

Issue 3

British Waterways

British Waterways

Statement

Issue 3 –Consistency with National Policy



**British
Waterways**

Issue 3
Q.2
Section 3.3
British Waterways

ISSUE 3: - WHETHER THE CORE STRATEGY IS CONSISTENT WITH NATIONAL POLICY

Question 2: Section 3.3.

Is the safeguarding of all waste management sites in policy WCS8 without regard to their environmental performance and / or location relative to other occupiers of land and/or buildings?

1. British Waterways considers the safeguarding of all waste management sites as proposed by policy WCS8 to be inconsistent with Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) because the policy would capture existing waste facilities, including at Sharpness, that may not conform to the guidance or location criteria set by PPS10.
2. In respect of PPS10, British Waterways notes in particular:
 - i) Para 16 requires waste planning authorities to ensure 'sufficient opportunities for the provision of waste management facilities in appropriate locations'. British Waterways contends that the proposed site at Sharpness is not an appropriate waste location.
 - ii) Para 18, third dash, requires waste planning authorities to avoid unrealistic assumptions on the prospects for the development of waste management facilities, or 'particular sites or areas' having regard in particular to 'any ownership constraint which cannot readily be freed'.
 - iii) Para 19 requires waste planning authorities to review allocations which have not been taken up. Gloucester CC has done this, and has not carried forward the Waste Local Plan's large allocations within the Sharpness Estate
 - iv) Para 20 requires waste planning authorities to consider, in searching for sites and areas for new or enhanced waste management facilities, to look for 'opportunities to co-locate facilities together and with complementary activities'. British Waterways considers there to be no such opportunities at Sharpness.
 - v) Para 21(i) requires decisions on the identification of sites and areas to be informed by assessments of their suitability against a range of criteria, including:
 - a) Their physical and environmental constraints, including the physical and environmental constraints on development, including existing and proposed neighbouring land uses as set out in Annex E: The Sharpness Estate includes long-established residential and leisure uses that are located within 150 metres of the New Earth Solutions (NES) IVC operation. The major part of the Estate lies within 500 metres of the site, including land which is

suitable for development for further tourism and housing uses in the public interest.

- b) The cumulative effect of previous waste disposal facilities on the well-being of the local community: It has not proved possible for NES to control the odour emissions, and these and the related flies have caused huge problems for the management of the Estate and for the adjoining Newtown community.
- c) The potential to make beneficial use of modes other than road transport: While British Waterways, subject to the impact on established Estate tenants, the local community and canal users, would be very pleased to support canal or rail-based freight movement; it is in practice very unlikely to be economic. No proposals have come forward in the last 7 years.

3. British Waterways deals with each of these in turn.

Sharpness is not a suitable waste management location

4. Sharpness falls at the Southern edge of the zone stipulated as suitable for a strategic location in WCS4 and shown in appendix 4 of CD1.1. It is at some distance from the greatest areas of population and therefore greatest waste arisings. In terms of access to the major road network it is in a relatively unsustainable location. The site is constrained by sensitive receptors, heritage assets and wildlife designations. Any new proposal for waste development would be unlikely to comply with policies including WCS 2 and WCS 7.

Existing waste management facility operators cannot expand or change their operations without consent from British Waterways

5. The existing IVC waste management facility cannot expand or change its operations without the consent of British Waterways (BW) as landlord and freeholder. British Waterways own the existing building which is part of the proposed allocation. The building has an unexpired lease of 25 years, the terms of which prevent its use being altered without permission. BW also owns the adjacent undeveloped land which is included in the proposed allocation. BW will not make land available to expand the waste use of the building due to our responsibility to protect the amenity of our other tenants as well our own aspirations for Sharpness as set out in our response to Issue 5. BW has consistently opposed the allocation of a strategic waste site at Sharpness. The site is therefore not deliverable.

The Waste Local Plan allocations were not taken up

6. Land at Sharpness was allocated as a waste site in the Gloucestershire Waste Local Plan 2002-2012, CD11.1 as a result of aspirations for a tri-modal transport hub – sea, canal and rail freight. The site specific criteria for site 5 (two sites at Sharpness) indicates that use of water and rail infrastructure is crucial in any strategic waste management development; proposals not primarily based on their use would be actively discouraged. A secondary site (site 6) was allocated to facilitate water-bourne waste movement to Sharpness.

7. The tri-modal transport hub aspirations explain the basis for the industrial, distribution and port-related allocations in the adopted Stroud Local Plan 2005. Although allocated for waste development since 2004 and as industrial land for even longer, the land remains undeveloped. The Stroud District Council (SDC) Employment Land Review concludes that the sites within the Estate allocated in the Local Plan should be removed from the district's supply of land for B2 (industrial) and B8 (warehousing) development as they are unviable (See Appendix 3).
8. British Waterways was not approached by any prospective waste operator at any point during the previous Waste Local Plan period or the lead up to its allocation. The New Earth Solutions operation took over an existing industrial building that lies outside of the designations. BW concludes there is no commercial interest in these sites and is progressing, with SDC, an alternative tourism- and housing-led approach to these sites and the conservation area that adjoins the western of the two. Further details regarding BWs' aspirations for the future of the Sharpness Estate and its potential as an employment led housing allocation in the emerging Core Strategy are provided in response to Issue 5.

There is no chance for strategic, multi-technology, facilities on the Sharpness Estate

9. A minimum site size of 2ha is suggested as necessary for a strategic site in the WCS as indicated in the ODPM – Planning for Waste Management Facilities (2004); the EA technologies database and DEFRA studies on the treatment of MSW (2007). The current NES site is only 1.6 ha. BW will not support expansion of the site to meet the strategic minimum site size in order to protect its tenants from future environmental problems and as a result of its own aspirations for the surrounding area. In addition the further expansion or addition of waste sites in the area may not comply with WCS 7. The current NES site therefore fails to meet key strategic criteria.

There are other constraints to waste development at Sharpness

10. Annex E of PPS10 gives a list of criteria against which new sites should be judged. The existing development does not meet Criteria H and L nor does it comply with Policies 37 and 40 of the existing WLP, which are still relevant (Para. 4.185, CD1.1). To best show the constraints, a map is submitted in Appendix 3.

- i. Proximity to Sensitive Receptors (housing within 150m & a marina 500m from the site). A significant number of sensitive receptors are located within the 250m buffer zone identified by the Environment Agency as a general acceptable distance for odour omissions and suggested as guidance for the location of composting sites in WCS2.
- ii. The Sharpness Conservation Area and Listed Building and other heritage assets. Para 4.253 of CD1.1 states a presumption against development which would cause

damage or involve significant alteration to Gloucestershire's heritage assets and their settings.

- iii. Severn Estuary SSSI Ramsar, SPA SAC and key wildlife sites are in close proximity to the site.

The cumulative effects on the local community are unacceptable

11. There are already other waste sites at Sharpness. Para 4.270 of CD1.1 identifies Sharpness Docks as dealing in bulk trade of metal which is brought in by road and then is exported by ship. A small waste transfer station occupies a site at the entrance to the Docks and they bring all materials in and out of the site by road. Additional waste related development with its intendant lorry movements, associated noise, odours and general disturbance may not be compliant with WCS7 in a location where there are environmental constraints and sensitive receptors which are already suffering from nuisance. See Appendix 1 for details of current environmental issues.

There is no realistic potential for the economic use of the canal or rail for waste transport

- 12. Sharpness has a theoretical locational advantage due to water and rail transport possibilities but this has not made the area attractive to waste operators during the previous plan period and is unlikely to do so in the future. Any advantage granted by the proximity to a potential water/rail link is aspirational rather than practical and achievable.
- 13. Sections of the original branch line still exist but it is unclear what volume of cargo is needed to make reinstatement viable. As the land is in various ownerships/control deliverability is questionable even if the capital outlay were forthcoming. A heritage rail group has leased a section of line from Network Rail with the ambition to open a heritage line in the future.
- 14. GCC recognise that to re-open the line would require significant private finance. (CD1.1 Para. 4.271 and Para.6.23 CD11.11) There are no rail freight depots in Gloucestershire to bring local waste arisings to the site although advocated by the LTP.
- 15. There are several wharves around Gloucester, but little freight movement. The Gloucester and Sharpness Canal is primarily used for leisure purposes. See Appendix 4 for availability.
- 16. Difficulties regarding location of waste arisings, lack of wharfage, transhipment costs and destination of recovered products make the transport of waste by water unattractive. Para 4.265 of CD1.1 suggests 'the transfer of waste by rail or water generally only works with large tonnages over long distances'. While it is possible to bring waste to the port by rail or water, (and BW supports the use of inland waterways for this purpose) it is unlikely that this would provide realistic capacity to deal with local waste arisings.

Changes Required to Make the WCS Sound

17. BW responded to the publication version of the WCS CD1.1 and the Focused changes CD1.2. We object to the wording of WCS8 and do not believe it complies with PPS10 which does not state that existing sites should automatically be safeguarded.
18. Where sites are not critical to the waste management strategy (i.e. where there is already plenty of capacity in the area and where other sites will most certainly come forward elsewhere) and where the existing site is already causing harm to sensitive receptors there is no argument for the automatic safeguarding which the Council aims to promote.
19. We suggest that both existing and allocated sites be considered against current national policy (e.g. Annex E of PPS10). Sites which do not comply should not be automatically be safeguarded if a subsequent application were to be made to change their use. The existence of an existing, but un-conforming waste use should not prevent development on neighbouring land.

