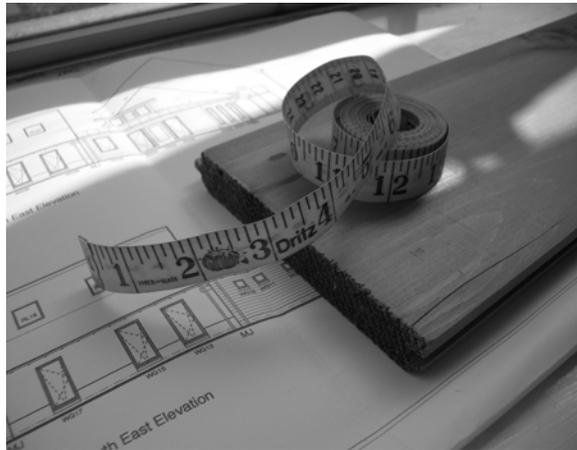


# *Supplementary Planning Document*

## **Waste Minimisation in Development Projects**



### **Statement of Public Consultation undertaken prior to Adoption**

**July 2006**



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## 1 Preparation of the SPD

### ***Introduction***

- 1.1 This document is prepared under the Town and Country Planning (England) Regulations 2004 [Regulation 18(4)(b)]. It sets out the evidence gathering that has been undertaken in the preparation of the *Waste Minimisation in Development Projects* Supplementary Planning Document (SPD).
- 1.2 The SPD has taken just over a year to prepare. It has involved three key stages of stakeholder involvement:
- focus/expert group workshop;
  - informal draft version of the SPD including a stakeholder newsletter (No.3 Sept '05) and Sustainability Appraisal;
  - formal draft version of the SPD.
- 1.3 This statement of consultation sets out how each of these stages was undertaken, the key issues that were raised, and how they have been taken into account in the final version of the document.

## 2 Evidence Gathering

### ***Commence Preparation***

- 2.1 A presentation to representatives from Gloucestershire's District Councils by County Council officers on Tuesday 18th January 2005 outlined the need for an SPD on this issue. It was informally agreed that SPD preparation would be initiated and administered by the County in its Waste Planning Authority capacity, but with input, ratification and ultimately adoption by each of the six Districts & the County Council. Representatives from five of the six District Authorities attended. Unfortunately no representative from Stroud DC was available to attend.
- 2.2 Preparation of this SPD was also raised at the District Liaison Meeting at Gloucestershire County Council (GCC) offices on Wednesday 2nd March 2005. Representatives from the Government Office for the South West (GOSW) were also present.

- 2.3 On the 22<sup>nd</sup> June 2005 an e-mail was sent to each of the six District Councils as a reminder that a waste minimisation SPD was going to be prepared. An informal timetable for SPD preparation was circulated at this time. The e-mail recognised that four key areas of district work are potentially affected. These were Planning Policy, Development Control, Environmental Health and Waste Collection. The opportunity for other Officers to be included on a circulation list was given. A single point of contact was identified for each District to whom documents would be sent.

#### ***Internal Consultation***

- 2.4 A County Council internal consultation was undertaken following meetings with officers from the Waste Management Unit - representing Waste Disposal Authority (WDA) and Waste Collection Authority (WCA) interests.
- 2.5 Limited responses were received at this time, though it was stressed in the e-mail that this was very much the start of the process and there would be further opportunities to comment later on.
- 2.6 In addition, as Wiltshire County Council have adopted supplementary guidance on this matter their waste planning officers were contacted to find out what has worked in practice. This provided a useful juxtaposition against which to temper theoretical aspirations.

#### ***Informal District Consultation***

- 2.7 An initial rough draft of the SPD was circulated on the 4th July 2005 for brief 'officer only' consideration. The draft document comprised questions/issues for Districts to consider, for example, is the use of thresholds for submitting a waste management statement useful? If it is then what should that threshold be?
- 2.8 A quick turnaround was requested so that an expert group could be convened in August 2005 to discuss what key stakeholders consider should feature in the SPD. The purpose of the rough draft was to provide something to discuss at the expert group forum. At the same time, a draft copy of the SPD was sent by e-mail (12/7/05) to the Waste Resources Action Programme (WRAP) for advice on examples of best practice. A copy was also sent to Wiltshire Waste Planning Authority (13/7/05) for practical experience input.

