

# Agenda Item 6

**APPLICATION NO:** 09/0028/TWMAJW      **VALIDATION DATE:** 14/05/09

**DISTRICT REFERENCE NO:** 09/00575/CM

**AGENT:** Adams Hendry Consulting Ltd  
7 St Peter Street, Winchester, Hampshire SO23 8BW

**APPLICANT:** Grundon Waste Management Ltd

**SITE:** Wingmoor Farm, Stoke Orchard Road, Bishops Cleeve,  
Cheltenham, Gloucestershire, GL52 7DG

**PROPOSAL:** Continuation of mineral extraction and restoration through the importation of wastes at Wingmoor Farm Integrated Waste Management Facility (East), Stoke Orchard Road, Bishops Cleeve. Extraction of sand, gravel and clay; restoration of land to the profile approved in 1996 (planning permission reference: 95/8446/1099), through the importation of non-hazardous and hazardous wastes; operation of the waste treatment plant; operation of a Materials Recovery Facility; parking of collection vehicles; use of the landfill gas control system and associated landfill gas engines; use of ancillary infrastructure, such as leachate treatment plant, weighbridges, sand and gravel processing plant, vehicle servicing facilities, offices and mess facilities required for the operation and restoration of the site.

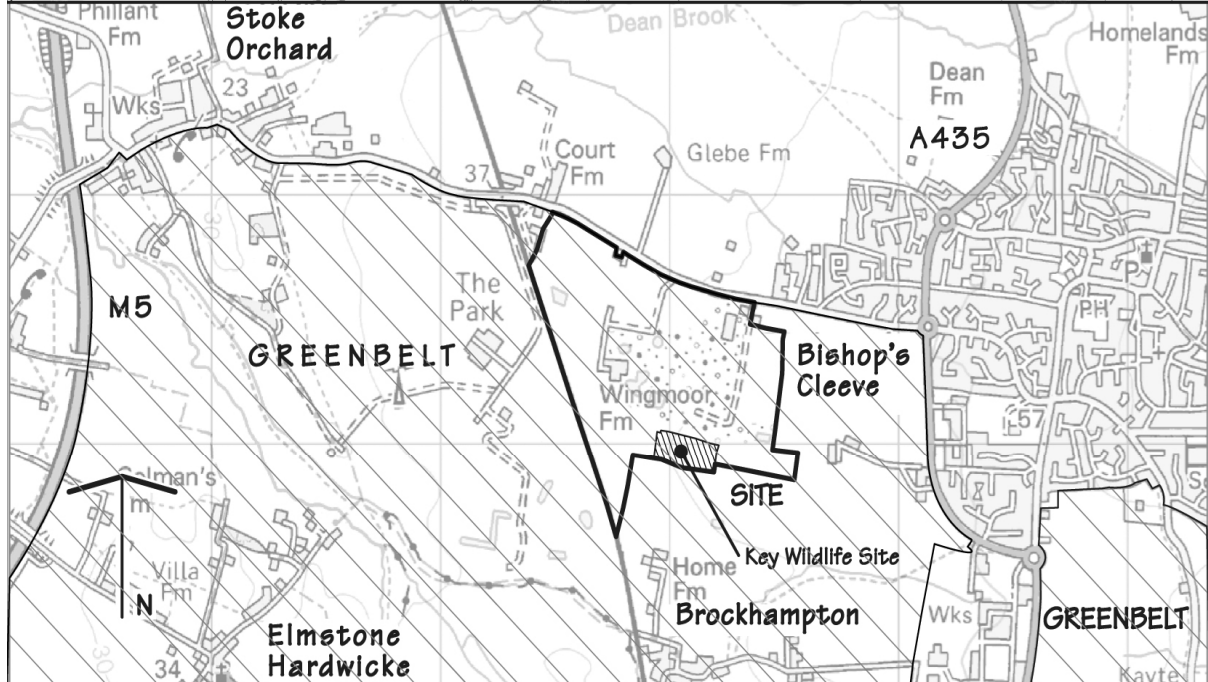
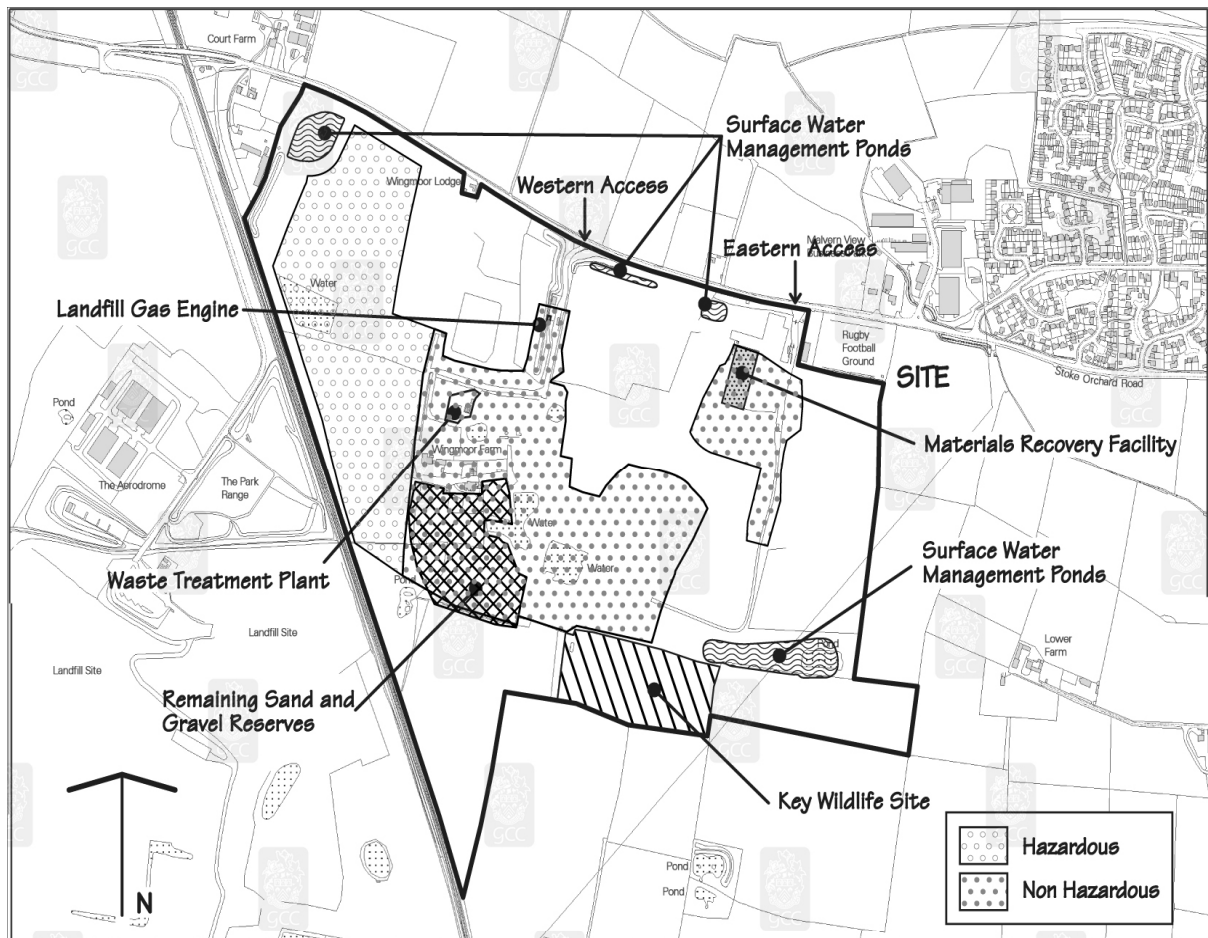
**PARISH OF** Bishops Cleeve      **SITE AREA:** 78.65 Ha

