

Issue 3 Topic Paper

Whether the Core Strategy is consistent with National Policy

*Whether the policies are
consistent with and correctly
interpret national policy*

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Question 1: Green Belt

Question 3.1: Although a relatively small proportion of the County's land area is designated Green Belt, most of it is to be found within Zone C. Several policies either identify specific sites within the Green Belt for built waste facilities or indicate that this is an area of search for strategic scale facilities. Does this give appropriate guidance for subsequent site allocation and development management DPDs?

- 1.1 The Waste Planning Authority (WPA) considers that the Waste Core Strategy (WCS) (CD1.1) is consistent with national policy and in particular PPG2 (CD12.27), PPS10 (CD12.31) and the PPS10 Companion Guide (CD12.32). The evidence paper on Green Belt (CD10.12) outlines the approach that the WPA has taken with national policy. In the opinion of the WPA this has been interpreted correctly through the WCS (CD1.1) paragraphs 4.212 – 4.220 and Policy WCS10.
- 1.2 In relation as to why Green Belt land may have been considered in the locational analysis please refer to the response to Issue 2, Question 2.13 (CD13.12) as to how Zone C originated (Broad Locational Analysis - CD10.6) and the response why it was deemed the most appropriate strategy, is summarised in the WCS (CD1.1) paragraph 4.85.
- 1.3 The implications of the Green Belt designation on the emerging locational strategy within the WCS were considered in the evidence paper Broad Locational Analysis (CD10.6) (see paragraphs 154, 161-162, 166-167). From the responses to the Preferred Options consultation there was no clear preferred option for a locational strategy including that which might include using Green Belt land (pages 40-48 of CD3.2). Therefore the WPA decided to use the entire Zone C as the basis for the inclusion of Zone C within many of the WCS core policies, to allow for enough flexibility within the WCS but still directing strategic facilities towards the main source of arisings.
- 1.4 When the WPA began its search for suitable sites for the site options consultation it was in response to the Preferred Options consultation, particularly comments from Government Office for the South West (GOSW) (page 43 CD3.2) and South West Assembly (page 43-44 CD3.2). At the Preferred Options stage the WPA had not yet determined within any policy context whether to use the concept of Zone C or any variation of it as detailed within Preferred Options 7a-7d (pages 32-35 CD3.1) as a potential broad locational strategy.
- 1.5 Trying to establish a broad search within a DPD area does not necessarily mean that all land within it will be suitable for development. It is only when individual site

allocations are made that individual parcels of land will be investigated in detail. Gloucestershire is a predominantly rural county with many constraints against development for example over 50% of the county is designated as AONB. Whilst Zone C is clearly far from being constraint free, it broadly meets the prime locational requirement of being close to the waste arisings. When considering the Green Belt as a 'solid' block which could potentially be removed from Zone C there are in fact several small islands (particularly around Staverton and Gloucestershire Airport) containing potentially suitable industrial locations and also former WLP allocations. As Zone C is based upon a broad schematic diagram it would not be possible for example to remove the Green Belt, but leave the small islands. This added to the difficulty of subdividing Zone C because using a broad brush approach and excluding whole areas could have meant that potentially suitable sites were by default also excluded.

