



Environment Directorate

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FAO Mr Brian Cook - Appointed Inspector
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By email: posltd@virginmedia.com

Please ask for: Nigel Riglar

Phone: (01452) 425527

Our Ref: NR/kp/td

Your Ref:

Date: 14th October 2011

Dear Mr Cook,

Examination of Gloucestershire Waste Core Strategy

Thank you for your letter of the 6th October 2011 and sharing your initial views concerning the Waste Core Strategy (WCS). You also raise a number of issues in the letter for which you have also requested that we indicate how and when we intend to deal with them. I provide the following response to the key matters you outline.

Procedural Issues

In relation to the procedural issues you raise, the Council has always been very conscious that the WCS submitted should be what we consider to be a sound plan. In terms of the submitted documents for examination I comment as follows:

1. The DPD which is submitted for examination is CD1.1
2. CD1.3 'Schedule of Focused Changes' provides the addendum which the Council consulted upon following responses received through the Regulation 28 process in line with the Planning Advisory Service Plan Making Manual.

By way of further clarification, during the Regulation 28 process the Council received comments on the DPD. The Council's view was that there were no representations which raised fundamental issues of soundness. However the Council considered that there were some changes that could be made to improve the reading of the plan and in some cases this seemed a fair concession to the comments made by some respondents. The Council's view was that the potential changes could be made. As you point out the Plan Making Manual sets out the mechanisms that could be adopted to make changes to the Plan. Following the consideration of the options the view was that the potential changes didn't constitute 'Extensive Changes' and similarly they appeared more than Minor Post Publication changes. Therefore they did seem to fall within the category of 'Focused Changes' affecting limited parts of the plan. This process involves the publication of an addendum, consultation upon it and the submission of both the addendum and the consultation responses to it along with the submission documents. I can therefore confirm for the issue raised in your letter that we have submitted both the addendum (CD1.3) and the response to it (CD1.15) along with the submission documents.

In terms of procedure, our view is that the schedule of focussed changes (CD1.3) was intended to constitute the addendum as outlined in the Planning Inspectorate's 'Local Development Framework' Examining Development Plan Documents Procedure Guidance 2009. Therefore the DPD which is submitted for consideration for Examination is CD1.1. As the addendum CD1.3 is also part of the 'submission' documents, I can confirm that the focused changes FC1 – FC43 have been through the same Regulation 27 consultation process as the full 'Publication' CD1.1 document. This is outlined in Regulation 30(e) statement (CD1.11).

I should also clarify that the Council made it clear through the Regulation 27 process undertaken from the 27th June 2011 until the 8th August 2011, that any comments raised should be made on the focused changes only. I attach a sample of the consultation letter to demonstrate this principle. The consultation response form produced also made it clear that responses should be made to the focused changes only.

There was always potential that comments might be raised on non-focused changes issues which are highlighted in paragraph 4.3 of CD1.11. It should also be noted that a significant proportion of the representations related to the proposed allocation of Javelin Park despite there being no focused change. This is likely to be because during the focused change consultation period, a separate public exhibition was held at Javelin Park as part of the Council's residual waste project and on the whole these were new respondents who didn't raise any matters at the publication stage. The event was well-attended and despite being a separate process to the WCS, appears to have prompted a number of individuals mainly from the local community to submit objections to the focused change consultation as to why Javelin Park is unsuitable.

The CD1.2 document was merely intended to be a helpful document to set the context for the focused changes themselves as you point out. On reflection looking at the preamble to both CD1.3 and CD1.11 it could be inferred that we had produced a 'revised version' of the plan. I can confirm that CD1.2 should not be the plan considered as the plan to be examined. The starting point for the Examination should be CD1.1 (the December version). The Council would then anticipate that you would then consider all issues raised at both the publication and the focused changes stage as they have both been through the same level of consultation. I hope that this provides sufficient clarification on this issue for you.

The Evidence Base and Topic Papers

I would suggest the matters you set out in your letter may provide the basis for the production of topic/additional papers which are likely to form the basis for the issues to be discussed at the hearings. You have indicated that you would wish to see these papers within a few days of the Pre-Hearing meeting. I assume that you will indicate your envisaged deadlines for these topic papers in the guidance notes which you will produce in due course. Therefore I do not propose to make any comments on the issues you raise under those heading now except in relation to the following:

Landfill

You raise questions about the soundness of the plan related to the fact that the Council has not included a landfill policy. The reasoning behind your view appears to be largely, but not wholly, related to the planning status of the existing waste management operations at Wingmoor Farm East.

This position has subsequently changed as the planning application in question was considered and determined by the Council's Planning Committee on 22nd September 2011. The report presented to Committee includes an assessment of the policy considerations relevant to the planning application some of which are matters raised in your letter. The resolution on that planning application was approved subject to the completion of a Section 106 agreement which has been drafted and is waiting to be signed. The engrossments on the S106 are distributed to the interested parties and it is anticipated that these will be signed very soon. Once issued it should be noted that through the associated conditions the planning permission is granted until 2029 for non-hazardous waste and until 2027 for hazardous waste. I am able to provide you with a full copy of the report or alternatively this is available on the Council's public access system reference 09/00281TWMAJW.