Changes to wording of Policy WCS8

Existing and allocated sites for waste management use will be safeguarded by local planning authorities where such sites:

- *satisfy the criteria set by national policy for the location of these facilities;*
- *comply with the other provisions of this plan; and*
- *are essential to the capacity required for the sustainable management of the waste over the plan period.*

Local Planning Authorities must consult the Waste Planning Authority where there is likely to be incompatibility between land uses.

Proposals that would adversely affect, or be adversely affected by, waste management uses that comply with the safeguarding criteria will not be permitted unless it can be satisfactorily demonstrated by the applicant that there would be no conflict.

The Waste Planning Authority (WPA) will oppose proposals for development that would prejudice the use of the site for waste management in these instances.

In all other cases, the WPA will work with the LPA, existing waste facility operator and the proposing developer with the aim of resolving the potential for conflict and allowing the proposed development to proceed.

20. We believe that there is evidence from other Waste Core Strategies to allow flexibility in the wording of this policy to recognise that all sites should not automatically be protected. See Appendix 5 for other examples.
21. An alternative approach would be for the WPA to assess existing sites against the annex E criteria and provide a list of sites to be protected. This method has been adopted by other recent Waste DPD's. See App. 5.

Issue 3

British
Waterways

Statement
Appendix 1

Issue 3

Statement

Appendix 1- Sharpness Planning History

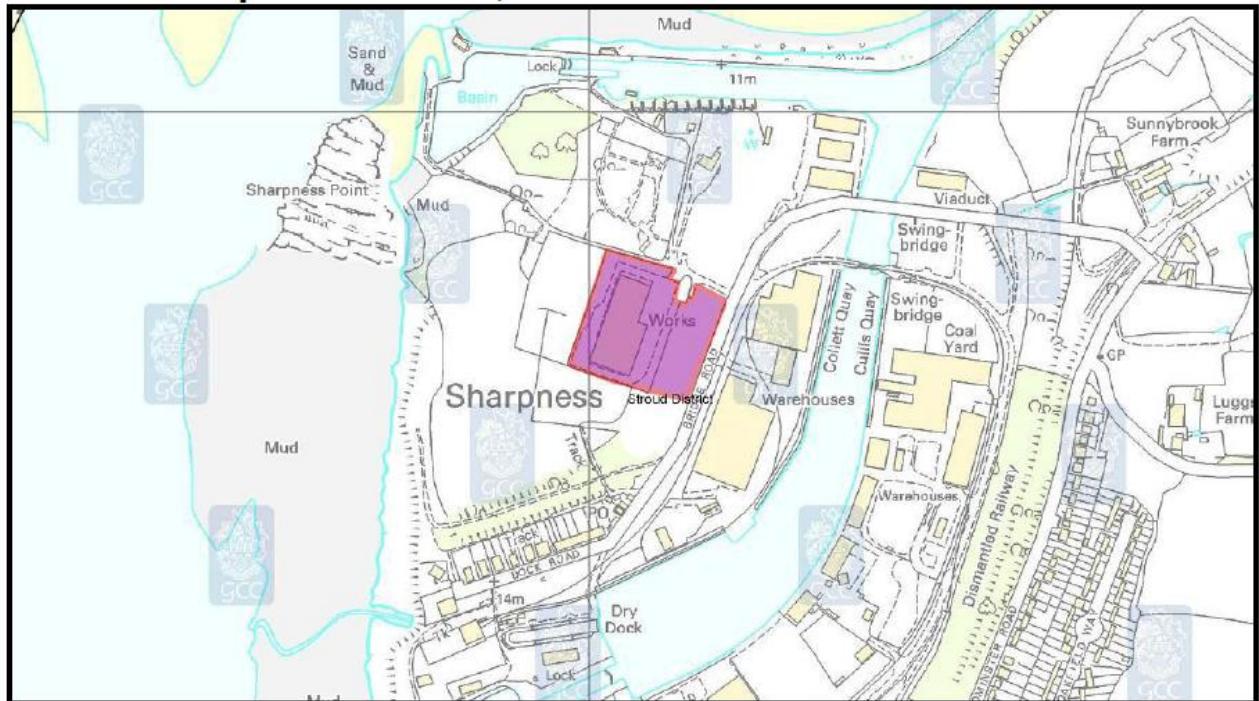


Index

1. Location of proposed allocation
2. Original Planning permissions for building
3. Change of use of building to In-vessel Composting facility
4. Recent history - changes to the building

1. Location of proposed strategic waste allocation

Site at Sharpness Docks, Stroud



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2. Original Planning Permission for building

Stroud District Council		PERMISSION FOR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT, 1971		
In pursuance of their powers under the above mentioned Act, the District Council as Local Planning Authority HEREBY GRANTS planning permission for the development described hereunder in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.		
TO:-	DLP Ltd., Pontygwindy Estate, Caerphilly, Mid. Glamorgan. Agent: Mr. A. Trevethan, DLP Ltd., c/o Cathnic Components, Pontygwindy Estate, Caerphilly, Mid. Glamorgan.	PLANNING REFERENCE NO. AND DATE OF APPLICATION S.15253 15.2.88

Description of Land
Land to west of dock, Sharpness.
Hinton Parish SO 6602-6702 A Edition

Description of Development

Erection of factory for the preparation of gypsum based building products. Construction of new vehicular and pedestrian accesses.
(Revised plans received 29th March 1988).

CONDITIONS ATTACHED TO PERMISSION AND REASONS THEREFOR

Conditions:

- (a) The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.
- (b) The development hereby authorised shall not be commenced until a scheme of comprehensive landscaping and tree planting for the site has been submitted to and approved by the Local Planning Authority. The landscaping shall be carried out in the planting season immediately following the completion of the development to which it relates and any planting that fails shall be replaced in the planting season immediately following and the landscaping shall be maintained for a minimum period of five years. Application for approval of these details shall be made not later than the expiration of three years beginning with the date of this permission.
- (c) The landscaping scheme referred to in condition (b) above shall provide for the planting of forest type trees along the northern and western boundaries of the site and the planting shall be of a belt of at least 30' in width.
- (d) There shall be no outside storage on the site.
- (e) The development for which permission is hereby granted shall not be occupied until details of the conveyor within the curtilage of the site have been submitted to and approved by the Local Planning Authority and the conveyor shall be constructed in accordance with those details and shall thereafter be maintained.
- (f) The building hereby approved shall not be commenced until a scheme of sound proofing the building has been submitted to and approved by the Local Planning Authority. The building hereby authorised shall not be brought into use until the works have been carried out to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- (g) The development hereby authorised shall not be brought into use until detailed plans thereof showing the siting and type of machinery to be installed have been submitted to and approved by the Local Planning Authority. The machines shall not be sited other than in accordance with the approved plan.

/Cont'd...

Dated 1st April, 1988.

DAVID ASHLEY A.R.I.C.S.
PLANNING OFFICER

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NOTICE 2D

IMPORTANT—SEE NOTES OVERLEAF

duly authorised in that behalf

S.15253 /Cont'd.

Conditions /Cont'd.

(h) The development hereby authorised shall not be commenced until a report has been submitted to and approved by the Local Planning Authority and this report shall provide predictions of corrected noise levels at the boundary of the application site. The works required in accordance with condition (f) above shall be such so as to ensure that the predicted levels are met.

(i) Adequate arrangements shall be made to cater for any residue and through surface water drainage patterns.

Reasons:

(a) To comply with the requirements of Section 41 of the Town and Country Planning Act, 1971.

(b) In the interest of amenity and the appearance of the proposed development.

(c) To ensure as far as possible that the development is assimilated into the landscape.

(d) To protect the amenities of the area.

(e) The matters referred to are not included in the present application and will require further consideration in detail.

(f) In order to reduce the incidence of noise emanating from these premises to an absolute minimum and thereby protect the amenities of nearby properties.

(g) The matters referred to in the foregoing condition will require further consideration to safeguard the amenities of the adjoining residential properties.

(h) To enable the Local Planning Authority to assess the predicted noise rating emanating from the proposed development and to ensure that, as far as possible, no annoyance or inconvenience is caused to local residents.

(i) To ensure, as far as possible, that no pollution is caused to any watercourse.

N.B. With effect from 7th April, 1986 new procedures became effective when lodging an appeal. In addition to the procedures referred to overleaf a copy of any appeal must also be sent to the Council's Solicitor, Council Offices, High Street, Stroud, Glos. GL5 1AT.

END OF CONTINUATION SHEET

Stroud District Council

APPROVAL OF DETAILS
OF DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT, 1971

In pursuance of their powers under the above-mentioned Act, the District Council as Local Planning Authority HEREBY APPROVE the details of the development described hereunder, in accordance with the submitted application and accompanying plan(s), but subject to the conditions hereunder stated.