#### ***Expert Group***

- 2.9 An 'expert group' was convened for the morning of Wednesday 7<sup>th</sup> September 2005 at Gloucester City Council to discuss the content of the SPD. It was decided that a limited number of 'experts' would be invited in order to enable a roundtable discussion on the issues. Letters of invitation were sent on the 20<sup>th</sup> July 2005 to a wide variety of organisations, listed in Appendix D. A roundtable discussion/workshop was held, including two short presentations to introduce topics.

- 2.10 Of the 24 organisations/individuals invited to the expert group forum 21 attended. The attendees are listed in Appendix E and the agenda is set out in Appendix F. A copy of the minutes of that meeting were posted on the Gloucestershire County Council website and a summary of the issues raised is set out below.

***Main issues raised during the evidence gathering stage***

- 2.11 The main issues that were raised during the evidence gathering stage were:
- That requiring every applicant for planning permission to submit a waste minimisation statement (WMS) was not considered practical or implementable given current resources/constraints at district planning offices. There is consequently a need for a 'threshold' size of planning application where a WMS will be required. This should capture large-scale development where most construction/demolition waste is generated.
  - The document needs to be easy for developers, planners and members of the public to understand and use.
  - The use of targets that developers would be required to meet for each type of waste likely to be produced was considered problematical to implement and enforce.
  - There is a need to have mechanisms to ensure WMSs are implemented.
  - There are variations between Waste Collection Authorities on their methods and schemes for collecting waste.

***How these issues were addressed in the informal draft SPD***

- 2.12 In response to the feedback received during the evidence gathering stage, including the expert group seminar, an informal draft SPD was prepared for wider public consultation. Nine questions were asked in the document to stimulate debate and focus the issues. For example, one question posed - 'What should the threshold size of planning application be for requiring to submit a waste minimisation statement?' In response a number of options were put forward as to what constitutes a 'major' development, such as the ODPM's development Control Statistics, the Wiltshire & Swindon Waste Minimisation thresholds and the DTI threshold.
- 2.13 Other matters factored into the informal draft SPD following 'evidence gathering' included:
- It was kept as brief as possible and was intended as a guide for best practice methods of waste minimisation rather than to be overly prescriptive with a list of do's and don'ts;
  - A question was asked whether targets were appropriate in the SPD;
  - Case study examples of waste minimisation practice provided by Envirowise were added to the informal consultation draft of the SPD. The informal draft SPD provided a checklist that set out requirements for applicants to meet in submitting a WMS;

- Examples of standard planning conditions were provided in the SPD to assist the district development control officers in enforcing its requirements.
- Explicitly stating that waste minimisation will be most successful provided that a WMS is submitted as part of the planning application determination process, and not bolted-on at a later date;
- The SPD was amended to specify that it is imperative that applicants/developers discuss the issue of household waste collection with the appropriate Waste Collection Authority early on. This will ensure that the design reflects the local waste collection regime during the occupation of the development.

### 3 Informal Consultation Document

#### ***Stakeholder Involvement***

- 3.1 The informal draft SPD was subject to a three month informal public consultation (from 29<sup>th</sup> September until 30<sup>th</sup> December 2005). A newsletter dedicated to waste minimisation issues and a covering letter inviting representations was sent out (29/11/2005) to those bodies, organisations and individuals listed in Appendix G. The informal consultation draft was available at District/County Council offices and on the Gloucestershire County Council website.
- 3.2 Internal to GCC an e-mail was sent informing officers of the consultation period on 29/09/2005. The following units were consulted:
- Minerals & Waste Planning Policy
  - Development Control
  - Planning Enforcement
  - Sustainable Materials Procurement (Highways)
  - Local Transport Plan
  - Waste Disposal Authority
  - Environmental Planning
  - Property Services
- 3.3 To further raise awareness of the SPD an e-mail reminder specifically requesting comments from District Development Control Officers on the informal draft of the SPD and was sent (11/11/2005) team leaders of the Districts Development Control Teams.