The Council would consider that the position on the planning status of this site is a critical material change that should have a bearing on your view with regards the 'soundness' issue which is raised within your letter. Now that we have provided this information we would wish to invite you to change your initial view on this matter and at least keep an open mind without prejudging the soundness of the plan on this one aspect? We will of course provide sufficient context on this determination and the other issues your raise on landfill through the draft of a topic paper on this issue. I would be grateful if you can confirm your position in light of this information.

Timescales

The Council would agree with you that the Pre Hearing Meeting cannot take place as originally envisaged. Assuming that the Pre-Hearing Meeting was scheduled for the week commencing 21st November and the hearing sessions take place in January or early February the Council would anticipate that it would need to produce the additional papers you have requested around 3 – 4 weeks before the beginning of the opening sessions. This could be around the middle of December or early January subject to your confirmation of when you consider that the hearings should begin.

You have helpfully pointed out the recent judgement on the Cumbria Minerals and Waste Site Allocations Plan resulting in that plan being quashed. Following consideration of this matter, the Council agree that any change made for soundness reasons should be subject to full consultation. Therefore as there is a prospect that further changes might arise out of the examination process these could be published for consultation post the hearings. The Council therefore would propose that consultation on any proposed changes that arise out of the examination process should be carried out after the hearings.

I have confirmed elsewhere that the Schedule of Focused Changes FC1-FC43 have already been through such a consultation process. You do highlight that we are now proposing another change FC44 which potentially reduces the boundary of the Javelin Park strategic site allocation. As highlighted in CD1.11 this representation has come forward very late in the day and has not been subject to stakeholder consultation as it was not considered to materially affect the plan or to prejudice any representations made to Javelin Park or other aspects of the plan. In terms of the issues on Javelin Park which you have raised in your letter, they will be considered and dealt with in the additional papers. As a consequence of the Cumbria judgement would suggest that if this amendment to the Javelin Park site boundary is proposed through the examination process, then it would need to be consulted upon post the hearings, along with any other proposed changes that might arise out of the hearings process.

Assuming that any consultation which is required following the hearings takes place over February to March it would be open to you whether to reconvene any hearings in spring 2012.

I hope that this provides you with the necessary information. Please let me know if you require anything further.

Yours Sincerely



Nigel Riglar
Commissioning Director: Communities & Infrastructure

Nigel Riglar

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Date: 27th June 2011

Dear XXXXXX

Gloucestershire Waste Core Strategy (WCS) Proposed Focused Changes

You may recall that we wrote to you in December 2010 to advise you of publication of the Gloucestershire Waste Core Strategy, which provides a planning framework for waste management across the county of Gloucestershire in the period 2012 – 2027.

The publication period closed on 7th February 2011 and having reviewed all of the representations received, we have decided to make some 'focused changes' to the WCS and publish these for further comment over a period of 6-weeks from **27th June 2011 until 8th August 2011**.

The following package of documents has been made available as part of this process:

- Revised Publication Waste Core Strategy (WCS) incorporating Focused Changes
- Schedule of Focused Changes
- Response Schedule
- Summary of Key Issues
- Updated Sustainability Appraisal (SA) Report
- Habitat Regulations Assessment (HRA) Report Supplementary Statement
- Equality Impact Assessment
- Legal Notice
- Response Form
- Response Form Guidance Note

Electronic copies of these documents are available online via the following web-link:

www.gloucestershire.gov.uk/wcs/publication

Hard copies have been made available at the County Council Main Reception, Shire Hall, Westgate Street, GL1 2TG and at District Council Offices (location and opening hours attached). CD copies have been made available at all County Libraries. For details of library opening hours visit www.gloucestershire.gov.uk/libraries or telephone the library helpline on 0845 2305420.

As with the original publication stage, representations are invited on two main issues; whether the WCS is 'sound' (i.e. justified, effective and consistent with national policy) and whether it is 'legally compliant'. Comments should be submitted on the **focused changes only** and should be completed using the standard response form, copies of which are available online and at the locations listed above. Please use your unique reference number when making any response (see above).

Representations may be submitted electronically or in hard copy format. Electronic responses should be emailed to m-wplans@gloucestershire.gov.uk and hard copies should be posted to the following address:

Minerals and Waste Planning Policy
Environment Directorate
Gloucestershire County Council
Shire Hall
Gloucester
GL1 2TG

Any representation may be accompanied by a request to be notified at a specified address of any of the following; that the Waste Core Strategy has been submitted to the Secretary of State for Independent Examination, that the Inspector's Report into the Waste Core Strategy has been published and that the Waste Core Strategy has been adopted.

Following the close of the 6-week representation period, the Council will look to formally submit the Waste Core Strategy (WCS) to the Secretary of State in late August 2011. This will be followed by an independent examination, likely to be held in November 2011 with adoption to follow in spring 2012. Any changes to this timeframe will be highlighted on the County Council web pages and in due course by the Programme Officer organising the independent examination.

If you have any queries please visit the website www.gloucestershire.gov.uk/wcs/publication email m-wplans@gloucestershire.gov.uk or telephone 01452 425667

Yours sincerely



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