TO:- DLP Ltd., Pontygwindy Estate, Caerphilly, Mid Glamorgan. CF8 2WJ S.15253/AP
Agent: Hildebrand & Glicker, 47-48 St. Mary Street, Cardiff, CF1 2AD 15.6.88

PLANNING REFERENCE NO.
AND DATE OF APPLICATION

TO BE READ IN CONJUNCTION WITH
PLANNING PERMISSION REF. NO.
Description of Land S.15253
DLP Factory, Sharpness.
Hinton Parish SO 6602-6702 A Edition

Description of Development

Erection of factory for the preparation of gypsum based building products. Approval of sound proofing

Dated 9th August, 1988

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NOTICE 6D

IMPORTANT—SEE NOTES OVERLEAF

DAVID ASHLEY, A.R.I.C.S.
Planning Officer

duly authorised in that behalf

Stroud District Council
TOWN AND COUNTRY PLANNING ACT, 1971

**PERMISSION FOR
DEVELOPMENT**

In pursuance of their powers under the above mentioned Act, the District Council as Local Planning Authority HEREBY GRANTS planning permission for the development described hereunder in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

TO:-

DLP Ltd., Pontygwindy Estate, Caerphilly, Mid Glamorgan.
Agent: Mr. A. Trevethan, DLP Ltd., c/o Catnic Comp. Ltd., Pontygwindy Estate, 14.7.88
Caerphilly, Mid Glamorgan.

PLANNING REFERENCE NO.
AND DATE OF APPLICATION
S.15253/A

Description of Land
Land to West of Dock, Sharpness.
Hinton Parish SO 6602-6702 A Edition

Description of Development

Erection of factory for preparation of gypsum based building products.
Construction of new vehicular and pedestrian accesses.
(Revised Scheme)

CONDITIONS ATTACHED TO PERMISSION AND REASONS THEREFOR:-

Conditions:

- (a) The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.
- (b) The development hereby authorised shall not be commenced until a scheme of comprehensive landscaping and tree planting for the site has been submitted to and approved by the Local Planning Authority. The landscaping shall be carried out in the planting season immediately following the completion of the development to which it relates and any planting that fails shall be replaced in the planting season immediately following and the landscaping shall be maintained for a minimum period of ten years. Application for approval of these details shall be made not later than the expiration of three years beginning with the date of this permission.
- (c) The landscaping scheme referred to in condition (b) above shall provide for the planting of forest type trees along the northern and western boundaries of the site and the planting shall be of a belt of at least 30' in width.
- (d) There shall be no outside storage on the site.
- (e) The development for which permission is hereby granted shall not be occupied until details of the conveyor within the curtilage of the site have been submitted to and approved by the Local Planning Authority and the conveyor shall be constructed in accordance with those details and shall thereafter be maintained.
- (f) Sound proofing shall be carried out in accordance with the scheme approved under reference S.15253/AP dated 9th August, 1988.
- (g) The development hereby authorised shall not be brought into use until detailed plans thereof showing the siting and type of machinery to be installed have been submitted to and approved by the Local Planning Authority. The machines shall not be sited other than in accordance with the approved plan.

/Cont'd...

Dated 9th August, 1988

DAVID ASHLEY A.R.I.C.S.
PLANNING OFFICER

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duly authorised in that behalf

NOTICE 2D

IMPORTANT—SEE NOTES OVERLEAF

S.15253/A /Cont'd.

Conditions /Cont'd.

(h) The development hereby authorised shall not be commenced until a scheme has been submitted to and approved by the Local Planning Authority and this scheme shall provide predictions of corrected noise levels at the boundary of the application site. The works required in accordance with condition (f) above shall be such so as to ensure that the predicted levels are met.

(i) Adequate arrangements shall be made to cater for any residue and through surface water-drainage patterns.

Reasons:

- (a) To comply with the requirements of Section 41 of the Town and Country Planning Act, 1971.
- (b) In the interest of amenity and the appearance of the proposed development.
- (c) To ensure as far as possible that the development is assimilated into the landscape.
- (d) To protect the amenities of the area.
- (e) The matters referred to are not included in the present application and will require further consideration in detail.
- (f) In order to reduce the incidence of noise emanating from these premises to an absolute minimum and thereby protect the amenities of nearby properties.
- (g) The matters referred to in the foregoing condition will require further consideration to safeguard the amenities of the adjoining residential properties.
- (h) To enable the Local Planning Authority to assess the predicted noise rating emanating from the proposed development and to ensure that, as far as possible, no annoyance or inconvenience is caused to local residents.
- (i) To ensure, as far as possible, that no pollution is caused to any watercourse.

N.B. With effect from 7th April, 1986 new procedures became effective when lodging an appeal. In addition to the procedures referred to overleaf a copy of any appeal must also be sent to the Council's Solicitor, Council Offices, High Street, Stroud, Glos. GL5 1AT.

END OF CONTINUATION SHEET

Stroud District Council

TOWN AND COUNTRY PLANNING ACT, 1971

**PERMISSION FOR
DEVELOPMENT**

In pursuance of their powers under the above mentioned Act, the District Council as Local Planning Authority HEREBY GRANTS planning permission for the development described hereunder in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

PLANNING REFERENCE No.
AND DATE OF APPLICATION

TO:- D.L.P. (1988) Limited, 13, Station Road, Cam, Dursley, Glos. GL11 5NS S.15253/B
Agent: Hildebrand and Glicker, 47/48, St. Mary Street, Cardiff. CF1 2AD 13.3.89

Description of Land

Land to West of Dock, Sharpness.
Hinton Parish SO 6602-6702 A Edition.

Description of Development

Erection of gas meter housing in connection with factory unit.
Construction of new vehicular and pedestrian accesses.

CONDITIONS ATTACHED TO PERMISSION AND REASONS THEREFOR:-

The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.

Reasons:

To comply with the requirements of Section 41 of the Town and Country Planning Act, 1971.

N.B. With effect from 7th April, 1986 new procedures became effective when lodging an appeal. In addition to the procedures referred to overleaf a copy of any appeal must also be sent to the Council's Solicitor, Council Offices, High Street, Stroud, Glos. GL5 1AT

Dated 13th June, 1989.

DAVID ASHLEY A.R.I.C.S.
PLANNING OFFICER

jw
NOTICE 2D.

duly authorised in that behalf

IMPORTANT—SEE NOTES OVERLEAF

Stroud District Council

TOWN AND COUNTRY PLANNING ACT, 1990

**PERMISSION FOR
DEVELOPMENT**

In pursuance of their powers under the above mentioned Act, the District Council as Local Planning Authority
HEREBY GRANTS planning permission for the development described hereunder in accordance with
the submitted application and the accompanying plan(s) but subject to the conditions hereunder stated.

PLANNING REFERENCE No.
AND DATE OF APPLICATION

TO:- European Environmental Recycling Ltd., 43 Berkeley Square, London, W1X 5DB.
Agent: Mr. M. Parfitt, Alderley Environmental Ltd., Station Road, Berkeley, Glos. S.15253/C
GL13 9RL. 31.1.96

Description of Land

The Streamline Building Site, Sharpness Docks, Berkeley.
Hinton Parish SO 6602-6702 A Edition.

Description of Development

Application for approval of sound proofing of
building and siting and types of machinery,
to comply with conditions (f) (g) and (h) of
permission S.15253.

Dated 7th February 1996
S15253.AB



M J MUSTON MRTPI
DEVELOPMENT CONTROL MANAGER
Duly authorised in that behalf

duly authorised in that behalf

Notice 2D
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IMPORTANT - SEE NOTES OVERLEAF

3. Change of use to In-Vessel Composting

Gloucestershire County Council

PERMISSION FOR
DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT, 1990

In pursuance of powers under the above mentioned Act, the Council as County Planning Authority hereby **PERMIT** the development described hereunder, in accordance with the submitted application and its accompanying plan(s), but subject to the conditions hereunder stated.

TO: RPS Planning Transport and Environment
Conrad House Beaufort Square Chepstow
Monmouthshire NP16 5EP

PLANNING REFERENCE NO

AND DATE APPLICATION RECEIVED

Bioganic Plc Wharton Court Leominster
Hereford HR6 0NX

S.06/2403/CM
3rd October 2006

Description of Land

Former Plasmea Site Sharpness Docks Gloucester Gloucestershire

Description of Development

Change of use to an in-vessel composting facility

Parish: Hinton

Site Area: 1.7ha

Grid Ref: SO 670 027

CONDITIONS ATTACHED TO PERMISSION AND REASONS THEREFOR

Commencement

1. The development hereby approved shall begin not later than 3 years beginning with the date of this permission. Written notification of the commencement of development shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: In order to comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.



Dated: 1st February 2007

Head of Planning 
Duly authorised in that behalf

CPA/I.

IMPORTANT – SEE NOTES OVERLEAF

PD P 130 19.11.01

DEC NOTICE CM CONSENT/FORMER PLASMEGA SITE

1 of 7

06/0084/STFUL

S.06/2403/CM

Scope of the Development

2. This planning permission shall only relate to the site edged red on drawing number JER7154-002a Rev a dated 20/09/06 ('the Site'), and the development shall only be carried out within the Site in accordance drawing number JER7154-004 Rev 1 dated 27/09/06 and with the details set out in the submitted application, supporting statement and additional information unless otherwise varied by another condition attached to this consent.