### ***Main issues raised during the Informal Consultation***

3.4 Representations from 23 organisations and individuals were made to the informal draft SPD.

3.5 The following main issues came out of the informal consultation on the SPD were:

- A number of options for thresholds were put forward. However the ODPM definition of 'major' developments was considered to provide a readily useable threshold for requiring applicants to prepare and submit a waste minimisation statement;
- All developments need to adhere to the principles of waste minimisation;
- Use a target of 10% by value of recycled materials in major developments to conform with emerging national guidance and raise awareness within industry;
- Who and how will the requirements of the SPD be implemented and enforced?
- There should be case study examples of waste minimisation techniques for small scale developments in the SPD;
- For 'major' developments applications that are not accompanied by a waste minimisation statement the general view was that these should not be registered as valid;
- There needs to be provision of residual waste bins by the developer, and make sure that waste collection vehicles can access the development.

### ***How these main issues were addressed in the SPD***

3.7 There have been many different and varied suggestions by respondents as to what could provide an appropriate threshold size of development that would require submission of a waste minimisation statement at planning application stage. Each has merits, though on balance the approach that has been preferred is to use the ODPM standard definition of 'major development' - either 10+ dwellings (or residential development on a site larger than 0.5 hectare), or for any other type of development where the floorspace exceeds 1,000 square metres or site area is 1 hectare or more. This is preferred for two main reasons: firstly it makes its implementation by development control officers easier as it ties in with other 'trigger' sizes of planning application; secondly the collection of monitoring data should be easier so that the effectiveness of the approach can be measured, and if necessary amended.

3.8 Using a threshold does not preclude smaller developments from abiding by the principles of waste minimisation (as set out in the SPD). The primary purpose of setting a threshold is to ensure that those larger developments that are most likely to generate waste are identified and demonstrably follow the SPD's principles. Smaller developments will be encouraged through distribution of a waste minimisation guide leaflet. A copy of this leaflet has been prepared for formal consultation and is set out in Appendix I of the main SPD.

- 3.9 Although the use of specific targets for different types of material was considered by the Expert Group to potentially stifle innovation and be difficult for local authority development control officers to practically implement. The 10% by value target was put forward by WRAP as a target that should be included. It is noted however that a 10% by value target is one that the Government intends to introduce in 2006. It consequently seems prudent for the SPD to incorporate this figure with supporting text as it will assist in raising industry awareness of recycled content of materials.
- 3.10 The validity of an applicants' response will fall on the local planning authority to determine. This raises the issue of the required level of resources and expertise to implement the SPD. Consequently, until the knowledge base has increased surrounding this new area of planning involvement there will inevitably be a degree of interpretation involved. The checklist in the SPD's Executive Summary should assist DC officers in assessing whether the applicant has considered this aspect. In respect of not reaching the target, although advice from WRAP is that most projects will be meeting 10% by default, if a project failed to meet the target then that would potentially be a breach of condition issue and fall to be resolved through enforcement action.
- 3.11 The case studies provided in the informal consultation draft of the SPD provides large project case study examples. Case study examples for smaller developments were intended to be included in the SPD. However, there has been a difficulty in finding appropriate case study examples for small developments. We have tried a number of different organisations and lines of inquiry but unfortunately have not found examples with direct applicability for the SPD. The methods of raising awareness have greater merit at a wider scale indeed this is one of the purposes of organisations such as WRAP and Envirowise. WRAP provides information for local builders and planners in waste saving principles. Their website address has been added to the SPD to assist readers.
- 3.12 The registration/validating of planning applications for major development that do not have a WMS is a matter for the determining local planning authority. It was encouraging that there was support, from the LPAs that responded, for this approach provided that other authorities adopted a similar position. The SPD can however only persuade LPAs to follow this procedure, it will be a matter for them to implement if they deem it prudent. The County Council will monitor this position carefully through local output indicators in Objective 4 of future Annual Monitoring Reports
- 3.13 The SPD's checklist will be augmented to include a requirement for developers to liaise with the relevant WCA in respect of bin/box provision. This is an important issue as facilitating the appropriate collection is fundamental to the success of any scheme.