**GRID REF:** 393781      227297

<b>RECOMMENDED:</b>	That planning permission be granted for the reasons set out in this report and summarised at paragraphs 7.151 to 7.174, and subject to the conditions set out in section 8 of this report and the applicant first entering into a legal undertaking (under Section 106 of the Town and Country Planning Act 1990) on or before the 31 <sup>st</sup> March 2012, to provide £132,300 towards Stoke Road highway safety improvements and £60,000 towards A435 junction improvements.
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## 1.0 LOCATION

- 1.1 The Wingmoor Farm Integrated Waste Management Facility (East), site is located approximately 0.5 km to the west of Bishops Cleeve, 2 km east of



APPLICATION No : 09/0028/TWMAJW

TITLE : CONTINUATION OF MINERAL EXTRACTION AND RESTORATION THROUGH THE IMPORTATION OF WASTES AND ASSOCIATED ACTIVITIES AT WINGMOOR FARM INTEGRATED WASTE MANAGEMENT FACILITY (EAST), STOKES ORCHARD ROAD, BISHOPS CLEEVE, CHELTENHAM, GL52 7DG

SCALE : 1:10,000 & 1:25,000

DATE : SEP 2011

AGENDA No :

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Stoke Orchard and 2.5 km to the north of Cheltenham and 16 km from Gloucester. The application site boundary is bounded on its northern side by Stoke Orchard Road and the Bristol to Birmingham Railway line to the west. On the other (western) side of the railway line, additional waste management facilities have also been developed including a landfill site operated by Cory Environmental Ltd, waste transfer, and household waste recycling. The application site lies within the existing limit of the previously granted planning permission for landfill.

- 1.2 The site has two accesses off Stoke Orchard Road, which passes from the A38 to the A35 and through Stoke Orchard to Bishops Cleeve. The eastern access currently provides access to the materials recovery facility (MRF) and to the south eastern part of the site used for non-hazardous landfill. The western access point provides access to the waste treatment plant and the hazardous landfill area, as well as the current parking and vehicle servicing area for Grundon's fleet of construction vehicles.
- 1.3 The 78.65 ha application site is within the Cheltenham and Gloucester Green Belt to the north of Cheltenham (as defined in the Tewkesbury Borough Local Plan –2011, Adopted March 2006), and is visible from the Cotswold Area of Outstanding Natural Beauty. Of this 54 hectares are used for infilling, including 3 hectares of land from which sand and gravel has yet to be extracted. The application documentation states that 40% of the site has already been restored.
- 1.4 The surrounding area is in agricultural use; however there are well-established residential areas in Stoke Orchard to the west, Bishops Cleeve to the northeast and Brockhampton to the south. The closest residential property to the application site is Hayden, some 40 metres to the north (measured between the site boundary and the house). Other nearby properties include Pussy Willows cattery, Home Farm and Court Farm. There is a housing estate some 220 metres to the northeast of the site entrance.
- 1.5 The Wingmoor Farm (East) site falls within a Schedule 1 site and the Materials Recovery Facility Site falls within a Schedule 2 site as identified in the Gloucestershire Waste Local Plan (site 17: Wingmoor Farm southeast).
- 1.6 The proposed development falls under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, as amended, and therefore an EIA is mandatory. The site falls under the description of development "*the carrying out of development to provide for: 9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex IIA to the Council Directive 75/442/EEC9(a) under heading d9) or landfill of hazardous waste (that is to say, waste to which Council Directive 91/689/EEC9b applies).*" In accordance with requirements of the Environmental Impact Assessment Regulations, the Government Office for the South West was sent copies of the planning application.

## 2.0 THE PROPOSAL

- 2.1 The planning application was received on the 13<sup>th</sup> May 2009 and accompanied by a supporting statement, an Environmental Statement and a Non-Technical Summary.

