



# Minerals & Waste Core Strategies

Joint Technical Evidence Paper

WCS-MCS-7

Implementation & Monitoring

Living Draft

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## **Section 1**

### **Introduction**

1. This report supports Gloucestershire's Minerals and Waste Core Strategies and is part of the evidence base.
2. The purpose of this report is to introduce the statutory monitoring requirements and discuss how Gloucestershire County Council is implementing these requirements in relation to the Minerals and Waste Core Strategies.
3. Appendix 1 to this report outlines the County Council's responsibility in relation to monitoring and enforcement of minerals and waste developments.

## Section 2

### Local Development Framework Monitoring

4. Review and monitoring are key aspects of the new Local Development Framework system. Annual monitoring is also a statutory requirement. All planning authorities must prepare Annual Monitoring Reports (AMRs) containing information on the preparation process for their local development frameworks, including minerals & waste development frameworks.
5. The AMR should review the extent to which policies set out in development documents are being achieved.
6. Monitoring is thus an essential part of delivering a successful Minerals and Waste Development Framework (MWDF) for Gloucestershire. By providing feedback on plan preparation and policy implementation, annual monitoring enables a comprehensive evidence base to be developed against which the policies contained in development plan documents can be assessed.
7. This system reflects the Government's approach to the planning system of '*plan, monitor, manage*' and will help identify key challenges and opportunities for the future with regard to minerals and waste development in Gloucestershire.
8. The key legislation and policy regarding local development scheme monitoring are highlighted below.
9. Regulation 48 of The Town and Country Planning (Local Development) (England) Regulations 2004 which requires the preparation by the Local Planning Authority of an annual monitoring report. (This is the County Council as the Minerals and Waste Planning Authority in two-tier authority areas.)
10. Section 35 of The Planning and Compulsory Purchase Act 2004, which requires local planning authorities to report annually to the Secretary of State on the implementation of their local development scheme and whether the policies in the local development documents are being achieved. The Act also provides powers for the Secretary of State to make regulations prescribing what information an annual report must contain, the period it must cover, when it must be made and the form it must take.
11. Planning Policy Statement 12 (PPS12) which sets out the Government's policy on the preparation of local development documents which will comprise the local development framework.
12. Creating Local Development Frameworks A Companion Guide to PPS12 which is intended to assist those involved in local development framework preparation, particularly local planning authorities. It is concerned with providing practical guidance on the preparation of local development documents.
13. Local Development Framework Monitoring: A Good Practice Guide which aims to explain how the local development framework monitoring requirements of the

Act, the Local Planning Regulations, the SEA Regulations and Planning Policy Statement 12: Local Development Frameworks can be achieved by local planning authorities.

14. An Update to Local Development Framework Monitoring: A Good Practice Guide, published in October 2005, which replaces Table 4.4 and Annex B of the Guide. It updates the detailed description of Local Development Framework Core Output Indicators.
15. Regulation 48 of The Town and Country Planning (Local Development) (England) Regulations 2004 sets out the key issues an AMR must address and are shown below.
16. **The Key Monitoring Tasks for AMRs**
  - Review the 'actual' progress of local development documents against the timetable and milestones of the approved Local Development Scheme (i.e. Gloucestershire Minerals & Waste Development Scheme);
  - Assess whether policies and targets in local development documents have been met or progress is being made towards them or, where they are not being met or not on track to being achieved, the reasons why;
  - Identify the impacts of policies in local development documents on national and regional policy targets;
  - Assess whether policies in local development documents need adjusting or replacing because they are not working as intended and / or as a

consequence of changes in national and regional policy;

- Identify the significant effects resulting from the implementation of policies in local development documents and their impact upon the social, environmental and economic objectives by which sustainability is defined, and whether these effects are as intended.

### ***Minerals and Waste AMRs in Gloucestershire***

17. Gloucestershire has now produced three AMRs, the most recent represents the April 06 to March 07 monitoring period.
18. The AMR process for Gloucestershire is based upon the planning monitoring regime of 'objectives-indicators-targets'. This approach is advocated by national guidance as set out in Local Development Framework Monitoring: A Good Practice Guide.
19. Defining clear objectives to be measured against a combination of indicators and targets is the mechanism for delivering the monitoring framework. The results of this exercise will provide the information to inform the evidence base for future minerals and waste policy work.
20. The **Monitoring Objectives (MOs)** used in the latest AMR represent an evolution of those used previously in annual monitoring reports. The objectives align themselves with those of the Sustainability Appraisal Framework applied to the preparation of emerging documents for the MWDF.
21. This evolution has occurred to allow for a smooth transition between monitoring of the

old style local plans and the new Minerals and Waste Development Framework. It is envisaged that the monitoring objectives will evolve further for future AMRs to reflect the new DPDs as they become adopted.