- 1.6 During the preparation for the Site Options stage in 2009 (CD4.1), outlined within CD10.17, the WPA reviewed over 300 sites initially within the whole of the County. This was a pragmatic approach which ensured that if Zone C did not later form part of the publication WCS, then sites outside of Zone C would not have been prejudiced. In summary, of these 300 sites, 110 were assessed for suitability, most of these were in non-Green Belt locations, but were considered unsuitable for other reasons and only 13 made the Site Options consultation. How 300 sites were narrowed to 110 sites and then later to 13 is detailed in CD10.17 and its associated appendices (CD10.18-CD10.127). These documents also contain details of what exclusion criteria were applied in order to reach the number of sites assessed. Throughout the search for sites the WPA paid due regard to paragraphs 20-21 of PPS10 (CD12.31) in relation to identifying suitable sites, giving preference to previously developed sites, industrial allocations and existing waste sites. Waste sites could be located within the Green Belt at such previously developed locations, provided that they do not conflict with the main purposes of the Green Belt as outlined in PPG2 (CD12.27). Furthermore the lengthy process undertaken by the WPA highlighted the fact that there were very few suitable and deliverable sites available within the county. The four sites listed within the WCS (CD1.1) for proposed allocations were in fact the only four sites considered by the WPA to be suitable and deliverable as strategic site locations within the entire county.
- 1.7 If a proposal for waste management comes forward within Zone C it does not mean that it would be suitable for development and/or gain automatic planning permission. As always every application is judged on its own merits and the developer has to demonstrate that the application will not compromise adopted policy, whether it is national or local policy. The requirement for development within Zone C is only applicable to sites of a strategic size and scale. Local sites may

come forward in any part of the County, provided that the proposal satisfies the criteria of the appropriate core policy. The policies of the WCS (e.g. Core Strategy policies WCS2, WCS3, (WCS3a, WCS13a - FC13, CD1.3) and some aspects of WCS4) would then form the guidance in the preparation of any subsequent site allocation on Development Management DPDs.

- 1.8 The WPA considers that the WCS provides sufficient guidance for subsequent DPDs and DC policies in respect to Green Belt, in particular Policy WCS10 and the specific key development criteria for the Wingmoor Farm East and West sites. This is discussed further in question 3.2 below.

Question 3.2 CD10.12 summarises national policy and guidance given in PPG2 and PPS10. Are policy WCS10 and the approach taken to the Wingmoor Farm sites in policy WCS4 consistent with the national approach?

- 1.9 The WPA considers that the sites allocated within the WCS that are located within the Green Belt, do not compromise PPG2 and PPS10. The paragraph within PPG2 (CD12.27), which is most applicable to this, is paragraph 3.13. PPS10 (paragraph 3 CD12.31) acknowledges the need to protect Green Belts, but importantly recognises the locational needs of some types of waste management facilities and details other material considerations to balance against the Green Belt when determining the need for the site as well as the wider environmental and economic benefits of sustainable waste management. PPS10 (CD12.31) and its companion guide (CD12.32) also discuss the possibility altering Green Belt boundaries through waste site allocations. For all allocations within the Green Belt the estimated lifespan of the sites is a critical issue and this is referred to in the Issue 5 topic papers (CD13.15).
- 1.10 Bearing in mind the identified needs for recovery highlighted under objective 3 of the WCS the four sites outlined provide a sufficient land allocation to meet those needs, provided that facilities come forward at these sites. If the Wingmoor Farm allocations were not allocated in the WCS the plan would potentially have insufficient sites allocated to meet fully the recovery requirements identified, resulting in the continuation of large quantities of waste being landfilled, contrary to the waste hierarchy. As demonstrated in the response report to the Site Options consultation (CD4.4) none of the other site options considered could be allocated for the reasons outlined. Therefore in the scenario where the Wingmoor Farm sites were not allocated in the WCS, the provision would have to meet from a combination of the remaining two site allocations and the criteria based elements of the plan.