## 4 Formal Consultation Document

### ***Stakeholder Involvement***

- 4.1 The formal draft of the SPD was subject to a 6 week consultation (26<sup>th</sup> April until 7<sup>th</sup> June 2006). All stakeholders on our Minerals & Waste database were contacted with a letter and legal notice inviting representations on the formal draft of the SPD. A link was provided to access the documentation on our website and the option was given for people to request paper copies of the SPD and supporting documentation.
- 4.2 Those organisations/individuals that made an e-mailed representation at the informal draft stage, or for whom an e-mail address was provided, were e-mailed an electronic copy of the SPD, SA/SEA, Consultation Report, Representation Form and Legal Notice (see Appendix A). These are listed in Appendix B. Additionally all GCC Internal Consultations were sent the documentation by e-mail.
- 4.3 Those individuals/organisations that communicated by post were sent a letter with paper copies of the documentation. These are also listed in Appendix B.
- 4.4 The South West Regional Assembly (SWRA) was sent both an electronic copy and a paper copy of the documents for the purposes of assessing whether the SPD is in conformity with the RSS. A late representation was received from SWRA on the 9<sup>th</sup> June stating that the SPD was in general conformity with the emerging RSS.
- 4.5 A notice was placed in the following local newspapers: Glos Citizen - All Editions; Glos Echo; Stroud News and Journal; Dursley Gazette; The Forester; Wilts & Glos Standard; Evesham Journal - Cotswolds Edition; and the Forest of Dean & Wye Valley Review, during the week commencing 24<sup>th</sup> April 2006.
- 4.6 A press release was issued (see Appendix I) and an article appeared on the *letsrecycle.com* website (<http://www.letsrecycle.com/info/localauth/news.jsp?story=5591>) (see Appendix C).

### ***Main issues raised during the Formal Consultation***

- 4.7 Representations from 11 organisations and individuals were made to the formal draft SPD. A full report of all representations received and the WPA response can be accessed on the County Council's website, or viewed at District/County Council Offices.

4.8 The main issues that arose concerning the formal consultation were:

- The targets for use of recycled materials in major developments should be increased;
- The Executive summary needs to be amended to be more encompassing and more explicit;
- The checklist needs to be reworded to make it clearer;
- The summary boxes at the beginning of sections 3, 4 and 5 need to be consistent with the checklist;
- Concern was raised at the resources required to effectively implement the SPD;
- For 'major' developments applications that are not accompanied by a waste minimisation statement there were contrasting opinions that either these should not be registered as valid or that there are matters that can be deferred to resolve following use of planning conditions.

***How these main issues were addressed in the SPD***

4.9 The use of the 10% target is a matter that has been given careful consideration at each stage in the SPD preparation process. Although the use of targets was considered by the Expert Group to potentially stifle innovation and be difficult for local authority development control officers to implement the 10% by value target was put forward by WRAP as a target that should be included. WRAP recommends that 10% is retained as the overall minimum, but is supplemented by a requirement (defined below) that developers also adopt and demonstrate some elements of good practice. The reasons for adopting the 10% benchmark are as follows:

- Clients and planning authorities should not be seeking to influence basic project design choices (e.g. masonry versus timber frame versus steel frame for housing), or put timber-framed housing (for example) at a disadvantage in pursuit of recycled content. Rather, the aim of a requirement is to encourage developers to look for product substitution opportunities that yield higher recycled content within their chosen design.
- Since a minimum requirement for recycled content has to cater for the range of designs, this requirement must be set at a modest level. a 10% requirement does provide an incentive for good practice in those projects with a low baseline.
- The effort required to source all the good practice options on a project may be perceived as too great or disheartening in a single step.
- The 10% level has a foundation of policy support and analytical justification. A higher benchmark could be at greater risk of challenge.

Although other target figures were suggested by respondents no evidence was provided to back up these alternatives. Taking all of the above factors into account the 10% figure is proposed to be retained.

- 4.10 The executive summary (and Introductory section 1) has been re-written to make Policy 36 more explicitly referenced and to reflect the 2 level approach to requiring submission of a WMS.
- 4.11 The checklist has been re-written to reflect the concerns of respondents that the 3 stage lifecycle approach needs to be reflected in the layout of the checklist. This has also been re-drafted along with the summary boxes to sections 3, 4 and 5 to make the document internally consistent. Overall this has resulted in a shortened checklist from 12 points down to 10. It is considered that this will make the provisions easier to implement by developers in terms of preparing their WMS's and by development control case officers in assessing the suitability of applicants' submissions.
- 4.12 It is hoped that changes to the checklist will assist with implementation of the SPD by development control case officers, and in turn this will allay concerns about the resources required, however there will inevitably be a degree of interpretation involved. Until the knowledge base has increased surrounding this new area of planning involvement the WPA has offered it's support to District Councils, though it is hoped that as case officers become more familiar with the requirements of the SPD that they will have the confidence to make their own judgements on the suitability of the submitted WMS.
- 4.13 The registration/validating of planning applications for major development that do not have a WMS is a matter for the determining local planning authority. It was encouraging that there was support, from the LPAs that responded at informal draft stage, for this approach provided that other authorities adopted a similar position. The SPD can however only persuade LPAs to follow this procedure, it will be a matter for them to implement if they deem it prudent. The County Council will monitor this position carefully through local output indicators in Objective 4 of future Annual Monitoring Reports.

