

12. WASTE

12.1 INTRODUCTION - PARAGRAPHS 12.1.1 TO 12.1.17

Objections

W283/3790	Gloucestershire County Council
W283/3791	Gloucestershire County Council
W353/647	Shropshire County Council
W353/648	Shropshire County Council
W353/649	Shropshire County Council
W353/652	Shropshire County Council
W283/11081	Gloucestershire County Council
P830/10998	Friends of the Earth
P830/10999	Friends of the Earth

Summary of Objections / Issues

- Herefordshire does not seem to be fulfilling the proximity principle and regional self-sufficiency. The statement that there are no obvious new landfill sites in the county in Paragraph 12.1.12 should be justified. It is not clear that the continuing export of waste to landfill sites in Worcestershire is a sustainable strategy. (283, 353)
- There should be a strengthening of cross-referencing between Chapter 12 and the more detailed work in the Background Report, with more detail on waste quantities and the impact of recent EU and national policy initiatives. (353)
- Data on waste streams should be clarified in tabular form. The arithmetic in Paragraph 12.1.7 should be corrected and the forecast growth rate for waste in Paragraph 12.1.7b should be clarified. The figures are not consistent with the text. (283, 353, 830)
- The quantity of construction and demolition waste is significantly underestimated. (353)

Inspector's Reasoning and Conclusions

Whether the Plan satisfies the proximity principle and regional self-sufficiency - 283, 353

12.1.1 National policy is set out in PPS 10: Planning for Sustainable Waste Management. This was published in July 2005 though a consultation draft (Document D 41) was issued in December 2004. Key objectives are to move waste management up the waste hierarchy looking to disposal as a last option but one which must be adequately catered for; also to provide a framework in which communities take responsibility for their own waste.

12.1.2 Changes to Waste Management Decision Making Principles in Waste Strategy 2000 were published by DEFRA in July 2005. This requires the management of waste in ways that protect human health and the environment. Waste should be disposed of at the nearest appropriate installation, by means of the most

appropriate methods and technologies. There should be effective community engagement and a systematic consideration of alternative options to reach decisions which deliver the required environmental outcomes, taking account of what is feasible and what is an acceptable cost.

12.1.3 The particular concerns of these objectors relate to the continued reliance on the Hill and Moor landfill site in Worcestershire. The Council states that this reliance is driven by the Private Finance Initiative contract which implements an integrated waste strategy for the two counties. The capacity of the Hill and Moor site is more than sufficient for the plan period and no further landfill sites are considered necessary.

12.1.4 Planning permission was granted for a municipal landfill site in 1995 at Stretton Sugwas in Herefordshire, but it was allowed to lapse. There are existing permitted sites at Leominster and Bromyard, although these are not used by the contractor for economic reasons.

12.1.5 I agree with the objectors that the need to haul municipal waste from Herefordshire to a site in Worcestershire is unlikely in the longer term to represent disposal of waste at the nearest appropriate installation by means of the most appropriate technology. Nor is it consistent with the need for communities to take responsibility for the disposal of their own waste. Whilst Herefordshire and Worcestershire were joined administratively for a number of years, that is no longer the case. In the longer term Herefordshire should look to making provision for final disposal of waste residues within the county.

12.1.6 In Recommendation 3.25/1, I recommend that the Council should give consideration to bringing forward a development plan document addressing the need for specific sites for waste processing and final disposal following the completion of the partial review of the RSS on waste. Pending this, I consider a strategy which aims to move the management of waste up the hierarchy and thus minimise the final disposal of waste to be consistent with the aims of PPS 10.

12.1.7 The priority for the current plan period is to concentrate on the minimisation of waste and consequently on the need for disposal to landfill sites. The policies of the Plan allow planning permission for appropriate waste treatment facilities to be granted on existing and proposed industrial sites. In a situation where there is existing landfill capacity for the remainder of the plan period, I do not consider that there is a need to identify further landfill sites at the present time and I do not have specific evidence of the need for sites on which to base such a recommendation.

