehicles before 07.00 consideration will be given to the provision of parking off the public highway where appropriate. This should not be regarded as a precursor to the relaxation of the start time and there may be occasions where queuing provision is still desirable but a later start time will have to be imposed because of local circumstances.

POLICY 41 – PUBLIC RIGHTS OF WAY

PROPOSALS FOR WASTE DEVELOPMENT SHOULD INCLUDE, WHERE APPROPRIATE, PROPOSALS TO CREATE NEW PUBLIC RIGHTS OF WAY AND SHOULD SAFEGUARD EXISTING PUBLIC RIGHTS OF WAY BY INCORPORATING MEASURES TO SEGREGATE OR DIVERT THEM, PRIOR TO COMMENCING DEVELOPMENT. WHERE NEW PUBLIC RIGHTS OF WAY ARE CREATED, OPERATORS WILL BE ASKED TO ENTER INTO A MAINTENANCE AGREEMENT. THIS WILL PLACE A RESPONSIBILITY ON THE CURRENT AND ANY FUTURE LANDOWNER TO MANAGE THESE RIGHTS OF WAY.

5.147 The Waste Planning Authority will require applicants to show that rights of way will be protected from the adverse effects of proposed waste development and be properly maintained. Additional screening and landscaping or the temporary or permanent diversion of rights of way may be required depending on the development proposed. The opportunity for creating new rights of way should be considered and taken, where appropriate.

POLICY 42 - REINSTATEMENT

IN CONSIDERING PROPOSALS FOR TEMPORARY WASTE DEVELOPMENT, THE WASTE PLANNING AUTHORITY REQUIRES REINSTATEMENT MEASURES FOR THE LAND INCLUDING APPROPRIATE AFTERCARE TO SECURE ACCEPTABLE AND SUSTAINABLE AFTER-USE BY A SET DATE. IN THE CASE OF RESTORATION TO AGRICULTURE, THE LAND SHOULD BE RETURNED TO A QUALITY EQUIVALENT TO OR BETTER THAN EXISTED BEFORE DEVELOPMENT COMMENCED. A GOOD ENVIRONMENTAL STANDARD WILL BE EXPECTED THAT WILL REFLECT THE CHARACTER OF THE LAND AS A VALUABLE RESOURCE. DETAILS OF REINSTATEMENT REQUIREMENTS WILL BE DETERMINED BY THE CIRCUMSTANCES PREVAILING AT THE TIME OF THE PLANNING DECISION AND WHEN ANY LATER APPLICATIONS FOR REVIEW ARE CONSIDERED.

5.148 Not all waste development is of a permanent nature. Where development is proposed that is temporary, the Waste Planning Authority will ensure that the restoration proposed is achievable at the time of consideration. It is acknowledged that technology and conditions may change over time, and therefore, it may be necessary for operators to look again at a more sustainable after-use for a site during the life of a planning permission. Where best and most versatile agricultural land is being restored, the methods used in the reclamation should enable the land to retain its longer-term capability to be farmed to its land classification potential.

POLICY 43 – AFTER USE

THE WASTE PLANNING AUTHORITY WILL ENCOURAGE AFTER-USES ON WASTE MANAGEMENT SITES WHICH WILL:

- **BENEFIT THE LOCAL COMMUNITY,**
- **DIVERSIFY THE LOCAL ECONOMY,**
- **IMPROVE AMENITIES,**
- **ENHANCE BIODIVERSITY AND WILDLIFE HABITATS, LANDSCAPE FEATURES, THE LOCAL ENVIRONMENT, OR OTHER SITES OF GEOLOGICAL OR SCIENTIFIC INTEREST, OR**
- **PROVIDE WOODLAND AREAS,**

WHERE THIS DOES NOT CONFLICT WITH OTHER POLICIES, AND THE BIODIVERSITY ACTION PLAN.