22. **Contextual Indicators (CIs)** establish what is currently happening in terms of minerals and waste developments in Gloucestershire. For the AMR they are presented as a series of headlines, which provide socio-economic, environmental and demographic information relevant to minerals and waste policies and strategies that are currently in operation.
23. **Output Indicators (OIs)** aim to measure quantifiable impacts and events, which are directly related to the delivery of minerals and waste policies and strategies. There are two types of OIs;
  - **Core Output Indicators (COIs);** and
  - **Local Output Indicators (LOIs).**
24. **Core Output Indicators (COIs)** are a requirement of all AMRs and should provide a clear and consistent data source across local authorities for strategic level monitoring by national and regional planning bodies. There are currently four COIs for minerals and waste.<sup>1</sup> These are:
  - *Production of primary land won aggregates.*
  - *Production of secondary / recycled aggregates.*
  - *Capacity of new waste management facilities by type; and*
  - *Amount of municipal waste arising, and managed by management type, and the*

<sup>1</sup> These are currently under review by DCLG and any revisions are due to be published in early 2008.

*percentage each management type represents of waste managed.*

25. **Local Output Indicators (LOIs)** – provide more specific information on the monitoring of local plan policies. The results of these indicators play a major role in providing the evidence base for preparing spatial policies and strategies for emerging DPDs. The combined OIs represent the delivery of the monitoring framework. They provide the picture of how minerals and waste policies are being implemented. Through the use of revised monitoring objectives in the latest AMR, the combined OIs should also give an indication as to the current level of ‘sustainability’ of new minerals and waste developments in Gloucestershire.

#### **Partnership Working**

26. Involving key monitoring stakeholders is essential for developing a robust dataset to underpin the AMR process.
27. The key monitoring stakeholders involved with the Minerals and Waste AMR are:
  - Cheltenham Borough Council
  - Cotswold District Council
  - Environment Agency
  - English Heritage
  - Forest of Dean District Council
  - Gloucester City Council
  - Government Office for the South West (GOSW)
  - Highways Agency
  - Natural England
  - South West Regional Assembly (SWRA)
  - Stroud District Council
  - Tewkesbury Borough Council

A draft version of the AMR is sent to each monitoring stakeholder, prior to the formal submission of the AMR to the Secretary of State in December each year.



## Section 3

### Preferred Options Implementation and Monitoring

28. Establishing clear mechanisms for implementing and monitoring is a fundamental part of the Core Strategies and represents one of the tests of soundness for adopting the strategy for Gloucestershire.
29. This section outlines the County Council's proposed mechanisms for delivering the Core Strategies and for monitoring its effectiveness.
30. It will also look at the preferred options identified within the Core Strategies and discuss how these can be beneficially monitored through the Annual Monitoring Report (See Section 2).
31. The successful delivery of the core strategies will ultimately be dependent upon the County Council as the Planning Authority carrying out its statutory functions for Gloucestershire.
32. A key implementation tool will be the successful formation of partnerships between the relevant key stakeholders. These have been indicated within the relevant strategic objectives along with key actions.
33. The strategic objectives within the two core strategies are ideally suited to be eventually

combined with the sustainability objectives currently monitored within the AMR to monitor the effectiveness of plan policies. Therefore suitable output indicators for effective monitoring of the preferred options proposals will also be discussed within the appropriate strategic objectives.

34. The Visions contained within each of the Preferred Options documents encompasses all of the strategic objectives within each document. As discussed above the strategic objectives will be monitored in the AMR through suitable output indicators and therefore any key findings or conclusions relating to the strategic objectives will combine to monitor the respective visions.

#### Minerals Core Strategy

##### Strategic Objective – Provision & Supply

35. *“To ensure that appropriate provision is made for the supply of minerals to meet national, regional and local requirements including the Gloucestershire apportionments of crushed rock and land-won sand & gravel. Full account must be given to – local environmental capacity; availability of workable and viable resources; and market conditions.”*
36. Determining the future provision for aggregates from Gloucestershire requires an apportionment exercise for both crushed rock and sand & gravel. This action is the responsibility of the **Regional Planning Body (RPB)** supported by the **South West Regional Aggregate Working Party (SWRAWP)** and the **Minerals Planning Authorities (MPAs)** of the South West

region.