Whether there is a need for cross-referencing between Chapter 12 and the Background Report - 353

12.1.8 The relationship between Section 12 (Waste) and the BPEO Assessment (Document U 22) is set out in Section 12.3 of the Revised Deposit Draft. The conclusions of the BPEO report have informed the framing of Policy S10 which sets out the Council's strategic targets for the management of the three controlled waste streams. Policy S10 retains an element of flexibility in considering proposals for waste management facilities, whereby alternative methods of treatment will have to demonstrate that the impact of that process or technology will be equal to or not significantly greater than those which have been modelled for the agreed BPEO.

12.1.9 The BPEO Assessment explains the background to the Council's approach. It contains much detailed technical information which I consider it would be inappropriate and unhelpful to reproduce in the Plan. I do not consider that there is a need for further cross-referencing to be included.

Need for better and more clearly presented background data - 283, 353, 830

12.1.10 In response to these objections extensive changes were made to Paragraphs 12.1.6 and 12.1.7, with new Paragraphs 12.1.7 a) – d) inserted which include assessments of the amount of waste generated and estimates of future growth. The data is taken from the Environment Agency's Strategic Waste Management Assessment (Document U 19) and the BPEO Assessment (Document U 22.)

12.1.11 Whilst recognising that statistics on waste arisings and treatment are problematic, I consider that the Council has used the best available data as a basis for its consideration of waste planning. As a result of these changes, the data is now set out clearly and comprehensibly. I do not consider it is necessary to set it out in tabular form.

12.1.12 Objector 353 was prepared to withdraw objections relating to the statistical basis of the waste section subject to the inclusion of updated information. However, I agree with the Council's approach that inclusion of a large amount of background statistical and other technical data in the Plan would not aid clarity of understanding. It is preferable for this information to be included in supporting documents which can be regularly updated and reviewed in the light of new information. Much of the information is contained in the Council's General Statement on Waste (Document J 30).

12.1.13 The Council accepts that there is an error in Paragraph 12.1.7a. Proposed Change No 19 would rectify this.

RECOMMENDATIONS

12.1/1 Modify Chapter 12 as necessary to refer to PPS 10 and "Changes to Waste Management Decision Making Principles in Waste Strategy 2000" (DEFRA, July 2005).

12.1/2 Modify Paragraph 12.1.7a in accordance with Proposed Change No 19.

12.1/3 Do not make any other modification in response to the objections.

12.2 NEW WASTE MANAGEMENT FACILITIES - POLICY W1 AND PARAGRAPHS 12.4.1 TO 12.4.7

Objections

W198/11316	Hereford Civic Society
W283/3792	Gloucestershire County Council
W283/3793	Gloucestershire County Council
W283/11082	Gloucestershire County Council
P357/734	English Heritage (Conditionally Withdrawn)
P602/1339	Herefordshire Nature Trust

P602/11213	Herefordshire Nature Trust
P635/11445	Campaign to Protect Rural England
P745/1822	Alliance Environment and Planning Ltd
P890/2644	Government Office for the West Midlands
P890/2645	Government Office for the West Midlands
P1071/3393	English Nature (Conditionally Withdrawn)
P1071/3394	English Nature (Conditionally Withdrawn)
P1071/3395	English Nature (Conditionally Withdrawn)

Objections to Proposed Change

W198/20128	Hereford Civic Society
W283/20124	Gloucestershire County Council
P635/20141	Campaign to Protect Rural England

Summary of Objections / Issues

- Further emphasis should be given to the importance of traffic. (198)
- Primary and secondary constraints should follow a hierarchy of protection. (283, 890)
- The last 2 bullet points of Paragraph 12.4.5 should be amended to reflect the level of constraint. (283)
- The assumption that one primary constraint has the same weight as two secondary constraints cannot be justified without reference to the detail of the proposal. The potential for mitigation needs to be clearly linked to the mitigation of impacts on primary and secondary constraints. (283)
- The policy should include reference to biodiversity and sites and features of nature conservation interest. (602)
- Sites and species of local importance for nature conservation should be treated as a primary constraint. Ancient and semi-natural woodland, and best and most versatile agricultural land, should be treated as primary constraints. (602, 635)
- The policy is too vague and unspecific to be an effective planning tool. (635, 890)
- Specific landfill sites should be identified to meet the requirements of self-sufficiency and the proximity principle. (283, 745)
- It is unclear why Grade 3a and above agricultural land is not being treated as a secondary constraint. (890)
- The original primary constraints 3, 4 and 6.4 should be reinstated. Also "landscape" should be reinstated as a requirement to be addressed. (198, 635)
- The requirement for impacts to be "wholly mitigated" is unrealistic. (283)
- Reference to the specialised nature of a facility being a material consideration in considering planning applications gives too much discretion and undermines the authority of the Plan. (635)