Reason: To ensure that the permission is implemented in all respects in accordance with the submitted details to take account of the amenity of the local area in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

Operating Conditions

3. No other material other than putrescible waste (defined as organic waste readily able to be decomposed by bacterial action, including cardboard, sawdust and wood chips) shall be handled at the Site.

Reason: To ensure that the permission is implemented in all respects in accordance with the submitted details to take account of the amenity of the local area in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

4. No additional processes for the treatment of waste, other than those specified in the submitted application and plans, shall be carried out at any time on the site.

Reason: In the interests of amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

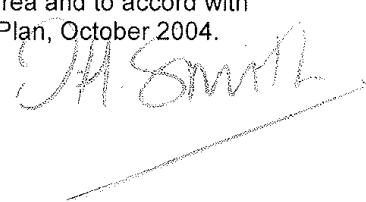
Capacity

5. Not more than four primary composting vessels shall be installed within the building.

Reason: To define the scope of the application in the interests of highway safety and the interests of the amenity of the local area and to accord with Policies 37 and 40 of Gloucestershire Waste Local Plan, October 2004.

6. The total amount of putrescible waste imported into the Site shall not exceed a level of 48,000 tonnes per calendar year (1st January to 31st December). The 48,000 tonnes per annum shall comprise no more than 6,000 tonnes of imported waste per calendar month unless otherwise agreed in advance and in writing by the Waste Planning Authority.

Reason: To define the scope of the application in the interests of highway safety and the interests of the amenity of the local area and to accord with Policies 37 and 40 of Gloucestershire Waste Local Plan, October 2004.



S.06/2403/CM

7. The operator shall maintain records of the monthly importation of waste and exportation of composted material and shall make them available to the Waste Planning Authority within 7 days of a written request. All records shall be kept for at least 24 months.

Reason: In order that the Waste Planning Authority can monitor the use of the Site in accordance with Policy 40 of the Gloucestershire Waste Local Plan, October 2004.

Hours of Working

8. Unless otherwise approved in writing by the Waste Planning Authority or varied by other condition(s) attached to this permission, no deliveries shall be taken or despatched from the Site or material shredded or screened outside the following hours:

0600 to 1900 hours Monday to Friday.

0700 to 1800 hours Saturday.

There shall be no deliveries or despatches on Sundays and Statutory Bank Holidays.

Reason: In the interests of the amenity of the area in accordance with Policy 38 of the Gloucestershire Waste Local Plan, October 2004.

Odour

9. The development hereby permitted shall not be brought into use until a scheme and programme of measures for the control of odour has been submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall include daily monitoring at the Site boundary for odour and provision of a written record specifying weather conditions, results of monitoring and any remedial action taken. This record shall be kept for a minimum of 2 years and the operator shall make them available to the Waste Planning Authority within 7 days of a written request.

The approved scheme shall thereafter be implemented and complied with at all times.

Reason: To protect the amenity of the locality from the effects of odour arising from the development in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

10. All composting operations and activities for the reception, processing, handling and storing of waste shall take place within the confines of the building.

Reason: To protect the amenity of the locality from the effects of odour arising from the development in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.



S.06/2403/CM

11. There shall be no storage of waste materials outside the confines of the building, whether or not in containers of any description.

Reason: To protect the amenity of the locality from the effects of odour arising from the development in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.
12. All doors shall only be opened to allow for personnel to access and egress the building and to allow for vehicles to enter or exit. At all other times doors shall remain closed, except in the case of an emergency.

Reason: To protect the amenity of the locality from the effects of odour arising from the development in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.
13. The building and roof shall be maintained so as to provide integrity of seal throughout the life of the facility.

Reason: To protect the amenity of the locality from the effects of odour arising from the development in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

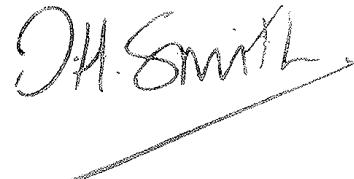
Noise

14. The development hereby permitted shall not be brought into use until a scheme for the control of noise from reversing bleepers attached to lorries or other vehicles operating or visiting the Site, has been submitted to, and approved in writing, by the Waste Planning Authority. The approved scheme shall thereafter be implemented and complied with at all times.

Reason: To protect the amenity of local residents in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.
15. All vehicles, plant and machinery operated within the Site shall be maintained in accordance with the manufacturer's specification and shall be fitted with and use effective silencers at all times.

Reason: To protect the amenity of local residents in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.
16. The noise emitted during the night-time period from the building shall not contain any of the features described in BS4142:1997 such as distinguishable, discrete continuous note, (whine, hiss, screech, hum etc) or distinct impulses (bangs, clatters, clicks or thumps).

Reason: To protect the amenities of local residents in accordance with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.



Traffic, Transport and Highway Safety

17. All vehicles arriving or leaving the Site laden shall be sheeted or sealed to prevent the spillage of any waste or compost.

Reason: In the interests of highway safety and in accordance with Policy 40 of the Gloucestershire Waste Local Plan, October 2004.
18. No mud, debris or materials shall be deposited on the highway from vehicles entering or leaving the Site.

Reason: In the interests of highway safety and to prevent mud, debris and materials getting on the highway, and in accordance with Policy 40 of the Gloucestershire Waste Local Plan, October 2004.
19. No commercial vehicles shall leave the Site until their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: In the interests of highway safety and to prevent mud, debris and materials getting on the highway, in accordance with Policy 40 of the Gloucestershire Waste Local Plan, October 2004.
20. The Site shall not accept waste direct from members of the public and members of the public shall not be permitted access to the facility.

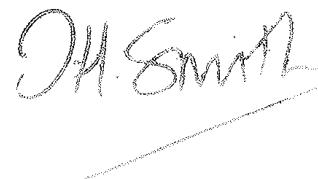
Reason: In the interests of highway safety in accordance with Policy 40 of the Gloucestershire Waste Local Plan, October 2004.

Ecology and Protected Species

21. Existing boundary fencing shall be replaced with badger proof fencing from a specialist supplier. The replacement fencing shall be maintained around the perimeter of the application Site for the duration of the development.

Reason: To prevent badgers from harm by coming into contact with vehicles using the Site and in the interests of local biodiversity in accordance with NHE.2 of the adopted Gloucestershire Structure Plan Second Review to facilitate compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats & c.) Regulations 1994 and/or the Protection of Badgers Act 1992.
22. Trees, vegetation and grassland habitats along the Site margins should be retained for the duration of the development, unless approved in writing by the Waste Planning Authority.

Reason: In the interests of protecting biodiversity in accordance with Policy NHE.2 of the adopted Gloucestershire Structure Plan Second Review and Policy 25 of the Gloucestershire Waste Local Plan, October 2004.



S.06/2403/CM

23. Japanese Knotweed must be removed from the Site and disposed of in a licensed landfill site.

Reason: In the interests of protecting the environment and to facilitate compliance with NHE.2 of the adopted Gloucestershire Structure Plan Second Review and the Wildlife and Countryside Act that states that it is an offence to cause to grow (and spread to adjoining land) this plant in the wild.

Protection of the Water Environment

24. There shall be no discharge of foul or contaminated drainage from the Site into either groundwater or any surface waters, whether direct or via soakaways.

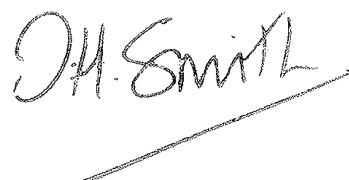
Reason: To prevent water pollution and protect the nature conservation interests of the and to accord with Policy 33 of the Gloucestershire Waste Local Plan, October 2004.

25. Any above ground oil storage tank(s) should be sited on an impervious base and surrounded by a suitable liquid tight bunded compound. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund.

Reason: To prevent water pollution and protect the nature conservation interests of the Severn Estuary European Marine site and to accord with policy 33 of the Gloucestershire Waste Local Plan, October 2004.

Advice Notes:

- (i) If a protected species (such as any reptile, badger, bat, great crested newt, barn owl or any nesting bird) is discovered inhabiting a feature on site all work that may affect that feature should cease. A suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations that may affect the feature can proceed. This action is necessary to ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats & c.) Regulations 1994 and/or the Protection of Badgers Act 1992.
- (ii) Under the Wildlife and Countryside Act 1981 it is an offence 'to plant or otherwise encourage' the growth of Japanese Knotweed. The applicant's attention is drawn to the Environment Agency's code of practice 'Managing Japanese Knotweed on Development Sites – the knotweed Code of Practice.'



S.06/2403/CM

Conclusions and summary reasons for grant of planning permission and relevant development plan policies

The proposed in-vessel composting facility will move waste up the waste hierarchy, reducing the need for landfill, a key aim of PPS10. There is a clear need for this type of development in Gloucestershire to help provide a sustainable system of waste management.