- 1.11 When considering the response to Question 3.1 above it is clear that the WPA has searched the entire county for suitable sites and in order to prevent the allocation of undeliverable sites, the very special circumstances in relation to allocating sites within the Green Belt has been applied, in line with the guidance given within CD12.32. If the WCS is adopted the sites should operate in development plan terms as an island within the Green Belt as outlined within CD 12.32 paragraphs 7.34 and 7.35.
- 1.12 Assuming that the approach taken for the allocation of the Wingmoor Farm Sites is considered 'sound' the issue raised by the Inspector in CD13.1 is whether policy WCS10 correctly interprets national policy. In particular bullet 1 might be deemed unnecessary as the Wingmoor Farm allocations will be identified on the Proposals Map (CD1.8) and that the footnote to WCS10 is applied to the other Development Plan Documents prepared by the Local Planning Authorities. Therefore bullet 1 of policy WCS10 can be deleted if the Inspector considers it superfluous. The WPA considers that the other parts of WCS10 are consistent with national policy and guidance for the reasons outlined above.
- 1.13 It should also be noted that the 13 sites which were consulted upon became 4 sites after all of the issues were considered within the Site Options consultation response reports (CD4.3 and CD4.4). This addresses deliverability issues associated with the potential allocation of the sites, which included 2 of the 13 sites being withdrawn because the landowners no longer wished them to be included. PPS10 clearly emphasises the importance of only allocating deliverable sites (CD12.31 paragraph 18) and given that many of the sites allocated within the Waste Local Plan (WLP) (CD11.8) were not supported by the landowners and have subsequently been proven to be unsuccessful allocations as no waste developments have come forward on them and they have been difficult to safeguard.
- 1.14 In line with national policy outlined above the Green Belt sites at Wingmoor Farm have only been considered for final allocation within the WCS through very special circumstances. The four locations identified in the Plan were those remaining that had a combination of landownership/waste operator support (a key potential constraint to developments of a site) whilst striking a balance in the plan with potential planning and environmental constraints. In other words these were the only 4 sites that could be considered deliverable and therefore allocated within the WCS (CD1.1) from the Site Options consultation process.

2. Question 2: PPS10

Question 3.3 Is the safeguarding of all existing waste management sites in policy WCS8 without any regard to their environmental performance and/or location relative to other occupiers of land and/or buildings consistent with the guidance in PPS10?

- 2.1 The WPA believes that Policy WCS8 is in conformity with PPS10. The matter of safeguarding was discussed in Section 4 of CD10.11 in relation to sewage treatment works and pages 38-39 of the Preferred Options paper (CD3.1). How this was progressed within the Waste Core Strategy is discussed in the response report to Preferred Options (CD3.2 pages 52 - 54).
- 2.2 In relation to environmental performance, the Waste Planning Authority has to assume that a waste management site/facility is operating in accordance with all appropriate legislation and permits, as issued and regulated currently by the Environment Agency. This is confirmed within paragraph 27 of PPS10 (CD12.31) and paragraph 8.5 of the companion guide (CD12.32).
- 2.3 The intention of the policy is to prevent incompatible development occurring in locations that would be affected by or impact upon existing waste management facilities as outlined within paragraph 4.192 of the WCS (CD1.1). This is outlined within paragraph 33 of PPS10 (CD12.31) and the WPA believes that the policy will be an essential tool for all planning authorities to prevent encroachment of incompatible development near to waste sites. Thereby this should ensure that existing permitted waste management capacity is retained and not compromised by new (sensitive receptor) development, which might compromise the future operation of such a facility. This is also confirmed within section 8 of the companion guide (CD12.32), in particular within paragraph 8.4. There are around 150+ licensed waste management operations in Gloucestershire at any time. These could be listed (as was recommended by the Inspector) for the Waste Local Plan – Appendix 5 CD11.8). However, through experience of the Waste Local Plan this is a regularly changing situation as waste licences lapse or operations close or open. If the Inspector considered that this was a significant issue the WPA would include an updated list of waste management sites within the Annual Monitoring Report. However, this isn't a straightforward process to undertake now as the most definitive list was compiled for the 2009 Site Options consultation stage CD10.17 so may already have altered.
- 2.4 Clearly as existing waste management sites can be a dynamic process, this policy would need to be applied on a case-by-case basis. This might include the importance of the operation (for example if the waste site is a key element of recovery

provision), the particular nature of the other development proposed and the degree of potential conflict that may be envisaged. It ensures that incompatible development is not sited side-by-side and that any important waste management capacity is not compromised. The WPA considers that the policy is consistent with PPS10 in this regard.