The planning application folder contains a copy of the online planning application form and certificates, Planning Application supporting statement (including the Statement of Community Involvement and Sustainability Statement), Design and Access Statement, Site Waste Minimisation Statement and Site Waste management Plan, Surface Water Management Plan, and Planning Application drawings GRU000 to GRU037 (inclusive).

The submitted information has been made publicly available to view in full and is available electronically on-line through Public Access.

- 2.3 The following Non-Technical Summary (NTS) submitted by the applicant's planning agent (Adams Hendry Consulting Limited) has been reproduced to summarise the development proposal. Plans referred to and submitted with the NTS have not been reproduced, but are available to view electronically through public access.

### **Introduction**

1. *Grundon Waste Management Ltd (subsequently referred to as Grundon) is applying for planning permission to continue to extract minerals (sand, gravel and clay), import waste and undertake restoration activity at its current operational site at Wingmoor Farm, to the west of Bishop's Cleeve in Gloucestershire. The proposals will result in the site being restored to a profile (landform) that is fundamentally the same as that which was previously granted planning permission and for it to be put to agricultural use with areas set aside for landscape and nature conservation purposes. In this document, these proposals are referred to as 'the Scheme'.*
2. *The Scheme is needed because conditions attached to the planning permissions for the site require minerals and waste operations to cease by 12<sup>th</sup> May 2009. This does not give Grundon sufficient time to complete their operation and restore the site. It is considered that the current permitted operations need to continue and a new consent is therefore required.*
3. *The Scheme is located within the borough of Tewkesbury in Gloucestershire. The planning application has been submitted to Gloucestershire County Council (GCC) which is the Waste Planning Authority.*

### **Environmental Impact Assessment and this document**

4. *An assessment of the potential significant impacts of the Scheme on the environment has been undertaken as required by UK and European laws on Environmental Impact Assessment (EIA). The results of the EIA have been reported in an Environmental Statement (ES) which accompanies*

*the planning application. The EIA was undertaken by Adams Hendry Consulting Ltd and a team of independent specialist consultants.*

- 5. In addition to identifying likely significant environmental impacts, the ES explains why the scheme is needed, the consideration that has been given to alternative solutions, and the measures that are proposed to avoid or reduce adverse environmental impacts.*
- 6. This document is the Non-Technical Summary (NTS) of the ES that accompanies Grundon's planning application. It summarises the findings and conclusions of the ES in non-technical language*

### ***The site and its surroundings***

- 7. The application site is approximately 78.65 hectares of which 54 hectares are and will be used for the landfilling of waste. This includes approximately 3 hectares of land from which sand and gravel has yet to be extracted.*
- 8. Over 40% of the site area has already been restored under a planning permission granted in 1996 (ref: 95/8446/1099). This has created the northern and eastern slopes, including the high point, of the approved landform. A further 20% of the site has been or is in the process of being filled.*
- 9. The site has two site accesses off Stoke Orchard Road. The eastern access provides access to the materials recovery facility (MRF) and to the south eastern part of the site used for landfill of non-hazardous waste. The western access point provides access to the waste treatment plant and the hazardous waste landfill area, as well as the current parking and vehicles servicing area for Grundon's fleet of collection vehicles. An aerial photograph of the site taken in September 2008 is provided at Figure 2.*
- 10. The immediate surroundings of the site are generally open and rural, comprising farmland and other land restored after mineral extraction. Wingmoor Farm West, a waste management facility operated by Cory Environmental, is separated from the application site by the Bristol to Birmingham railway line.*
- 11. Away from these two waste management facilities, Bishop's Cleeve has seen additional housing and economic development throughout the 1990's following the development of the Bishop's Cleeve Bypass, the A435. This brought the settlement closer to the application site. The nearest group of dwellings to Wingmoor Farm East are on the western edge of Bishop's Cleeve, approximately 220m east of the boundary of Grundon's site, 400m from the MRF building, 550m from non-hazardous landfill operations and 1000m from the hazardous waste landfill. Some individual residential properties lie closer to the proposed development site.*