Inspector's Reasoning and Conclusions

Importance of traffic – 198

12.2.1 Proposed Change No 20 amends the text to make specific reference to access to an "A" or "B" class road. The objector considers that traffic impacts should be accorded greater weight by including access as a primary constraint.

12.2.2 It does not appear to me that access to an "A" or "B" class road should be a primary constraint. The primary constraints relate to matters of international, national or regional significance. I would not place road access in this category. In any event, the latter part of the policy requires applicants to submit evidence on, for example, impact on people and local communities. Satisfactory mitigation is required. Other policies in the Plan are also material.

12.2.3 I appreciate a rail connection might be a relevant consideration. However, road access would still be required and this is likely to be the most important factor. In all the circumstances, no modification to the policy is necessary.

Whether the hierarchy of protection should be clarified - 283, 890

12.2.4 The hierarchy of protection has been amended in the Revised Deposit Draft. I consider that the revised classification of primary and secondary constraints accords more closely with the hierarchy of international, national and local designations. Proposed Change No 20 further clarifies the nature of the constraint in the last two items of Paragraph 12.4.5. Assessment of visual impact on landscape is inevitably a matter of judgment supported by clear reasoning and I do not consider that a quest for further precision is likely to be rewarded.

Weight to be accorded to primary and secondary constraints - 198, 283, 635

12.2.5 I do not consider that the Plan would be weakened in any important respect as a result of Proposed Change No 20. To my mind, there is a more logical ordering of the constraints. For example, matters of international, national and regional importance are treated as primary constraints. The other constraints are secondary.

12.2.6 This distinction is consistent with Government guidance. The amended policy gives strong protection to land affected by secondary constraints, requiring adverse impacts on, for example, people and communities and natural and cultural assets to be satisfactorily mitigated. Planning permission would be refused if satisfactory mitigation could not be achieved. Appropriate protection is still available through the policy and through other provisions of the Plan. In particular, adverse visual impact on landscape character would be a specific secondary constraint.

12.2.7 Objector 283 points out that, as it is currently worded, Proposed Change No 20 would allow for development even in areas affected by one or more primary constraint in exceptional circumstances; also that the requirement for mitigation should be clearly linked with this circumstance.

12.2.8 It is not clear to me that this is the intention of the additional wording proposed in the change. Reference to the mitigation of secondary constraints only could be taken to imply that the policy is not intended to apply in areas affected by one or more primary constraints. If this is the intention then the policy should be clarified so as not to leave any doubt. If the exceptional circumstances are intended to apply in areas affected by primary constraints, then the policy should refer to satisfactory mitigation of primary and secondary constraints.

12.2.9 However, I consider that the requirement for adverse effects to be wholly mitigated is an unrealistic expectation which could effectively prevent such proposals being brought forward even in exceptional circumstances. The last part of Policy W1 refers to the satisfactory mitigation of impacts on a range of considerations. To my mind this is the appropriate provision. To require adverse effects on secondary constraints to be wholly mitigated would be an unreasonable and potentially unnecessary requirement.

12.2.10 I recommended that the term "satisfactorily mitigated" is substituted. This would ensure consistency with the approach to the identification of minerals sites in Policy M3. It would remain a matter for judgment supported by clear reasoning whether the specialised nature of the facility would be a material consideration sufficient to override the constraints.

12.2.11 To ensure consistency with my recommendation on Policy M3 (Recommendation 11.10/1) and with Policy ARCH4, I consider that sites of truly regional importance should be regarded as primary constraints. Sites of lesser regional or local importance would be secondary constraints. I recommend a minor amendment to Proposed Change No 20 to reflect this.