37. However, delivering the local apportionment for Gloucestershire may require a review at the sub-regional level. The **Regional Planning Body** would need to take a strategic lead in this instance, supported by the mineral planning authorities (MPAs) of **Gloucestershire, South Gloucestershire, North Somerset, Somerset, and Wiltshire & Swindon**.
38. Where the provision & supply strategy for the MCS recognises a need for future mineral site allocations, survey information will need to be brought forward to the County Council by the **minerals industry, statutory agencies such as the Environment Agency and Natural England** and **other interested local stakeholders**.
39. The Preferred Options document subdivides the strategic objective for provision and supply into five broad areas: Crushed Rock; Sand & Gravel Provision; Sand & Gravel Locations; Clay; Natural Building & Roofing Stone and Coal. Within each of these areas one or more options are proposed.

The Core Output Indicator (COI) **Annual production of primary land-won aggregates (Crushed Rock and Sand & Gravel)** would partially monitor this objective, but additional Local Output Indicators (LOIs) would be required to ensure that the objective is effectively monitored.

#### *Crushed Rock*

40. The overall annual production figures for crushed rock would be displayed within the COI above. However, these figures would need to be expanded depending upon which of the 3 options for crushed rock were to be selected. At least two LOIs would be required. The first could display the production figures divided between the production areas. The second could display the permitted landbank reserves and estimate how many years these are likely to last. It is possible that the option selected could also involve more joint working with neighbouring authorities within the region and therefore it may be appropriate to also monitor the production figures of these authorities.

#### *Sand & Gravel Provision*

41. Sand & Gravel, like Crushed Rock above, is partially monitored by the COI, but would require additional LOIs to ensure effective monitoring. This could also involve at least two LOIs with the first displaying the production figures divided between the production areas. The second could display the permitted landbank reserves and estimate how many years these are likely to last. It is possible that the option selected could also involve more joint working with neighbouring authorities within the region and therefore it may be appropriate to also monitor the production figures of these authorities.

#### *Sand & Gravel Locations*

42. The options relating to Sand & Gravel locations will provide locational options for delivering the preferred options relating to sand & gravel provision and these will be

monitored through the LOIs relating to sand & gravel provisions.

#### *Clay*

43. LOIs would be required to monitor the clay preferred option. Suitable indicators could reflect the current permitted reserves, the annual production figures and estimations of how long the current permitted reserves are likely to last.

#### *Natural Building & Roofing Stone*

44. LOIs would be required to monitor the Natural Building & Roofing Stone. Current permitted reserves and annual production figures are useful indicators, but these figures could be misleading, as they do not reflect the diversity of the quality, colour and suitable uses for the permitted reserves. As a result further indicators that consider the remaining permitted reserves of particular stone types would prove useful. Remaining reserves could also be measured against their respective annual production figure to determine how long they may last. Surveying individual building stone operations should provide the necessary information on Gloucestershire's supply.

#### *Coal*

45. Coal production and reserves within the county have not been monitored in the past through the AMR process. This has been due to the small-scale, and often very intermittent nature of working, undertaken by a number of independent operators. Any worthwhile local indicators would need to be prepared in consultation with key third party organisations such as the Forest of Dean Freeminers Association who collectively represent local operators and the Deputy Gaveller, hold the official register of

freeminers in Gloucestershire.

### **Strategic Objective – Reuse & Recycling**

46. *“To promote the maximum reuse and recycling of materials in preference to primary minerals, particularly where transportation is kept to a minimum and the handling and processing of recyclates will not have an adverse impact on the environment or prejudice site restoration.”*
47. The future strategy for managing Gloucestershire's waste is prepared by the County Council as the **Waste Planning Authority (WPA)**. A key driver for this strategy is the Waste Hierarchy, which promotes waste minimisation, re-use and recycling ahead of disposal.
48. A supplementary planning document, covering the issue of waste minimisation in development projects already operates in Gloucestershire. It actively promotes the reuse and recycling of waste including as an alternative to construction minerals. Implementing waste minimisation requires co-ordinated and consistent decision making by **District Planning Authorities**, and the **County Council**, supported by **developers** and the **waste industry**.
49. For monitoring purposes the COI **Annual production of secondary / recycled aggregates** is most appropriate to this objective.
50. This objective is also closely linked to Strategic Objectives A and B of the Waste Core Strategy Preferred Options (WCSP0) document (this will be discussed later in this section) and it is likely that some of the

LOIs used to monitor the WCS Strategic Objective will also be applicable to this objective. Therefore it may be appropriate to monitor this objective in conjunction with Objectives A or B of the WCSPO document.