12. *Residential properties in the village of Stoke Orchard are situated approximately 1km to the west of the site boundary. Residential properties in Brockhampton are over 550m to the south Cheltenham North RFC rugby ground and clubhouse adjoin the site of the Materials Recovery Facility (MRF). South east of the rugby ground, adjoining the eastern boundary of the site, is a restored area of former infilled mineral workings, known as Elliot's Landfill.*
13. *The boundary of the Cotswold Area of Outstanding Natural Beauty (AONB) is approximately 2.5km to the east. Wingmoor Farm Meadow, which is a Key Wildlife Site as identified in the Tewkesbury Borough Local Plan, adjoins the operational site's southern boundary, and is within Grundon's ownership. There are also several public footpaths near to the site.*

### **Description of the scheme**

14. *The proposed Scheme is largely a continuation of the existing consented activities permitted in 1996, which have no permission beyond May 2009. The proposals involve the extraction of minerals from the site and the subsequent restoration of the site through the importation of wastes, including the operation of a waste treatment plant and an MRF.*
15. *The operational site layout is shown in Figure 3, which identifies the remaining sand and gravel reserves and the next phase of clay extraction, together with the various components of the site.*
16. *The proposed completed restoration profile (landform) is intended to remain fundamentally the same as that previously approved by GCC in 1996 (Planning Permission Ref: 95/8446/1099), but with minor amendments to accommodate revised surface water management requirements and to take account of future site management arrangements. The proposed completed restoration profile of the site is shown on Figure 4.*
17. *The following current activities are needed to achieve the completed restoration scheme:*
  - *extraction of approximately 24,000 m<sup>3</sup> of sand and gravel;*
  - *extraction of approximately 1,350,000 m<sup>3</sup> of clay, of which approximately 432,000 m<sup>3</sup> will be exported, with the remainder being used on site mainly for engineering purposes;*
  - *operation of plant to process sand and gravel for restoration of land to the approved profile, which will require the continued importation of approximately 2,945,000 m<sup>3</sup> non-hazardous and 1,287,000 m<sup>3</sup> hazardous wastes; operation of the waste treatment plant (used to treat incoming waste, including air pollution control residues, prior to landfilling);*
  - *use of the landfill gas control system and associated landfill gas engines;*
  - *use of site offices and mess facilities;*
  - *use of weighbridges at both site entrances, and*

- *use of wheel wash facilities at both site entrances.*
18. *The scheme includes the retention of the MRF facility that also includes vehicle servicing facilities, offices and mess facilities. The proposed MRF has a throughput of up to 50,000 tonnes per year.*
  19. *The site will also continue to operate a clinical waste transfer service, handling approximately 500 tonnes per year. The clinical waste is stored in sealed articulated trailers for transport off site for treatment. The trailers are parked in the operational area of the waste treatment plant on impermeable hard standing at all times. All waste stored in the trailer at the site is stored within lidded bins.*
  20. *All of the above activities will occur concurrently to restore the site in a phased manner. Generally, the existing minerals (sand, gravel and clay) within the site will be excavated and the void space (hole) created as a result will then be engineered and filled with hazardous and non-hazardous wastes. The site will then be capped and restored in accordance with the proposed landscaping scheme.*
  21. *The site will be restored progressively and waste disposal operations are expected to stop in 2027 for hazardous waste and the end of 2029 for non-hazardous waste, with the site fully restored by June 2030.*
  22. *Under the environmental permitting regime, there will be an ongoing obligation on Grundon to manage the site once it has closed. Infrastructure needed for this purpose includes treatment facilities for leachate (the liquid produced in a landfill from the decomposition of waste), landfill gas collection and management systems, and site-monitoring equipment. This will remain at the site beyond June 2030. It is proposed that the plant necessary for this, rather than some monitoring equipment, will be within an environmental compound to be located at the current western entrance into the site as shown on Figure 4.*
  23. *Once restored the site will be put to agricultural use with areas of woodland and areas set aside for nature conservation purposes. A permissive footpath around the site will be provided, affording vantage points looking across the Severn Vale and towards Bishop's Cleeve. Other than the permissive footpath, public access to the site will be restricted by the requirements of the environmental permit and the need for continued site management. The restoration landscaping scheme and indicative route of a permissive footpath is shown in Figure 5.*
  24. *There are a number of physical elements of the proposals which are proposed specifically to mitigate the environmental effects of the Scheme. These include noise attenuation bunds, newt ponds, a building to replace bat roosts at the site, surface water management ponds, and landscape planting and screening.*