Local nature conservation sites, ancient woodland and best and most versatile agricultural land - 602, 635, 890

12.2.12 I consider that the policy is already framed in highly restrictive terms. Where no lesser constrained land is available development affecting such sites would only be contemplated if adverse effects could be satisfactorily mitigated. Other policies in the Plan give a high degree of protection to these interests. Proposed Change No 20 includes best and most versatile agricultural land as a secondary constraint. I do not consider that these matters are of the same order of importance as the primary constraints identified.

Vagueness and lack of specificity - 635, 890

12.2.13 I have some reservations over the lack of inclusion of specific proposals for waste treatment facilities which I have addressed in the context of objections to Policy S10. Inevitably, reliance on criteria based policies invites suspicion that the need for a specific facility will override established planning considerations. However, I do not have sufficient evidence before me of the need to identify specific sites for waste treatment facilities.

12.2.14 The Council's position is that the majority of waste treatment facilities can be located acceptably on industrial land. Whilst recognising the problems with this approach, I consider that a criteria based approach is an acceptable way forward pending the production of clearer regional requirements for waste treatment facilities to serve each part of the region.

12.2.15 For such an approach to succeed it is necessary that some locational flexibility should be retained to allow sites to come forward if they are needed. Whilst it may be perceived by some as vagueness, I do not consider it is realistic to adopt criteria which are so restrictive as to frustrate the possibility of sites being identified. In the circumstances, I consider that the criteria set out in the policy give a reasonably clear indication of the considerations which will apply to the determination of planning applications.

12.2.16 With regard to the inclusion of a caveat in Paragraph 12.4.4, to the effect that the specialised nature of the facility could constitute a material

consideration sufficient to override a constraint, I consider that this would only apply in truly exceptional circumstances, where there is an overriding need to provide a particular facility and no other lesser constrained land can be found. I do not regard this as a carte blanche for ignoring constraints, which would still carry great weight in any balancing exercise. I do not accept that it would undermine or weaken the authority of the UDP.

RECOMMENDATIONS

12.2/1 Modify the Plan in accordance with Proposed Change No 20 subject to:

- a) clarification as to whether the exceptional circumstances criterion is intended to apply in areas affected by one or more primary constraints. If so, then mitigation should refer to "primary and secondary constraints";
- b) substituting "satisfactorily mitigated" for "wholly mitigated" in the first part of the policy and in Paragraph 12.4.6; and
- c) amending primary constraint 3 in Policy W1 and Paragraph 12.4.3 to read "Scheduled Ancient Monuments and other sites of national or regional archaeological importance" and amending secondary constraint 4 to read "Archaeological sites of lesser regional or local importance" in Policy W1 and Paragraph 12.4.5.

12.2/2 Do not make any other modification in response to the objections.

12.3 LANDFILL OR LANDRAISING – POLICY W2 AND PARAGRAPHS 12.4.8 TO 12.4.12

Objection

P358/1860 Environment Agency

Summary of Objection / Issue

- Landfill capacity for the disposal of commercial and industrial waste should be referred to in Paragraph 12.4.9. (358)

Inspector's Reasoning and Conclusions

Landfill capacity for the disposal of commercial and industrial waste - 358

12.3.1 The Council's strategy is set out in Policy S10 which seeks management and disposal of waste in accordance with the Best Practicable Environmental Option (BPEO) Assessment (Document U 22) based on managing waste through waste minimisation, recycling and reclamation. This applies to commercial and industrial waste as well as to the other waste streams.

12.3.2 The BPEO assessment proposes a reduction of commercial and industrial waste needing to be landfilled to 23%, an increase in recycling to 73% with 4% dealt with by existing forms of thermal treatment. Policy W2 applies to all waste

streams and allows for the identification of sites if necessary according to criteria including that it should represent the BPEO.

12.3.3I do not consider it is necessary to include further reference to commercial and industrial waste in the Plan. Information on landfill capacity for all waste streams is included in Document J 30. In my view it is appropriate for this data to be included in supporting documents where it can be updated in response to monitoring if necessary.

RECOMMENDATION

12.3/1 Do not make any modification in response to this objection.