## Appendix A

### Legal Notice

Planning and Compulsory Purchase Act 2004 (the Act)  
The Town and Country Planning [Local Development] [England] Regulations 2004

#### **Notice of Formal Deposit of a Supplementary Planning Document under Regulation 17(2)(c)**

#### **Supplementary Planning Document Waste Minimisation in Development Projects (incorporating reduction, re-use and recycling requirements)**

Gloucestershire County Council have prepared a Supplementary Planning Document (SPD) on "Waste Minimisation in Development Projects (incorporating reduction, re-use and recycling requirements)". The SPD sets out requirements for the amount of waste produced during the construction of buildings, and their subsequent occupation, to be minimised, re-used or recycled.

The SPD is a Local Development Document that on adoption will form a material consideration in the determination of planning applications and comprise part of the Minerals & Waste Development Framework. Copies of the SPD are available for inspection free of charge on the County Council website [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk) and at:

**Gloucestershire County Council**  
Environment Department Reception  
Shire Hall  
Gloucester GL1 2TH  
Monday to Friday  
8.30am to 5.00pm

**Cotswold District Council**  
Development and Heritage Dept.  
Reception  
Trinity Road  
Cirencester  
GL7 1PX  
Monday to Friday  
9.00am to 5.00pm

**Cheltenham Borough Council**  
Environmental Services Reception  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP  
Monday, Tuesday, Thursday, Friday  
9.00am to 5.00pm  
9:30am - 5:00pm on Wednesday

**Forest of Dean District Council**  
Main Reception  
Council Offices  
High Street  
Coleford  
GL16 8HG  
Monday to Friday 8.30am to 5.00pm

**Gloucester City Council**  
Reception  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ  
Monday to Thursday 8.45am to  
5.00pm & Friday 8:45am to 4:30pm

**Stroud District Council**  
Planning Reception  
Ebley Mill  
Stroud  
GL5 4UB  
Monday to Thursday 8.45am to  
5.00pm & Friday 8.45am to 4.30pm

**Tewkesbury Borough Council**  
Development Services Reception  
Council Offices  
Gloucester Road  
Tewkesbury  
GL20 5TT  
Monday to Thursday 8.30am to  
5.00pm & Friday 8.30am to 4.00pm

Objections to, and representations in respect of the SPD should be sent in writing to Gloucestershire County Council (at the address below) using the standard form available at the above locations, or e-mailed using the on-line form at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk). Representations should state whether they are in support of the SPD or seeking a change to it. If a change is sought then it should be clearly stated what the desired change should be. In making a representation a request may also be made to be notified of the adoption of the SPD. If notification is requested, please specify an address for this notification to be sent to.

The closing date for objections/representations is **Wednesday 7<sup>th</sup> June 2006**.

**Terry Smith, Head of Planning Services, Environment Directorate, Gloucestershire County Council, Shire Hall, Gloucester GL1 2TH**

## Appendix B

### List of Stakeholders receiving e-mailed SPD package

Cheltenham Borough Council (Waste Recycling Officer and Planning Officer)  
Cotswold District Council (Waste Recycling Officer and Planning Officer)  
Forest of Dean District Council (Waste Recycling Officer and Planning Officer)  
Gloucester City Council (Waste Recycling Officer and Planning Officer)  
Stroud District Council (Waste Recycling Officer and Planning Officer)  
Tewkesbury Borough Council (Waste Recycling Officer and Planning Officer)  
Environment Agency  
Gloucestershire Friends of the Earth  
Cullimore Group  
Westbury Homes  
Huntsmans Quarries  
WRAP  
Grundons  
Halcrow  
Wiltshire County Council  
Envirowise  
Recycling Consortium  
Mr Goodenough  
Cotswold AONB Conservation Board  
Hucclecote Parish Council  
English Nature  
British Waterways  
Rodborough Parish Council  
Mr and Mrs Lilly  
Mr Townley