51. Additional LOIs that may be applicable to this strategic objective have been discussed in the paragraphs relating to the Waste Core Strategy Strategic Objectives A and B further on in this section.

#### **Strategic Objective – The Environment**

52. *“To seek the protection, and where appropriate, the enhancement of land that could be affected by mineral working, which has been internationally, nationally, regionally and locally designated on environmental and landscape grounds.”*
53. Determining mineral planning applications by the County Council as the Minerals Planning Authority (MPA) will be the principal mechanism for assessing the appropriateness of new proposals within the environment. However, a close working relationship will need to be nurtured with **statutory agencies** in dealing with specific technical matters. The same approach will also be required where future mineral site allocations are considered.
54. This objective has similar aims to Strategic Objective C of the WCSPO document and there may be a possibility to combine these two objectives for monitoring purposes.
55. Two LOIs that have been monitored in previous AMRs are ***the number of minerals and waste proposals determined upon international, national***

***and local environmental designations and the number and % of minerals and waste refusals where environmental matters such as landscape and historic concern, were cited in the refusal reasons.*** Both of these LOIs would be effective indicators for this objective.

56. There could also be the possibility of developing an indicator that monitored the provisions being made for environmental protection within new permissions.

#### **Strategic Objective – People**

57. *“To secure sound and enforceable working practices, which will minimise adverse impacts on local communities and businesses and will be systematically monitored”*
58. As with the strategic objective – The Environment, determining mineral planning applications by the County Council, as the Minerals Planning Authority (MPA) will be the principal mechanism for ensuring local amenity is protected with new proposals. Through this process **District Environmental Health Officers (EHOs)** and other health protection agencies such as the **Environment Agency (EA)** and the **Local Health Authority** will need to play an active and supportive role.
59. The protection of local amenity from the adverse impacts of mineral development is key to this objective. A LOI used in previous AMRs (***The number and % of minerals & waste permissions, which include conditions relating to: Noise; Hours of Operation; and Amenity***) is most

appropriate to effective monitoring of this objective.

### Strategic Objective – Reclamation

60. *“To secure the highest possible standards and quality of mineral restoration and aftercare for worked-out mineral workings, taking a spatial view of after use opportunities for – biodiversity, geodiversity, agriculture, public access, regeneration, contributing towards reducing climate change impacts, and ensuring aerodrome safeguarding”*
61. Securing successful restoration of worked out mineral sites will require a significant degree of partnership working to ensure that post-mineral proposals will deliver maximum spatial benefits for the area concerned. However, a careful balancing act must be achieved where competing interests are present. Furthermore, implementing successful restoration strategies will require all stakeholders to be fully engaged and supportive including – **landowners, local communities, the mineral industry, statutory agencies, interest groups and where relevant future developers.**
62. A LOI that has been previously used in the AMR will broadly monitor this objective ***The number and % of mineral permissions that include conditions concerning the delivery of mineral restoration schemes.***
63. This objective present an opportunity to develop a LOI that looked in detail and restoration schemes proposed on new mineral development sites. Another

possibility is to develop an indicator to monitor restoration at sites that have ceased operations during the monitoring period. This could be linked to the work of the DC monitoring team.

64. Both of the preferred options presented for this strategic objective refer to ‘key spatial priorities’ and once established these may also present opportunities to develop additional LOIs.
65. **Strategic Objective – Resource Management**
66. *“To manage the county’s remaining mineral resources in a coordinated and efficient manner so as to ensure that future development will not result in mineral sterilisation; that where minerals are worked they are put to their most practicable and optimal use; and that the amount of waste produced is minimised.”*
67. Clearly identifying viable and potentially workable minerals resources will be fundamental to their safeguarding for future use. Although the County Council, as the Minerals Planning Authority (MPA) has some geological information and records, determining the viability of future resource areas will require the cooperation of the **minerals industry** and the **British Geological Survey (BGS)**. Implementing a workable safeguarding policy for mineral resources will also require early liaison between the County Council and **District Planning Authorities** to ensure prospective developers are aware of the issue.