The operation will be entirely enclosed within an existing building therefore the proposal will have minimal environmental impact. The waste facility is industrial in nature and thus will be in keeping with the industrialised character of the Docks. Any potential impacts from the facility can be ameliorated by the use of planning conditions and good site management practices.

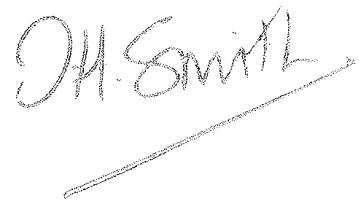
The application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant circulars, together with the relevant Development Plan Policies:

Gloucestershire Structure Plan Second Review - policies S7, WM2, WM3, WM4, W1 & P1

Gloucestershire Structure Plan Third Alteration Proposed Modifications – policies SD1, SD23 & MR10.

Gloucestershire Waste Local Plan, Adopted October 2004 - Policies 1, 2, 3, 6, 7, 9, 25, 33, 37, 38 & 40.

Stroud District Local Plan, Adopted November 2005 - Policies GE1, GE2, GE5, EM3, EM6, NE1, NE2, NE3, NE4, NE15 & TR1.



4. Recent planning History

- Extension of in-vessel composting premises for the purposes of operational flexibility and relocation of high voltage electricity switch cabin

Former Plasmega Site Sharpness Docks Berkeley Gloucestershire

Ref. No: 07/0029/STMAJW | Received: Wed 30 May 2007 | Validated: Thu 31 May 2007 | Status: Consent

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- Retrospective planning application for the regularisation of a minor amendment to the constructed building footprint to the rear of the in-vessel composting facility

Bioganix PLC Former Plasmega Site Sharpness Docks Berkeley Gloucestershire

Ref. No: 08/0070/STMAJW | Received: Wed 17 Dec 2008 | Validated: Thu 18 Dec 2008 | Status: Consent

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- Increase the height of the existing biofilter ventilation stack by 10m to achieve a release height of 28 metres

New Earth Solutions Bridge Road Sharpness Berkeley Gloucestershire GL13

9UN

Ref. No: 10/0115/STMAJW | Received: Tue 30 Nov 2010 | Validated: Wed 08 Dec 2010 | Status: Consent

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Issue 3

British Waterways

Statement
Appendix 2

Statement

Issue 3

British Waterways

Appendix 2

Extracts from Stroud District Council Employment Land Review
& Sharpness Docks Estate: Planning and Commercial
Assessment Final Report December 2010



Index

- 1. Employment Land Review Extract from GVA
Grimley report 2007**

- 2. The Potential of the Sharpness Dock Estate;
Planning & Commercial Assessment. Roger Tym
& Partners December 2010**

1. Extract from Stroud District Council Employment Land Review- Final Report October 07(GVA Grimley 2007) Full document can be made available if required.

Allocated Not-Developed Employment Sites

8.16 Each of these presents differing issues in terms of deliverability.

Allocated Not-Developed Employment Sites

8.17 A key requirement of this segment of supply will be location with accessibility as a major issue. This favours the western parts of the district around the M5 and to the south of Gloucester, where we would argue much of the supply for larger B2 and B8 uses should be focused. These are mainly Greenfield sites where deliverability will be influenced by costs of servicing land in terms of both road access and utilities. We are aware that in remote rural areas these can be prohibitively expensive where serviced land values are low. It is important that in reviewing sites to be allocated/de-allocated that regard is had to three factors:

- A. The sustainability of the site, particularly in terms of accessibility by public transport for workers and for the delivery / collection of raw materials and products.
- B. The deliverability of the site taking into account constraints such as providing utilities and access (this can be determined through consultation with service providers and the Highway Authority).
- C. Where allocated sites or potential opportunities fail to meet either of these criteria we would suggest that they are not included in the portfolio.

8.18 These factors will need to be balanced to reflect the need to create sustainable settlements.

8.19 Having reviewed the existing portfolio of sites we have specific comments relating to two existing allocations and also in relation to one larger existing employment area.

- (i) Sharpness Docks – this is an allocation of four sites comprising 17.75ha in the existing dock area. The docks represent a unique area with potential for specialist or dock related employment uses. However, Sharpness is a remote location with few services and is not well related to the existing settlement pattern. Whilst specialist or employment uses may be attracted to the site because of its remoteness this is not a significant possibility. Again we would recommend its deletion as an employment site and the development of specific policies to guide development of the docks area.

2. Extract copied from Sharpness Docks Estate: Planning and Commercial Assessment Final Report December 2010 Para 1.15-1.16

(Roger Tym & Partners with Jones Lang La Salle and Gillespie)

The evidence for the Stroud Core Strategy in respect of the district's need for jobs and employment land – the Employment Land Review (ELR) – concludes that the sites within the Estate allocated by the adopted Local Plan should be removed from the district's supply of land for B2 (industrial) and B8 (warehousing) development. The evidence shows that the district has sufficient land for B2 and B8 development in locations which are more competitive and better served by infrastructure; and also finds that the Sharpness Docks sites are unlikely to be viable for these uses in any case (the viability calculations in the ELR show a very significant negative residual value). While the ELR states that the Docks have policy value for 'specialist' uses, the ELR also suggests that the demand even for these activities will be limited. Nonetheless the ELR recommends that policy be developed for the Docks alone.

The Council's own work on the district's future economic prospects suggest that the sectors most likely to generate the future wealth and job numbers the district needed are in high value-added services (typically office-based – a land use that has long been rejected for the Estate), tourism and the creative industry sectors. The Council also takes the view that the district will need to create two jobs for every additional house it permits; the long-standing aim is to reduce out-commuting by achieving a better balance between Stroud's economically active population and the jobs available within the district.

Employment Land Review and the Case for De-allocating the Sharpness Estate's Undeveloped Land (Para 5-13-5.15)

Stroud DC's Employment Land Review (ELR) provides the evidence base for the Core Strategy in respect of the expectations and needs for job growth (demand plus need) and the further supply required to accommodate these. Because of the heavy emphasis (for soundness) on the deliverability of the Core Strategy's provisions (and those of the subsequent site allocation DPD), the ELR also assesses the likely viability of the candidate supply for development in the B Use Class.

The ELR reaches three very important conclusions in respect of the Sharpness Estate:

- i. even on the most ambitious scenario for future job growth, the ELR concludes there is a surplus of B8 land (and the Council already recognises that the Estate is an unlikely location for manufacturing activity);
- ii. of the candidate sites, the Sharpness Estate (the sites already in the Local Plan) performs poorly on the range of criteria adopted;
- iii. the group of sites on the Sharpness Estate, if developed at the assumed densities, mix and values that the development appraisal assumed (producing, fantastically, a new development quantum of 114,391 sq. m of floor space on a 30% B2, 60% B8 and 10% B1), would yield a residual value of -£7.1m, rising to -£15.7m when accounting for an existing use value as a measure of a developer's required rate of return.

On this basis, the ELR recommends that the undeveloped sites should be deleted from the employment allocations, and instead that specific policies be put in place to guide 'specialist' development of the docks area.

Issue 3

British
Waterways

Appendix 3

Issue 3

Statement

British Waterways

Appendix 3

Environmental concerns and constraints at Sharpness



**British
Waterways**

1. Extract from Environment Agency web page regarding Sharpness
2. Environment Agency Position statement on Sharpness odour problems
3. Health Protection Agency Health Review of New Earth Solutions composting site
4. Minutes of last Sharpness Liaison Group meeting
5. Constraints map showing position of sensitive receptors, heritage and environmental designations and distances from proposed strategic allocation site

1. Extract from Environment Agency web page regarding Sharpness

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 Environment Agency



Composting site, Sharpness, Gloucestershire

Information about the composting site in Sharpness, Gloucestershire - last updated 28 November 2011

What's happened so far?

In June 2008, Bioganic Composting Ltd started composting operations in premises at Sharpness Docks.

In February 2009 New Earth Solutions (Gloucestershire) Ltd (NES) took over the operation of the facility under Environmental Permit number EPR/BP3498VC (available below). This permit requires NES to minimise odour annoyance to the local community but doesn't require them to eliminate all site odour. The Environment Agency regulate the site to ensure NES comply with conditions specified in the permit.

We are working in partnership with [Stroud District Council](#) to resolve concerns from the community regarding odour and fly annoyance from this site.

What is the latest news?

- We met with NES on 23 November 2011. They are currently receiving one load of waste per day, and subject to satisfactory operation of the bio filter, may introduce their standard pasteurisation stage over the coming weeks (this is where the waste is put into a closed vessel which is filled with steam to ensure the compost meets the Animal by Products Order). NES have arranged for their food waste contracts to be sent elsewhere for the foreseeable future.
- NES will continue to use the services of their technical expert as appropriate.
- We have asked a fly expert from the Agricultural development and Advisory Service (ADAS - an independent environmental consultancy) to look at the perceived relationship between in-vessel composting and fly attraction. We aim to deliver a fly monitoring programme during 2012. We will provide further feedback on this at the next liaison meeting.
- At the last liaison meeting we were asked what criteria we would use to determine whether odour levels were acceptable. We have outlined the criteria in our position statement below.
- The Health Protection Agency and Primary Care Trust attended the Sharpness liaison meeting on 12 April 2011. Their final report can be viewed below.
- The most recent Sharpness liaison group meeting was held on 6 October 2011 at the Sharpness Dockers Club. Meeting minutes are available below.