Question 3.4 Is the ‘technology neutral’ stance of the Plan, in particular with respect to the allocated sites, a correct interpretation of paragraph 18 of PPS10?

- 2.5 The WPA is of the opinion that the WCS (CD1.1) correctly interprets paragraph 18 of PPS10. In relation to allocated sites the paragraph suggests that types of appropriate waste facilities should be identified whilst taking care not to stifle innovation. The WCS firstly identifies the type of waste that will be handled on strategic sites (Policy WCS4) and within the site schedules in the WCS (CD1.1 Appendix 5) (which in all cases is MSW and/or C&I). But further, the WCS is indicating appropriate types of recovery technology suitable for the sites, this approach will not stifle innovation, nor will it make a site undeliverable if any particular type of technology becomes outdated or no longer viable for a particular site. Paragraphs 4.58-4.72 of the WCS (CD1.1 Appendix 5) illustrates the current technologies available for the recovery of these waste streams, this has been derived from information contained within evidence paper CD10.10 and Government publications CD12.5 and CD12.20 - CD12.24.
- 2.6 WCS Policy 4 identifies the broad provision required for the recovery of MSW and C&I waste streams. The WCS is technology neutral insofar that the policy allows for a range of technologies to come forward on a site allocated in the plan. The site allocations have been appraised (Site Options Paper CD4.1) at a suitable level of detail for the WCS, to ensure that they are broadly suitable for such recovery uses. However, that doesn't mean every planning application would be suitable and indeed there are certain key development and inset criteria (WCS (CD1.1) Appendix 5) which any proposal would need to take account of, which has been developed from the site appraisals (see CD4.1, CD10.17 and associated appendices CD10.18-CD10.127). In addition all policies in the WCS and the remaining saved Waste Local Plan policies (these will be replaced by a subsequent Minerals & Waste Development Control Policies DPD (M&W DC DPD) would need to be met. On a case-by-case basis that could mean a particular detailed proposal for a certain type of technology might not be suitable in a given site. However, the WCS has not made any specific distinction in that regard.
- 2.7 The context of MSW is slightly different in that the scale and technology is a matter for the Waste Disposal Authority (WDA) and is sought through the specification of

the waste management contract. The approach was technology neutral until 16th March 2011 (paragraph 8 of CD13.21) which considered the strategic reappraisal of the residual waste project. The emerging solution indicated within paragraph 7 of the County Council Cabinet report of 14th December 2011 (CD13.21) would now appear to be incineration with energy generation, which could be potentially suitably accommodated through the general policy approach in WCS4 or at any of the 4 sites proposed to be allocated.

- 2.8 The WPA has considered these issues raised through the impact of different technologies insomuch as they relate to the WCS and provided consideration of this issue in the Regulation 30 Statement of Representations and Key Issues (CD 1.11 paragraph 4.84 – 4.88).
- 2.9 In summary the WCS identifies strategic sites for recovery facilities and provides enough flexibility for a range of waste management processes to come forward. The WPA considered that it would be inappropriate to make technology decisions within the WCS; there is no policy encouragement for such an approach and beyond the MSW contract, which is not a planning matter, there is no evidence to support such an approach. The WPA concludes that the WCS is in conformity to paragraph 18 of PPS10.

3. Question 3: Policy WCS9

Question 3.5 Is this policy wording consistent with PPS25?