12.4 TEMPORARY PERMISSIONS - POLICY W4 AND PARAGRAPHS 12.4.14 TO 12.4.16

Objection

P1071/3396 English Nature

Summary of Objection / Issue

- The policy should be cross-referenced to Policy W1 to protect sites from long term contamination. (1071)

Inspector's Reasoning and Conclusions

Cross-referencing to Policy W1 - 1071

12.4.1Changes were made in the Revised Deposit Draft to Policy W4 which satisfy the objection.

RECOMMENDATION

12.4/1 Do not make any modification in response to the objection.

12.5 RECLAMATION, AFTERCARE AND AFTERUSE - POLICY W9 AND PARAGRAPHS 12.4.24 TO 12.4.25

Objections

P535/1170 Kington Town Council
P890/2787 Government Office for the West Midlands

Summary of Objections / Issues

- A site for waste separation should be identified near to Kington. (535)

- The policy should include reference to the proposals meeting the standard for the proposed afteruse and acknowledge that not all waste sites will require a reclamation scheme. (890)

Inspector's Reasoning and Conclusions

Whether a site should be identified near Kington - 535

12.5.1 Policy W9 deals specifically with aftercare and afteruse of sites. The Council has taken the view that no specific sites should be identified, preferring to rely on accommodating such development on land identified for employment and industry, or the application of a criteria based approach as set out in Policy W1. Subject to my recommendation on Policy S10 (Recommendation 3.25/1), I consider this approach is satisfactory.

Afteruse and reclamation - 890

12.5.2 Changes were made in the Revised Deposit Draft to Policy W9 which satisfy the objection in respect of appropriate standards for afteruse. Paragraph 12.4.24 makes it clear that the requirement for reclamation and aftercare applies where waste management is seen as a temporary use of the land. I do not consider that further clarification of this point is needed.

RECOMMENDATION

12.5/1 Do not make any modification in response to the objections.

12.6 PROVISION FOR FACILITIES TO MEET IDENTIFIED RECYCLING / WASTE RECOVERY CAPACITY – PROPOSED NEW POLICY

Objection

W283/3795 Gloucestershire County Council

Summary of Objection / Issue

- No specific provision has been made for facilities to meet identified capacity for recycling and recovery. (283)

Inspector's Reasoning and Conclusions

12.6.1 I have concluded on Policy S10 (Recommendation 3.25/1) that whilst I do not consider it would be in the public interest to delay adoption of the UDP by recommending potentially highly controversial site specific allocations at this stage, I recommend that the Council gives consideration to an early review of policy through the preparation of a local development document addressing the need for specific sites for waste recycling, treatment and disposal. This would accord with the view of West Midlands Regional Assembly (Document F 4) that the Council

should make a commitment to review the waste chapter when the partial review of the Regional Spatial Strategy to accommodate the Regional Waste Strategy is approved.

RECOMMENDATION

12.6/1 Do not make any modification in response to the objection.

12.7 ZERO-WASTE – PROPOSED NEW POLICY

Objection

P425/887 Mr Voysey

Summary of Objection / Issue

- There is no mention of a zero-waste policy, door-step separation of waste or biogas production. (425)

Inspector's Reasoning and Conclusions

Zero-waste policy, door-step separation and biomass production - 425

12.7.1The Council has considered the Best Practicable Environmental Option for each waste stream. For all waste streams the Council aims to achieve as high a re-cycling rate as possible. Recycling and waste management are therefore central to the Council's approach. This approach is clearly set out in Section 12.2 of the Plan.

12.7.2There is now strong pressure arising from European and national policy for a step change in the way waste is managed, but the momentum will take time to build up. Nevertheless, I consider that the approach is soundly reflected in the Revised Deposit Draft which has been substantially amended to take account of objections.

12.7.3The UDP is essentially concerned with land-use matters. The Council's strategy is predicated on a substantial reduction in the volume of waste and consequently the necessity of final disposal to landfill. Waste management is crucial to the achievement of this and is addressed in other documents, most notably the Municipal Waste Management Strategy.

RECOMMENDATION

12.7/1 Do not make any modification in response to the objection.