68. Previous AMRs have monitored the numbers of proposal (both minerals and non-minerals) that have been permitted or refused upon both the identified preferred sites and outlined mineral safeguarding area in the adopted Minerals Local Plan. It may prove effective to continue using similar local output indicators as an effective measure to monitor whether any mineral sterilisation has occurred. The local output indicator would need to reflect any amendments or additions to the areas that may arise through the course of adopting the minerals core strategy.
69. New LOIs could be developed to monitor conditions attached to planning permissions to determine whether the most efficient use of the mineral resource is being achieved and whether they are provisions in place to ensure the minimisation of mineral waste production on site.

#### **Strategic Objective – Transport**

70. *"To reduce the impacts of hauling minerals by road and encourage more sustainable forms of transport, including necessary improvements to infrastructure."*
71. The assessment through mineral planning applications represents the most logical time in which to ensure minerals are transported in a safe and environmental acceptable manner. In this instance specialist advice from the County Council as the **Local Highway Authority (LHA)** and where relevant the **Highway Agency (HA)** will be required.
72. However, longer-term policy support for facilitating more sustainable transport

infrastructure such as rail, sea and inland waterways will require a degree of collaborative working between the County Council's **Local Highway Authority (LHA)**, **rail and wharfage operations** and **District Planning Authorities** through their local policy function. A clear and consistent approach taken by these stakeholders should ensure existing and future rail, sea and waterway infrastructure are safeguarded and effectively utilised.

73. This objective is also linked to the WCSPO strategic objective D and for monitoring purposes it may be appropriate to combine the objectives to avoid repetition.
74. The previous AMR monitored transport issues through a LOI ***The number and % of minerals & waste permissions that included one or more of the following highway conditions: Restricted vehicle numbers; Restricted tonnages; Restricted routings; and Highway mitigation measures – the need for Wheel washing, lorry sheeting etc.*** Although some of these restrictions also relate to public amenity, this LOI is more appropriate to partially monitor this objective because it is associated with protection of the public highway.
75. Other LOIs may need to be developed to monitor other aspects of the objective such as looking at how many new mineral permissions made provisions to encourage more sustainable transport methods, or whether any necessary improvements were made to the infrastructure as a result of Section 106 agreements associated with new permissions.

## **Waste Core Strategy**

### **Strategic Objective A**

76. *"To influence Gloucestershire's residents to reduce the amount of waste they produce through raising awareness of waste issues. And then subsequently to encourage them to view any waste they do generate as a resource for which they must take communal responsibility"*
77. Objective A will be achieved by ensuring that waste issues are considered as part of, and incorporated into, new development proposals. A number of methods will be employed:
- The Waste Minimisation supplementary planning document is a key proactive mechanism for implementation. All local planning authorities are required to make planning decisions in accordance with this document.
  - The Waste Disposal Authority (in conjunction with the Waste Collection Authorities) is proactively educating residents as to the benefits of recycling and home composting. This strategy is supported by the Waste Planning Authority through joint awareness raising initiatives.
  - A network of local waste transfer, recycling, composting facilities will make residents aware that the waste they create does not disappear once it is collected from their doorstep. Proximity of facilities to sources of arisings will help to reinforce this reality.
  - The Community Strategy has a key role to play in this respect and both the Disposal Authority and the Planning

Authority are working with the Local Strategic Partnership (and subsequent Local Area Agreement preparation) to ensure that waste issues feature in the strategy.

78. Previous AMRs have monitored the number of waste minimisation statements that have been submitted as part of applications for major developments across the county. This would also be a suitable LOI for future AMRs to monitor Strategic Objective A.
79. As previously mentioned (see paragraphs 46-51), this strategic objective is also linked to the Minerals Core Strategy Preferred Options (MCSPPO) strategic objective on Reuse & Recycling and there may be an opportunity to combine the two objectives for AMR monitoring purposes.

### **Strategic Objective B**

80. *"To make the best use of Gloucestershire's waste by encouraging competitive markets for good made from recycled materials and obtaining a benefit (value) from left over (residual) waste materials."*
81. Objective B will be delivered by:
- Supporting the activities of Gloucestershire First - the countywide economic partnership established to develop and support the economic well-being of the county. It brings together partners in the field of economic development to contribute to an overall strategic plan for the county. Recently established enterprises include an initiative in Stroud where there are plans to implement a wood recycling business. This is based on a

social enterprise in Brighton which sells used wood back to the public.

