



## Issue 3/Graftongate Investments Ltd and Consi Investments Ltd

### Whether the CS is Consistent with National Policy

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- 1.1 GVA has submitted representations on behalf of Graftongate Investments Ltd (GIL) and Consi Investments Ltd (CIL) objecting to Policy **WCS8** of the Gloucestershire Waste Core Strategy "Focused Changes" document (June 2011) (CD1.2). These representations are set out within GVA's "Statement of Objections" dated August 2011.
- 1.2 CIL is the owner of c. 6ha of land at Javelin Park and GIL is the Development Manager. GIL will be representing both parties at the Hearing for Issue 5 (Session 6) specifically in relation to Javelin Park, but also wish to make written representations to Issue 3, specifically in respect of Policy WCS8. It is unclear whether or not this specific representation has been considered by Gloucestershire County Council (GCC) in any detail as it is not referenced in CD1.11 which summarises the key issues raised in the representations. The written representation is set out below in response to "Question 2".

### Question 2: PPS10

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

- 1.3 CIL and GIL consider that this policy is unsound because it will not provide the most appropriate form of words (not "justified"), will be flexible in its application (not "effective") and will be inconsistent with national policy. This applies to both existing and allocated waste management sites.
- 1.4 The view is taken that the wording of this policy is imprecise which could lead to inconsistent and/or over-restrictive application and, in turn, the potential sterilisation of land at Javelin Park (as well as other existing and allocated sites). The specific concerns are as follow:



- The first sentence should specifically refer to planning applications for alternative uses.
- "*Adversely affected*" is considered to be too vague and should instead refer to "*prejudiced*" in accordance with PPS10 para. 33.
- Whilst it is appropriate to include a presumption in favour of the safeguarding of waste uses/sites, the draft wording is considered to be overly-restrictive and onerous. This issue was specifically raised by the Inspector who examined the adopted Gloucestershire Waste Local Plan and who supported the inclusion of the word "*normally*" to provide discretion to GCC to assess each case on its merits (para. 5.19.3 of Inspectors Report). For instance, if evidence can be provided to demonstrate that a waste use is no longer viable/realistic and/or an alternative use would not prejudice the implementation of the waste strategy, then a site should no longer be safeguarded, otherwise this will result in the sterilisation of land which could be more suited to alternative uses. To provide discretion to GCC the word "*normally*" should be included, similarly to Policy 7 in the adopted Waste Local Plan.
- The last sentence is duplication and therefore unnecessary.

## Requested Amendments to Policy WCS8

1.5 CIL and GIL request that Policy WCS8 be amended to read as follows (requested deletions shown in strikethrough and additions shown in bold):

*"Existing and allocated sites for waste management use will **normally** be safeguarded by local planning authorities who must consult the WPA where there **are planning applications for alternative uses** ~~is likely to be incompatibly between land uses~~. Proposals that would **prejudice** ~~adversely affect~~, or be **prejudiced** ~~adversely affected by~~, the implementation of the waste management **strategy** ~~use~~ will not be permitted unless it can be satisfactorily demonstrated by the applicant that there would be no conflict and/or that the existing/proposed waste use is no longer viable or realistic. The WPA will oppose proposals for development that would prejudice the use of the ~~an existing or allocated site for waste management~~."*