Further information

-  [Environmental permit EPR/BP3498VC \(PDF, 110KB\)](#)
-  [Liaison group meeting minutes, 06 October 2011 \(PDF, 34KB\)](#)
-  [Compliance Assessment Report \(PDF, 178KB\)](#)
-  [HPA Health Summary Report \(PDF, 82KB\)](#)
-  [Abatement report actions \(PDF, 38KB\)](#)
-  [Position statement \(PDF, 235KB\)](#)

If you have a question about this site please visit our [frequently asked questions page](#).

2. Environment Agency Position statement- New Earth Solutions (NES) Sharpness -7 July 2011

Background

As you are aware NES, Sharpness have voluntarily ceased accepting waste pending fitting of a new abatement system at the site. Dr Phil Longhurst, our abatement expert has reviewed NES's report prepared by their consultants Odour Monitoring Ireland. As a consequence we have sent NES a list of actions some of which we have told them they must complete prior to fitting new abatement and the others before restarting their plant.

At the liaison meeting we agreed to provide a written explanation, to the Sharpness community representatives and NES, of the criteria we will use to determine if the site is causing significant odour pollution when it restarts. We also agreed to outline our regulatory approach if this happens.

In an ideal world fitting the new abatement system would result in zero incidents of odour pollution. Local weather conditions, like temperature inversion, are known to NES and will have been factored into their choice of abatement.

However, no plant runs perfectly all of the time and so we must expect some incidents. Furthermore, as we have said at the liaison meetings, a level of residual odour is to be expected given the nature of the activity.

Our regulatory position

In determining what action we will take at NES, Sharpness we will consider all relevant factors and our response will be in line with our Enforcement and Sanctions Guidance which is available on our website <http://intranet.ea.gov/policies/51611.aspx>

Currently we consider relevant factors include:

1. Six minutes of odour monitoring is statistically equivalent to one odour hour.
2. Odour pollution identified at more than one receptor on one visit only counts as one overall exceedence in terms of the number of monitoring visits.
3. We will conduct odour monitoring at weekends if we consider that to be necessary.
4. We will be fair and reasonable with respect to essential works that could result in odour pollution.
5. We will consider if an event is due to factors beyond the site's control.
6. Our position takes into account that sniff testing is subjective.

Clearly, we cannot say precisely what we will do in any situation as this implies that we may be prejudging an outcome without fully considering all the facts.

However, I will explain the powers we have and our current views as to when use of such powers may be appropriate and what that might mean for NES.

Based on the evidence base we have built-up at this location, odour pollution is, in our view, an odour rated, by an “authorised officer”, during a monitoring visit, that is 3 or above on the odour sniff scale of 1-5.

When the plant restarts we will carry out odour monitoring, daily, by sniff test, for the first six weeks. Thereafter, the level of monitoring will be as we judge appropriate. The frequency will be increased, if necessary, should we find evidence of odour pollution or substantiated National Incident Recording system (NIR's) events (e.g. local community complaints).

If we are satisfied that odour pollution has occurred then this will be treated as a permit breach and will be scored using our Compliance Classification Scheme (CCS). Repeated breaches will result in more formal regulatory action against NES.

The regulatory action we can take might include the issuing of enforcement notices, permit suspension, prosecution and or revocation of the permit.

We can serve an enforcement notice if we view the permit has or is likely to be breached. This will require the site to take steps to remedy that breach. For example we might serve an enforcement notice, to NES, if further appropriate measures are required to prevent odour pollution or the equipment installed is not being operated correctly.

We may suspend a permit if we consider site operation involves a risk of serious pollution. As a guide, at this stage we consider that four continuous days of odour pollution or six days in any 30 day period could be viewed as serious pollution at this location.

We could prosecute for a breach of a permit condition provided we were satisfied that we had sufficient and reliable evidence and that the public interest factors supported this.

Finally, we have the power to revoke a permit. This is a draconian measure but we would consider using it if it was reasonable to do so. For example, if all appropriate measures have been taken and there is still a serious odour pollution. At NES, Sharpness this might be used if the new abatement failed to reduce serious odour pollution to an acceptable level and further abatement was fitted which in-turn did not work.

3. Health Protection Agency review of New Earth Solutions site Sharpness



Health review of New Earth Solutions, Sharpness composting site

Health Protection Agency role

The Health Protection Agency's (HPA) role is to provide an integrated approach to protecting UK public health through the provision of independent support and advice to the NHS, local authorities, emergency services, other Arms Length Bodies, the Department of Health and the Devolved Administrations. With regards to the New Earth Solutions composting site in Sharpness, the HPA has been asked by the Regulator (the Environment Agency) to provide expert advice in relation to the public health implications from emissions released from the site. The HPA has no statutory powers or responsibilities in relation to the Regulation of this site.

Summary

The Health Protection Agency (HPA) was asked by the Environment Agency (the site Regulator) in January 2011, to assess the public health implications, to the local Sharpness community, from the emissions (which include bioaerosols, volatile organic compounds (VOCs) and other odours) being emitted from the New Earth Solutions, Sharpness composting site.

In reviewing the monitoring report submitted by the Environment Agency, the HPA has concluded that there is no evidence that the level of these emissions will cause harm to human health.

Bioaerosols and health

The HPA agrees with the conclusions of the bioaerosol report, submitted to the Environment Agency by New Earth Solutions, dated February 2011. The HPA is of the opinion that based on current scientific research there is no evidence that the bioaerosols being emitted from the site poses a risk to health of people in the surrounding population.

Bioaerosols levels are not closely related to odour. Increased odour can arise under certain conditions in the composting process but there is no direct relationship between aerobic colony count and odour.

There is no evidence that bioaerosols constitute a cancer risk to humans and the site is operating in accordance with the Regulators guidelines to reduce emissions of bioaerosols and odours.

Odours and health

It is widely accepted that people exposed to unpleasant odours can experience symptoms such as nausea, headache and fatigue, and exposure to odour nuisance has an adverse effect on some individuals' well-being. There is a clear need to ensure that odour emissions are well assessed and managed at a compost site with emphasis on good regulation and robust site management.

The Odournet report (ref) notes an odour concentration in the outlet air stream of the biofilter as 5471 OU_E/m₃. It is documented that a well-designed biofilter can produce odour concentrations as low as 200 to 500 OU_E/m₃ but is dependent on the inlet odour loading (reported to be 8149 OU_E/m₃). The Environment Agency has advised that the abatement plant is operating in accordance with its permit however it needs to ensure that the abatement plant is operating to Best Available Techniques.

Volatile organic compounds

Based on the 18 compounds analysed and documented in the Odournet report¹ the emissions from the New Earth Solutions biofilter have not exceeded the Environmental Assessment Levels (EALs) as defined in the Environment Agency H1 guidance document. They are therefore unlikely to have an impact on public health in the community. The HPA acknowledges that the report is based on one sample and that further monitoring would provide more of an evidence base. We understand that further monitoring has been done as a part of the recent New Earth Solutions waste trial. The Environment Agency has stated that it will request that the HPA reviews the monitoring data and assess the public health implications, once the trial report is finalised.

Links to our full reports will be made available on the Environment Agency NES, Sharpness webpage.

Reference

¹ Odournet (2010) Health Impact Assessment for emissions from a biofilter at a composting site in Gloucester. Report Number: NESL10D5FINAL

4. Minutes from last Sharpness Liaison Group meeting

(Please note that here BW does not refer to British Waterways but relates to a community representative.)

• Peter Mills introduced himself as the new Operations Director for New Earth Solutions.
2 Actions from last meeting

• PM gave a short presentation on the actions taken by NES, to address odour annoyance, since May 2011.

- a) The site was cleared of waste to carry out repair work and improve housekeeping.
- b) NES have worked with Odour Management Ireland (OMI), and the Environment Agency (EA) odour expert, to address any queries arising from the review of the abatement report.
- c) OMI recommended an overhaul of the existing air handling and odour treatment system which has now been completed.
- d) The bio-filter has been enlarged and the previous filling replaced with new lightweight expanded clay aggregate (LECA).
- e) Changes have been made to the way the odour treatment system is managed and maintained.
- f) The fabric of the building has been improved and sealed.
- g) There is improved drainage and leachate handling in the building.
- h) Negative pressure inside the building is being maintained at 18 Pascal's.
- i) Interlinked doors reduce the likelihood of odour loss.
- j) The weighbridge has been relocated to the yard area so lorries can now enter and exit the building in about 30 seconds.
- k) The improved odour control system is settling down and needs time to acclimatise.