- Regeneration is a central function of the County Council's re-shaped Environment Directorate. The Waste Planning Authority will make full use of this by working with internal partners to encourage the location of markets (manufacturing industries) for recycled materials proximate to the waste facilities that process them.
- Value from left-over waste will be obtained by converting the material into energy (possibly through combined heat and power). The Joint Municipal Waste Management Strategy Residual Procurement Plan will inform the most appropriate technologies for Gloucestershire to adopt. The Waste Disposal Authority are therefore the main means of implementing the second part of this objective.

82. The two COIs relating to waste are applicable to this strategic objective ***Annual capacity of waste management facilities by waste type and Amount of municipal waste arising, and managed by management type, and the percentage each management type represents of waste managed.***
83. This objective is subdivided into three areas (Recycling and Composting; Markets for Recyclates and Recovery) and additional LOIs will need to be developed to ensure that all aspects of the objective are monitored.

#### *Recycling and Composting*

84. This section of the objective will mainly be monitored by the core objectives, but there

may be scope to develop a LOI based on the individual criteria of the policy that is selected.

#### *Markets for Recyclates*

85. This area of the strategic objective has not previously been monitored through the AMR process and developing a meaningful LOI may require partnerships with a third party organisation to assist with data collection.

#### *Recovery*

86. This area will be reflected in the data displayed for the COI relating to capacity.
87. The most recent AMR also monitored energy recovery from waste - ***Energy capacity in mega watts from landfill and the % this represents of total renewable energy capacity from Gloucestershire*** and this LOI could be used to monitor the recovery section.
88. There may also be an opportunity for partnership working with a third party such as the WDA to develop further LOIs applicable to this area of the strategic objective.

#### **Strategic Objective C**

89. *"To preserve and enhance the quality of Gloucestershire's environment and to avoid undesirable environmental effects, including risks to human health and unacceptable impacts on designated landscapes / nature conservation sites.*
90. Objective C is based on protecting people and other assets – health, landscape,



biodiversity, environment etc. As such there are numerous potential tools for delivering this objective:

- The County's determination of planning applications is the principal mechanism for determining the appropriateness of built and operational development.
- The Waste Planning Authority will work closely with the Environment Agency to protect the environment from pollution and to avoid exacerbating flood risk issues.
- Nature conservation interests will be safeguarded through partnership working with Natural England, the Gloucestershire Wildlife Trust and the County's Ecologist.
- Partnership working with AONB Management Boards should help to ensure that nationally important landscapes are safeguarded whilst the needs of local communities for vital infrastructure are sensitively met.

91. This strategic objective is closely linked to the MCSPO strategic objectives relating to *The Environment* and *People* as mentioned in paragraphs 52-59 and there may be an opportunity to combine these objectives for monitoring purposes.

92. Previously used AMR LOIs would be appropriate for this objective, these are:

- ***The number and % of all permitted minerals and waste applications that were for operational 'improvements' to existing sites that would reduce the risk to public health;***  
***The number and % of all minerals and waste refusals where public***

***health concerns acted as part of the reason for refusal;***

- ***The number and % of minerals & waste permissions, which include conditions relating to: noise; hours of operations; and lighting***
- ***The number and % of minerals and waste refusals where amenity was cited within the reason for refusal;***
- ***The number of minerals and waste proposals determined upon international, national and local environmental designations;***
- ***The number and % of minerals and waste refusals where environmental matters such as landscape and historic concern, were cited in the refusal reasons;***
- ***The number and % of minerals & waste approvals that included conditions concerning pollution control; and***  
***The number and % of all minerals & waste refusals where environmental protection acted as part of the reason for refusal.***

#### **Strategic Objective D**

93. *"To reduce the environmental impacts of transporting waste by managing the majority of Gloucestershire's waste within a reasonable distance from its source of arising, and to encourage the use of sustainable means of transporting waste."*

94. Objective D is directly related to locational issues in terms of proximity to waste arisings. It therefore closely links with

Strategic Objective E. It will be delivered by:

- Focussing the spatial strategy on proximity of strategic waste facilities to sources of arisings.
  - Delivering the draft RSS Policy W2 search criteria as part of the WCS's spatial strategy (see Technical Evidence Paper WCS-C 'Broad Locational Analysis').
  - Determining planning applications in accordance with this strategic objective.
  - Having regard to the Regional Freight Hierarchy and the Gloucestershire Advisory Freight Route Map (see Joint Technical Evidence Paper WCS – MCS 1 'Transport').
95. There are elements of this strategic objective that relate to the MCSPO strategic objective on transport and it is possible that general transport LOIs would be suitable to monitor both objectives.
96. The previous AMR contained a LOI that related to the amenity protection and highway safety aspect of transport ***The number and % of minerals & waste permissions that included one or more of the following highway conditions: restricted vehicle numbers; restricted tonnages; restricted routings; and highway mitigation measures – the need for wheel washing, lorry sheeting etc.***
97. Additional LOIs could be developed to monitor the sustainability of the waste being managed in Gloucestershire.
98. **Strategic Objective E**
99. *"To co-locate similar or related facilities on existing waste sites or previously developed sites in preference to undesignated greenfield locations (where appropriate) and to safeguard such land from development that may prevent this use."*
100. Objective E further links to the search criteria of Strategic Objective D and in doing so assists the aims of Strategic Objective C. This will be delivered by:
- Adopting a spatial policy approach in the WCS that steers waste development away from greenfield locations, unless such locations can be demonstrated as being sustainable for the circumstances in which the facility would operate.
  - Making representations to local planning authorities where there may be a conflict of land-uses to proactively safeguard waste infrastructure (both existing and future).
  - To co-locate complementary facilities together, reflecting the concept of resource recovery parks, where the cumulative impact is not unacceptable on the host location (see Technical Evidence Paper WCS-L 'Cumulative Impact').
101. This objective could be monitored by adapting the existing AMR LOI ***The number and % of minerals and waste developments permitted upon existing sites or Preferred Areas identified within the adopted Minerals and Waste Local Plans (MLP & WLP)***. The revised LOI would need to monitor whether new permissions were granted upon greenfield sites and previously developed brownfield sites. This LOI needs to be further

amended to reflect the Secretary of State's Direction on the Waste Local Plan, which removes the preferred allocations for waste management uses from the development plan.

102. Until new parcels of land are identified in a DPD the LOI could relate to waste facilities permitted on existing sites or in proximity to related/similar operations (for example other B2 use industries). Additionally, the number of non-waste uses that are refused on sites currently carrying out waste operations would assist in monitoring the safeguarding element of the objective.

# Appendix 1

## Development Control Monitoring and Enforcement

103. Under the Town and Country Planning Act 1990 (as amended), the County Council is responsible for monitoring and enforcing planning control for minerals and waste development.
104. The onus is on the operator to implement planning permissions and attached conditions. As Minerals and Waste Planning Authority (M&WPA) the County Council has the power to enter land to carry out monitoring and enforcement site visits
105. The Town and Country Planning (Fees for Application and Deemed Applications) (Amendments) (England) Regulations 2006 makes provision for M&WPAs to charge for minerals and landfill monitoring site visits. The potential to recoup some of the cost of carrying out site monitoring will assist greatly with the implementation of a proactive system.
106. The Monitoring and Enforcement team carry out both reactive and proactive monitoring.

### ***Reactive Monitoring***

107. The operation of mineral and waste sites can give rise to complaints from local residents or adjacent landowners.
108. The County Council's approach to dealing with complaints and carrying out enforcement action aims to be reasonable,

fair and consistent.

109. The benefits of a consistent approach are:
- Ensuring public and environmental protection,
  - To clarify procedures and priorities,
  - To avoid loss of confidence in the planning system, and
  - To be fair and reasonable to all parties. All complaints related to minerals and waste activity will be investigated by the Monitoring and Enforcement team.
110. The Authority can only monitor and enforce planning permissions which they have granted, as well as dealing with breaches of planning control related to minerals and waste development in the County. The Authority is not able to monitor and enforce on planning permissions granted by other local authorities.

### ***Proactive Monitoring***

111. All mineral and landfill sites will receive at least one chargeable site visit per annum, this will aim to monitor all conditions attached to relevant planning permissions.
112. In addition to chargeable site monitoring the team for a variety of reasons may make non-chargeable site visits to sites that do not fall into the chargeable monitoring scheme.

The aim of the County Council's Monitoring & Enforcement visits is to:

- Ensure that quarries and waste sites operate to the highest environmental standards.
- Work with the local community, district and parish councils, and site operators

to foster good working practices and relations.

- Monitor any permissions granted by the County Council to ensure compliance with conditions.
- Carry out appropriate legal action against unauthorised waste and minerals development.
- Respond to the Environment Agency in relation to new or altered Waste Management Licence.