5.149 In maximising the environmental and public benefit from restoration, proposals will be encouraged which provide a positive enhancement to wildlife habitats and other sites of scientific and geological interest. This will involve management in the long term, and may involve agreements on access for educational or research bodies to assist and advise on management and to monitor and collect data. It may be appropriate to improve public access in order to widen the benefit to the community.

5.150 In Gloucestershire there is growing pressure on the biodiversity of the County. Opportunities to enhance nature conservation should accord with the County's Biodiversity Action Plan and be in accordance with the principles, criteria and policies of the Development Plan.

POLICY 45 – PLANNING OBLIGATIONS

THE WASTE PLANNING AUTHORITY WILL SEEK TO ENTER INTO PLANNING OBLIGATIONS WITH WASTE OPERATORS TO MITIGATE THE IMPACTS OF WASTE AND WASTE DEVELOPMENT. THE FOLLOWING MAY BE CONSIDERED APPROPRIATE MATTERS FOR INCLUSION IN A PLANNING OBLIGATION WHERE RELATED TO THE DEVELOPMENT PROPOSAL:

- **HIGHWAYS AND ACCESS IMPROVEMENT AND HIGHWAY MAINTENANCE,**
- **TRAFFIC WEIGHT RESTRICTIONS,**
- **ENVIRONMENTAL PROTECTION AND ENHANCEMENT [INCLUDING LANDSCAPING, HABITAT AND SPECIES PROTECTION AND CREATION],**
- **PROTECTION AND/OR REPLACEMENT OF LOCAL, REGIONAL AND NATIONAL SITES OF ACKNOWLEDGED IMPORTANCE,**
- **REPLACEMENT OF IMPORTANT ENVIRONMENTAL AND LANDSCAPE FEATURES,**
- **PROTECTION OF LOCAL AMENITY,**
- **WASTE AWARENESS AND PUBLICITY CAMPAIGNS FOR THE LOCAL COMMUNITY,**
- **LOCAL WASTE MINIMISATION PROJECTS,**
- **REPLACEMENT OF LOCAL COMMUNITY FACILITIES, FOR EXAMPLE OPEN SPACE, SPORTS AND RECREATION FACILITIES,**
- **PROTECTION OF OTHER NATURAL RESOURCES, FOR EXAMPLE, THE WATER ENVIRONMENT,**
- **RESTORATION AND LONG-TERM MANAGEMENT OF SITE,**
- **AFTER-USE DEVELOPMENT, AND**
- **MONITORING.**

5.152 Waste development may not only affect the immediate area but also have wider environmental impacts. Planning obligations can address issues, which cannot be resolved by conditions, and may allow the development to go ahead where it would otherwise be refused. The nature of waste development may give rise to a requirement for planning obligations that make provision for highways and access improvements, ensure measures to protect and enhance the local environment and consider any other matters which may arise within a future area of waste development. Seeking environmental benefits and compensatory measures through planning obligations is consistent with the Waste Planning Authorities objective to secure sustainable waste management for Gloucestershire. The Waste Planning Authority recognises that benefits derived from planning obligations must relate directly to the proposed development, and therefore the following tests of Circular 1/97 'Planning Obligations' are to be met, in that where planning obligations are sought they should be:

- (i) necessary;
- (ii) relevant to planning;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development;
- (v) reasonable in all other respects.

5.153 Where highways issues arise that might prejudice a proposal for waste development, the Waste Planning Authority may enter into planning obligations with the operators for the traffic management. This may include new highways works and road maintenance directly related to the development.

5.154 Lorry movements should generally be restricted to the primary road network. The Waste Planning Authority is aware of the planning control difficulties when restricting the movement of lorries leaving and visiting waste sites. However, voluntary or formal agreements can be sought to

provide for traffic management solutions. The Waste Planning Authority may also seek to impose weight restrictions on vulnerable routes in the network.

5.155 Planning obligations will be considered as a means to mitigate other harmful affects of waste development. Reasonable measures will be secured to limit or offset the impacts of the development on sites of acknowledged nature conservation, landscape or historic importance