- PM said the old scrubbers had been blocked, and shown to be contributing to odour. The bio-bed had been chocked with dirt preventing it from operating effectively. Since the works have been completed there was a noticeable difference in environment conditions inside working areas.
- PM explained that their odour specialist would visit site on a regular basis. This will ensure the effective operation of the odour treatment system, and NES would be supplied with a report, which they would share with the EA.
- PM explained that waste deliveries would slowly increase to allow the odour control system to adapt. It was expected that waste deliveries would remain near to existing levels until Christmas. PM said NES have standby options for waste deliveries should the Sharpness site experience any problems.
- PM explained that since NES suspended deliveries waste had been transported to alternative sites around the country. The end location depended on where existing compost operations had capacity.
- A community representative questioned the carbon footprint of transporting waste long distance, to which PM responded that NES had done calculations, and a lorry of waste could travel 2500 miles and still be carbon neutral.
- said the site had been a catalogue of problems and the required improvements had vindicated what had been wrong.

BW asked what tonnage was being accepted now?

- PM said that approximately 50 tonnes a day was being processed. NES was taking a precautionary approach and only accepting green waste, kerb waste, and cardboard. Food only waste streams are being diverted and there were no plans to re-instate this at Sharpness.
- The community representatives resoundingly expressed their opinion that there had been a summer of clean air and lack of flies. They said they did not want a return to previous summers, and they will take action to prevent waste deliveries returning to site if necessary.
- A community representative said the NES site in Avonmouth had caused fly problems for the community. A question was asked about the type of waste, and transfer stations, that supply the Avonmouth site. There was general discontent among the community representatives that lorries to Sharpness had a strong malodour and that flies were being attracted to the area.
- PM explained that the fly problem, associated with NES Avonmouth, was due to residual black bag waste being sat in transfer stations for extended periods of time in warm weather. Ineffective fly control was cited as being a contributing factor. This allowed flies to develop which then escaped from Lorries travelling en-route to the Avonmouth facility. NES are working with the transfer stations to insecticide spray waste to kill flies. Lorries that transport waste are also being sprayed, and once waste arrives at NES Avonmouth, there is a robust monitoring and insecticide policy in place.
- PM explained that NES Avonmouth is a Mechanical and biological treatment facility (MBT), and a different process to NES Sharpness. Waste streams to Sharpness are weekly collections and transfer stations are different for both sites. PM went on to say that NES will ensure that a precautionary approach is also used for waste deliveries to Sharpness to control fly numbers on site.
- A general unease was expressed by community representatives that lorries entering NES Sharpness are being poorly sheeted, or left un-sheeted, whilst waiting outside the factory. Discontent was expressed in the way some lorries appeared to be dirty when leaving site.
- PM said that every driver is trained in the procedure at Sharpness, and that any driver, or haulier, shown to be breaking the rules will be banned from site. This is also a condition of the company's haulage contracts.

PM requested that should anybody then they should take the registration number, and let him or the Site Manager know, action will be taken.

- PM said with recent improvements completed, and the weighbridge now being outside the offices, it was far easier for lorries to be checked before leaving site. Community representatives said they do not believe NES will take responsibility for the fly problem and they want the site closed down. They do not want to go back to what it was like previously; the community had 5 months without odour or flies.
- DE said we now all need to be clear about moving forwards.
- The Dockers Club said that business had increased by 10% over this summer which they attributed to lack of odour and flies.
- Community representatives asked how long the EA will give NES to get it right, and should improvements not result in less odour, that the EA will commit to close them down.
- NA said that the current odour level (1 to 2) was acceptable but anything rated 3 or above would not be.
- BW said that development in the area was being compromised by the factory.

- DP explained that the EA had issued a position statement, dated the 7 July 2011, which explained how the EA would regulate odour. The EA acknowledge the company had completed improvements to the defined timescales and maintained good communications.
- NT explained the EA position statement and what it meant from the EA perspective.
- NT said this time last year the company had about 22 actions to complete following a major audit. We were now at a point where these have been completed, and the company was operating with all appropriate measures in place. There are few if any further improvements that the company can make other than closedown and fit alternative abatement. At the last meeting Chris Cox, NES's Managing Director, said that company is not willing to undertake this even if it were to be proved necessary.
- The community representatives questioned the noise levels from the chimney.
- PM explained that prior to shut down the fans were running at 100%, but now with the improvements in place, the fans were near 50%, and not expected to increase. PM said the chimney noise had not been ignored; its just odour has been the most pressing issues. PM said with the improvements already completed stack noise may no longer be an issue, but should it become one then action could be taken.
- JS asked if residents could have become sensitised to odour and noise. NT said that was correct.
- DJ reported that no odour was recorded over shut down, and from their perspective current levels would be deemed acceptable. It was a matter of wait and see to what happens over the coming weeks and months.
- DJ reported Stroud District Council had not received any complaints of fly nuisance whilst the site was shut. Officers from SDC had spoken to residents and there was a perceived decrease in fly numbers. The sales of fly paper in local shops had significantly decreased during the shutdown period too.
- DJ reported the major fly population had virtually stopped by 19 June 2011.
- PM said that NES waste deliveries were suspended on 25 May 2011, and operations wound down over a period of a month.
- DJ went on to say on 15 June 2011 Marina residents reported less odour and flies, and 23 June 2011 a report in the Dursley Gazette cited reduced odour and flies for local residents. In addition to this the Vindicatrix camp stayed longer this year than before.
- DJ explained that previous investigations into fly complaints did indicate a variable impact with some properties near the site being more impacted than others.
- VC explained the EA were leading on the issues of odour and noise and that the tenancy agreement did not provide BW with any greater powers or options to take action.
- VC wanted to be clear on what action would be taken, should the odour be deemed excessive, and how this relates to the EA position statement.
- NT explained that odour is measured on the 1-5 scale with 1, or 2 out of 5 being acceptable, and 3 or above unacceptable. If the odour was excessive for 4 consecutive days, or 6 days in any 30 day period, then the EA would take action, which could include suspension of waste acceptance to site.
- NT said all mitigating circumstances must be taken into account, and that the EA were obliged to take this approach, they cannot and will not pre-judge the outcome of any investigation.
- DE said there were far less options for the company, and therefore the timescales for action will be shorter.

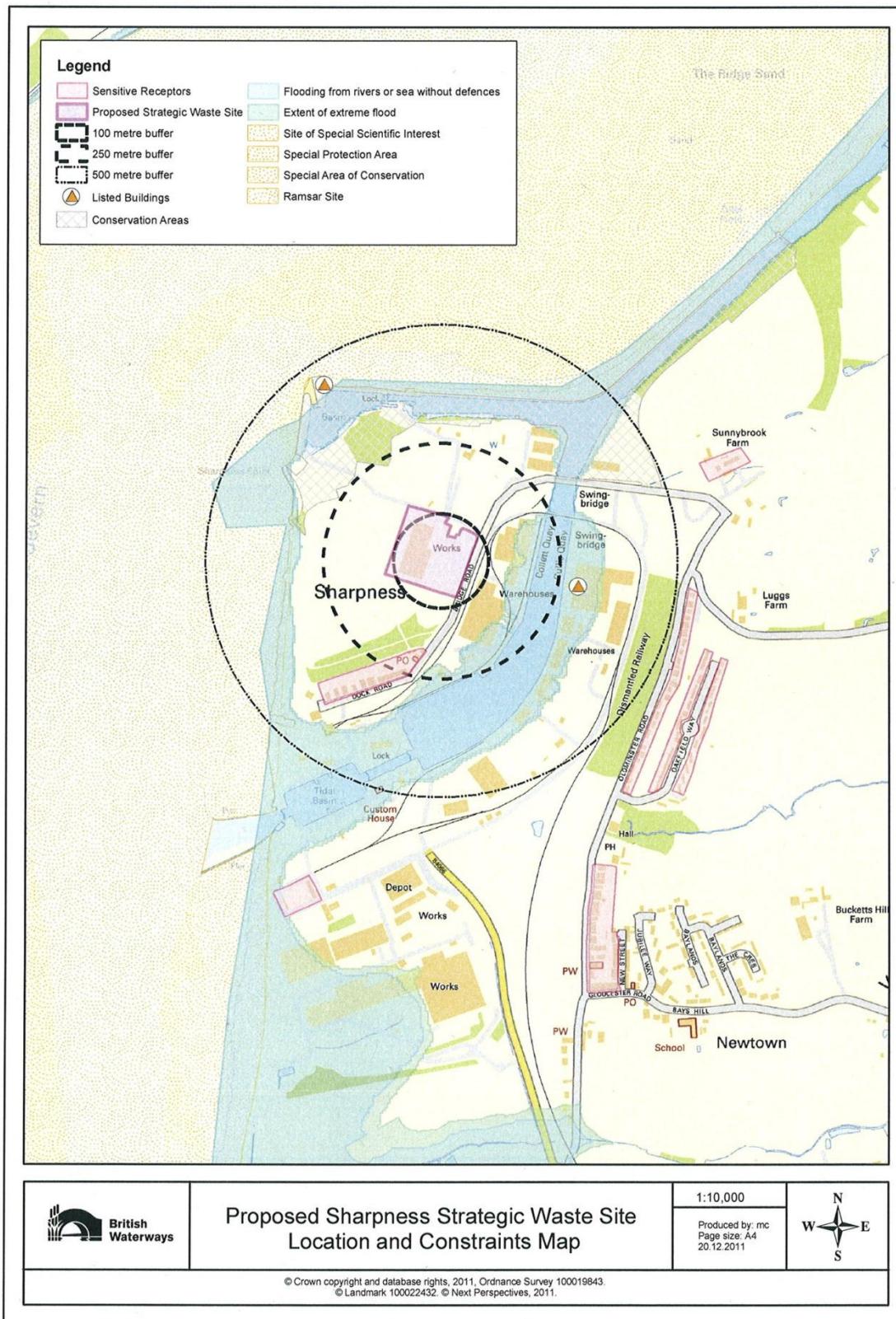
There will not be a return of long cyclic periods of improvements, monitoring, and so on.