113. A proactive approach to monitoring all minerals and waste sites in the County is likely to give rise to a number of benefits:
- Providing comprehensive baseline information for the operation of mineral and waste development in the County.
  - Ensuring the methodical and effective discharge of conditions attached to planning permissions.
  - Checking the use and effect of conditions and planning obligations, which may inform future decision-making in mineral and waste development.
  - Building a relationship with the owners and operators.
  - Further improving relationship with other monitoring agencies.
  - Creating an early warning system for potential breaches, thereby avoiding enforcement action in the long-term.
  - Satisfying public expectations that planning permissions are implemented appropriately.
  - Protect the environment.

#### **Legislation**

114. M&WPA can rely on powers in section 196A of the Town and Country Planning Act

1990 to carry out monitoring as part of the exercise of their enforcement functions.

115. There is a statutory basis for local planning authorities to enter land to enforce planning permissions, 196A of the Town and Country Planning Act 1990, until now there was no formal basis for charging for these visits.
116. The Regulations make provision for the M&WPA to charge the following:
- Active Sites – maximum of 8 site visits per annum - £288.00 per monitoring visit.
  - Inactive Site (including dormant sites) – Maximum of 1 site visit per annum - £96.00 per visit.
117. The fee regime applies to all mineral sites and landfill sites. It is the intention of the M&WPA to monitor all waste & mineral sites but charges will only be applicable for landfill operations and related waste development on these sites.
118. Evidence gathering and file preparation will need to comply with the Police & Criminal Evidence Act 1984 (PACE), the Criminal Procedure and Investigation Act 1996 (CPIA) and the Regulations of Investigatory Powers Act 2000 (RIPA) Codes of Practice, where appropriate.

#### **Enforcement Powers**

119. The choice of enforcement action will be dependent on the nature of the breach of planning control and its possible impact on the environment and amenity of local residents. Enforcement action will be considered if the problem is not able to be resolved through negotiation.

120. The County Council can take action in one of the following ways:

- Planning Contravention Notice if we require information about activities on the land, or the nature of the operator's interest in the land. The recipient of this notice is legally required to provide this information within a specific timescale.
- Breach of Condition Notice if an operator is not complying with a condition on their planning permission. There is no right of appeal against this notice and failure to comply with it is a criminal offence.
- Enforcement Notice, which requires an operator to rectify the problem. This notice does not become valid until 28 days from issue and there is a right of appeal against this notice by the operator.
- Temporary Stop Notice or a Stop Notice to immediately stop the activity. A Temporary Stop Notice takes effect immediately, lasts for a period of 28 days and there is no right of appeal against it. The Stop Notice is issued with an Enforcement Notice, is not valid until 28 days from issue and the operator has the right of appeal. Both types are only issued if there is immediate harm to the environment or amenity and failure to comply with them can result in prosecution.
- Injunction through the courts to stop someone carrying out an activity. If the person on whom the injunction is served breaches it, they will be in contempt of court.

### ***Partnership Working***

121. The monitoring of minerals and waste sites and the enforcement of environmental standards are dealt with by a number of agencies under the provision of a variety of legislation and regulations. These organisations have interrelated duties, which can give rise to confusion. The County Council will endeavour to work in partnership with other relevant authorities and agencies to help implement and monitor sustainable waste and mineral development in the County.

122. The respective responsibilities are clarified below:

### ***The Environment Agency (EA)***

123. As Waste Regulation Authority the EA has the following responsibilities:
- Regulating waste management from production to disposal through licensing system,
  - Provides data on waste arising,
  - Protecting and improving rivers and groundwater.
124. The EA licence waste disposal and controls pollution, which may overlap with the environmental concerns of the County Council. Agency staff monitor their licensed sites. The County Council will endeavour to work closely with the EA in regulating development and preventing unlawful development.

### ***Gloucestershire District/Borough Councils***

125. The District environmental health officers are responsible for dealing with "nuisance", including noise, smell, or dust which can be a problem with mineral and waste

development. These responsibilities may overlap with the duties of the Environment Agency in respect to waste licensing or pollution control.

***Implementation of Development Plans***

126. New planning proposals will be considered in the context of adopted development plan policies and the emerging Minerals and Waste Development Framework.
127. Information generated by monitoring of minerals and waste sites will assist plan preparation and provide sound base information for the AMR.