- 3.1 The national policy approach as relevant to the WCS is outlined in the evidence paper on flooding (CD10.133) (in particular Section 4 in relation to PPS25 and section 5 which outlines progress on the SFRA for Gloucestershire). At Preferred Options the Environment Agency (EA), in particular identified that the lack of a flood risk policy could result in an objection to the WCS (CD3.2 page 66). It was considered that a policy on flood risk should be included in the WCS and Regulation 30 Statement of Consultation (CD1.10) at page 19 states that Policy WCS9 – Flood Risk is consistent with national policy, as it amplifies it and highlights the particular relevance of flooding to the county of Gloucestershire.
- 3.2 Comments were raised by New Earth Solutions at Publication Stage in relation to consistency with national policy (namely PPS25) and the WPA provided justification in the response schedule as to why it disagreed with the comments raised and why it felt that the policy was in accordance with national policy (please refer to pages 105-106 of the Publication Response Schedule CD6.1).
- 3.3 Comments were also raised by Cory Environmental at Publication Stage in relation to consistency with national policy and whilst the WPA still believe that the policy was in accordance with national policy, Focused Change 30 (page 37 of CD1.3) was recommended partially in response to these comments and to help clarification within the policy (please refer to pages 153-154 of the Publication Response Schedule CD6.1).
- 3.4 In relation to this policy it is important to note that the Environment Agency (EA), the statutory consultee for issues relating to flooding, were fully supportive of the proactive approach made through the policy and made a recommended addition to enhance the policy further, which was incorporated into FC30 (see page 300 of the Publication Response Schedule (CD6.1) and page 37 of the schedule of Focused Changes (CD1.3). Most consultation stages for the Waste Core Strategy occurred post the extreme flooding events of 2007 and it is considered that there are such exceptional circumstances within the County that a local flood policy is required. The EA re-emphasised this point within their responses to the Publication WCS (CD1.1) (see Publication Responses CD1.14) and indicated that there was a need in such instances to achieve the aims through local policies. At no point did the EA suggest the policy was contrary to national policy. The WPA considers that Policy WCS9 provides the proactive application of a key issue for Gloucestershire which is consistent with national policy aims to safeguard areas of flood risk from incompatible development.

4. Question 4: Policy Omission

Question 3.6 Would the CS be unsound without inclusion of reference either in policies or by new policy of PPS5 policy HE2.3?

- 4.1 The WPA considers that the WCS (CD1.1) is in conformity with national policy in relation to heritage assets, particularly paragraph 4.32 of PPS12 (CD12.33), which states that national policy should not be replicated. The only exception to this might be where there is a unique local dimension stemming from a national policy issue, or the matter may be of overriding local importance. A good example of this is the matter considered in Question 3.5 above. The WPA had considered archaeological and historic assets and the appropriate policy base to be considered in the WCS in CD10.136 (July 2009). However PPS5 was published after that in 2010 and subsequently provides the national policy for planning and the historical environment (CD12.28). Historic environment issues were raised by English Heritage at the Publication Stage of the Waste Core Strategy and the WPA was able to address these issues in the consultation response (Please refer to pages 356-360 of CD6.1). In addition the WPA recommended Focused Change FC41 in order to more clearly define the heritage assets relevant to the strategic site allocation (Please see page 47 of CD1.3).
- 4.2 Although the WPA acknowledges the point made by English Heritage during consultation on the Focused Changes (CD1.15) that the evidence paper was written prior to the publication of PPS5, the issues relating to non-designated heritage assets are already adequately provided for by the saved policies 29 and 31 of the Waste Local Plan (CD11.8) which will eventually be replaced by the subsequent Minerals & Waste Development Control Policies DPD (M&W DC DPD) as indicated in the Minerals and Waste Development Scheme (CD11.1). As already outlined within the above mentioned consultation response, issues relating to heritage assets rarely arise in the consideration of waste planning applications within Gloucestershire. Therefore the evidence base suggests that this is not a core issue for the WCS to address.
- 4.3 The WPA considers that the proposed M&W DC DPD is the appropriate location for any policies dealing with more local issues. In terms of consistency with PPS5 (CD12.28) policy HE2.3, the WPA consider that this is adequately addressed in the WCS through paragraphs 2.8 and 4.248 – 4.253. This in turn highlights the evidence paper Archaeology and the Historic Environment (CD10.136) which provides the background to the matters outlined under PPS5 policy HE2.3.