- BW questioned why planning Permission was ever granted for this site.
- The response was that the County Council was responsible for determining the original application. A question was raised regarding EA action should odour levels return to previous levels.
- NT explained that it was unlikely the plant would be allowed to operate, there were no longer options available apart from fitting another abatement system, which the company have indicated they are unlikely to pursue.
- DE said the company are now in the best possible position to go forwards.
- BW said he always had problems with the subjectivity of odour monitoring and that a machine should be used to measure odour.
- NT said DP will conduct odour monitoring in Sharpness along with other team members. The team is experienced in dealing with a variety of odorous activities. NT said the EA would still use “sniff” odour monitoring using a consistent approach. The EA has officers who are experienced and will use their independent judgement to assess the situation. Stroud District Council (SDC) will continue to undertake its own odour monitoring.

8 Public information provision including EA website

- The committee feel the EA website is performing well with regular updates and other documents easily available. DE said if the community wanted to make any suggestions on how it could be improved then please make the EA aware.

5. Constraints Map



Issue 3

British Waterways

Appendix 4

Issue 3

British Waterways

Appendix 4

Availability of wharves to serve as transhipment points for
Waste by Water



**British
Waterways**

Issue 3 Appendix 4

Issue 3, British Waterways Appendix 4

Location	Name of Wharf	Use	Freehold/leasehold	Availability
Sharpness	Collett Wharf		Leasehold 120 years SDL	Under SDL control
Sharpness	Cullis Wharf		Leasehold 120 years SDL	Under SDL control
Purton	Purton Wharf	Visitor moorings		No, constrained access and wildlife designations
Gloucester	Two mile bend		Leasehold Cemex 25 years- due to be renewed imminently.	BW retain emergency access rights to reflect our statutory obligations
Gloucester	Monk Meadow		BW retains ownership but surrounded by housing development. Check is it now Peel?	Access for leisure craft/narrowboats only
Gloucester Docks	West Quay		Check	Leisure moorings. Rear of quay constrained by development so unloading /loading impossible

Availability to serve waste by water proposals

Issue 3

British Waterways

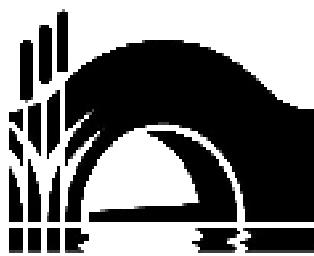
Appendix 5

Issue 3

British Waterways

Appendix 5

Examples of alternative safeguarding policies



**British
Waterways**

Examples of policies

1. As mentioned in the topic paper British Waterways has suggested alternative wording above to WCS8. We believe that there is evidence from other Waste Core Strategies to allow flexibility in this approach and to recognise that all sites should not automatically be protected.

Plymouth Waste Development Plan Document 2006-2021 adopted 2008

2. Policy W9 of the Plymouth Waste Development Plan Document 2006-2021 adopted 2008 allows development adjacent to waste management facilities which are not suitably located. This in effect means that those sites that are not deemed to be suitably located are not safeguarded.

Policy W9 - Applications for development affecting existing, proposed or allocated waste management facilities

Development proposals on or adjacent to existing or proposed waste management facilities will be permitted, provided that:

1. The operation of the waste management facility is not, or will not be, detrimentally affected; or
2. The waste management facility, proposed or existing, is no longer required or is not suitably located in relation to its function and impacts, and there is adequate capacity in the City, or in proximity to the source of the waste, now and in the future to manage the waste that the facility treats.
3. The development proposal would not suffer unacceptable adverse impacts as a result of the operation of the waste facility.

Buckinghamshire Minerals and Waste Core Strategy

3. The Buckinghamshire Minerals and waste Core Strategy (submission stage with EiP set for late February 2012) states that it is vital to safeguard existing sites but that these sites will be considered in the forthcoming Waste DPD. Para.4.68 explains that in some cases existing sites may not be well located in terms of their effect on environmental assets or impact on communities in relation to noise or disturbance so there may be cases where a particular site will not be retained in the waste DPD.
4. Para.4.68 States that sites in existing waste use will comprise a number of different waste uses, including sorting, transfer and recycling. The sites help to provide a network for the entire county and help to meet local needs within each district, but in some cases sites may not be well located in terms of their effect on environmental assets or impact on communities in relation to noise and disturbance, so there may be cases where particular sites will not be retained in the Waste DPD. The DPD will consider a policy for compensatory provision to deal with such eventualities.

5. Policy CS14 of the same document lists key sites which are to be safeguarded for waste purposes.

Extract from Nottinghamshire & Nottingham Waste Core Strategy- Preferred Options Document Consultation Sept 2011

Extensions to existing sites

What is the issue?

5.75 In most cases, extending existing sites is likely to be more economic and have less environmental impact than finding and building new sites. We therefore asked for views on whether the Waste Core Strategy should include a general policy in favour of extensions to existing sites, where this would not cause other environmental problems.

You told us

5.76 There was broad support for the principle of extending sites as this was seen as being in line with national and regional policy and the most sustainable option to make use of existing infrastructure. However there were detailed concerns about the need to ensure this did not make existing environmental problems worse. For example, there may be circumstances where it would be better to find a new, more sustainable, site rather than maintain a poorly located existing site. Some respondents did not agree that extending sites would necessarily bring other environmental benefits and that a site that was acceptable, say 20 years ago, may no longer be appropriate now.

Sustainability Appraisal findings

5.77 Extending existing sites scores well against sustainability objectives related to protecting the natural and built environment and can provide opportunities to improve existing site management. This option may also be easier to deliver than finding new sites and would promote the re-use of existing land and buildings. Not allowing for the extension of existing sites could restrict the possible supply of future waste management capacity but there may be environmental benefits where existing sites are no longer considered to be appropriate.

What is our preferred approach?

5.78 On balance, we feel that it is appropriate to make use of existing sites and associated infrastructure where possible. However, we recognise that there will need to be safeguards to ensure that this is only in cases where it would not create any additional environmental issues or make existing problems worse. We therefore propose to include a policy that encourages the extension of existing sites subject to proposals being environmentally acceptable. This would not remove the need to apply for planning permission and for the proposal to be assessed in the same detail as a new site.

The ‘List’ approach

6. Alternatively, if the Inspector does not feel the proposed changes to the wording of WCS8 appropriate and alternative would be to name those sites which are key to the provision of waste treatment in the County, i.e. those that meet the criteria as a strategic site, and which meet the Annex E criteria. This follows the approach taken by several other DPD's including;

Cambridgeshire Minerals and Waste Core Policy

7. **Policy CS30 of the Cambridgeshire Minerals and Waste Core Strategy** (adopted July 2011) states that only 'key' facilities i.e. those which make a significant contribution to the waste stream' will be protected by a waste consultation zone of 250m. The Policy lists the Waste consultation areas.

CS30 Waste Consultation Areas

Waste Consultation Areas will be identified in the Core Strategy and Site Specific Proposals Plan and defined on the Proposals Map at locations:

- **within and around (250m) existing waste management facilities that make a significant contribution in managing waste in Cambridgeshire and Peterborough**
- **within and around unimplemented permitted waste management sites and allocations**

The Waste Planning Authority must be consulted on any planning applications within Waste Consultation Areas except:

- a. **householder applications (minor development works relating to existing property)**
- b. **advertisements**

Development will only be permitted where it is demonstrated that this will not prejudice existing or future waste management operations.

Greater Manchester Joint Waste DPD

8. Para 4.27 of the Greater Manchester Joint Waste Development Plan Document 2011 which will be adopted in March 2012 by all ten authorities in the Greater Manchester area, states that not all existing waste management sites are worthy of safeguarding and therefore existing sites should be tested against the Criteria set out in PPS10 to determine whether or not they should be safeguarded.

9. Para 4.42 again states that it would not be appropriate to safeguard all existing waste management facilities. Their location could be due to historic reasons rather than being located in the most sustainable place, or the existing sites might not suit the needs of new waste management technologies. Therefore, the waste plan safeguards existing capacity rather than specifying particular sites.

10. The Plan goes on to list sites to be protected in accompanying tables.

South London Joint Waste Plan

11. The South London Joint Waste Plan Para.4.40 as submitted chose not to automatically allocate all existing waste sites and suggested that only sites which are deemed to meet a critical size threshold are above which significant throughputs can be achieved. The Inspectors report makes it clear that certain other sites of less than 0.2 ha are to be included. However not all existing waste sites will be included, and this can be justified by local circumstances without undermining the plan. Again, a list approach is used to set out to detail the waste sites which are to be protected.