### Stakeholders sent paper copies of SPD documentation

Network Rail  
Thames Water  
Burford Town Council  
FoD Friends of the Earth  
Mrs S Mills  
Chalford Parish Council  
Mrs S Chaplin (Shurdington Parish Council)  
The Chartered Institute of Waste Management  
Allstone  
Smiths Plant Hire  
Corillion Plc

For a full list of stakeholders that were sent a copy of the letter and legal notice readers should refer to the Statement of Public Participation prepared under Regulation 17 following the informal draft stage.

## Appendix C

### Press Release

#### **Reducing the amount of construction waste we produce**

#### **Gloucestershire County Council are consulting on a proactive initiative for reducing the amount of waste created during building works.**

The public consultation period begins on 26<sup>th</sup> April on a document entitled 'Waste Minimisation in Development Projects'. The document sets out requirements for developers to meet when they submit planning applications to build houses, shops and offices in Gloucestershire.

The aim is to reduce the amount of construction and demolition waste that has to be landfilled. This will be achieved by not producing the waste in the first place, for example, across the County each year around 13 million tonnes of waste comes from goods delivered to building sites but never used. Where waste cannot be avoided, it should be treated as a resource and re-used or recycled, preferably on the site where it came from.

County Councillor Charles Gillams, Lead Cabinet Member for Environment, Community and Resources said: "The way we deal with our waste in the County is very important to the environment. It is essential that local people get involved in our plans so that we can provide the very best solution for residents in Gloucestershire."

There is also a requirement in the document for developers to provide recycling boxes and composting bins for new properties. Research has shown that people are more likely to recycle if they are given the opportunity to do so.

At the end of last year, Gloucestershire residents had a chance to have their say on what should be included in the document. The County Council has considered all of the comments made and revised the strategy to take these into account.

The document is now available to view on Gloucestershire County Council's website [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk) and also at District and County Council Offices.

The consultation period ends on 7<sup>th</sup> June 2006 and it is hoped the strategy will be adopted by early September.

## Appendix D

### Letsrecycle.com Article

<http://www.letsrecycle.com/info/localauth/news.jsp?story=5591>

Gloucestershire begins construction waste consultation  
(04.05.06)

#### **Gloucestershire county council has begun a consultation in a bid to cut the amount of waste produced by local construction and demolition projects.**

The consultation, set to end on June 7, will culminate in the publication of strategy entitled *Waste Minimisation in Development Projects* later in the summer.

- Cllr Charles Gillams, Gloucestershire CC The document will ensure as much recycling as possible is achieved during demolition and construction work and that new properties built in the county are properly kitted up to recycle waste.

Gloucestershire's project, which is a joint process between the county and district councils, will eventually lead to the requirement to recycle a minimum of 10% of construction waste on strategic sites.

Developers will be required to submit a waste minimisation statement as part of their planning application and must be committed to implement it during the development, the county council has said.

And, new houses will need to be provided with recycling boxes and composting bins, with information packs made available to new occupants covering waste and recycling services.

#### **"Cost neutral"**

Charles Gillams, lead cabinet member for environment at Gloucestershire, said: "Minimising or re-using waste generated through site development will reduce the amount of waste that has to be managed and disposed of. This will not only benefit the environment but should, we believe, be cost neutral to developers and dramatically reduce the volume of material hauled round our roads.

"We want to know what people think of this approach, are we going too far, or not far enough?" Cllr Gillams added.

Gloucestershire county council has said that following the completion of the consultation period it hopes to implement this new strategy by September.

The county council is also currently putting together a Joint Municipal Waste Management Strategy – the strategy will ultimately detail plans for a proposed technology for dealing with the county's waste.

Residents in Gloucestershire produce 310,000 tonnes of waste every year, a large amount of this will need to be diverted from landfill in order to meet government set landfill diversion targets.

## **Appendix E**

### **Schedule of Representations Received during the Formal Draft Consultation (including WPA responses)**

***Supplementary Planning Document***

**Waste Minimisation  
in  
Development Projects**



**Statement of Public Consultation**

**July 2006**

**[www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk)**