25. *It is proposed that the landfill will operate between 07:00 and 18:00 on Mondays to Fridays and between 07:30 and 13:00 on Saturdays, which are the existing permitted operating hours of the site and plant. There will be no operations on Sundays or public holidays, except for essential maintenance work and in response to emergencies. However, occasional 24-hour access to the treatment plant for delivery tankers, both leaving the site to collect loads and delivering loads after collection, is required. This reflects the current consented arrangements for the facility.*
26. *Operations at the MRF (including the moving, loading or unloading of vehicles, processing and any activity associated with the waste management facility) will operate to the same hours as the landfill, except for operations undertaken inside the MRF building. Operations inside the MRF building will take place between the hours of 0630 to 2100 hours Monday to Friday, 0700 to 1400 on Saturday and at no time shall operations take place on Saturday afternoons, Sundays or public holidays.*
27. *A full description of the Scheme, and the method of mineral extraction, waste operations, restoration and other operations is provided at Chapter 3 of the ES.*

#### **Need for the scheme**

28. *The immediate need for the Scheme arises from the conditions attached to the planning permissions for the site that require minerals and waste operations to cease by 12<sup>th</sup> May 2009. There is also a wider need for the Scheme which relates to national, regional and local waste and planning policies, as well as practical considerations. These are explained briefly below.*

#### **Conditions on Existing Planning Permissions**

29. *The landfilling operations are currently incomplete, as is the approved restoration scheme. Planning conditions require the permitted operations to cease by a date that does not give Grundon sufficient time to complete their operation and restore the site. It is considered that the current permitted operations need to continue and a new consent is therefore required.*

#### **Green Belt**

30. *The site is located in the Cheltenham and Bishop's Cleeve Green Belt. The proposals were, and still are, designed to ensure that the operation of the site and its progressive and final restoration are both undertaken to the highest possible environmental standards. As detailed in the ES, the Scheme will provide for a restored site that will not introduce any significant adverse impacts upon the environment, including the Green Belt. In contrast, failure to restore the site as proposed would be considered to result in an inappropriate development in the Green Belt.*



## **Non-hazardous Waste management**

31. Gloucestershire is assessed as having a combined non-hazardous landfill capacity of approximately 6,669,000 m<sup>3</sup> at the end of 2008/2009, taking account of capacity at the application site. This contrasts to a requirement for non-hazardous capacity between 2009/2010 and 2025/2026 of between 6,710,160 and 7,197,000 m<sup>3</sup>, a shortfall in capacity of between 41,160 m<sup>3</sup> based upon the forecasts in the draft South West Plan and up to 528,000 m<sup>3</sup> based on interpretations of GCC's draft Waste Core Strategy (Preferred Options). The Scheme will therefore play a critical role in meeting Gloucestershire's non-hazardous waste disposal requirements over the period to 2026 and beyond to 2029, the end of the life of the site.
32. The provision of the MRF alongside the waste disposal capacity will continue to assist Gloucestershire County Council in working towards its waste recovery targets and will allow Grundon to process a proportion of the wastes prior to disposal, ensuring that recyclable materials can be diverted from landfill.

## **Hazardous Waste Disposal**

33. Hazardous waste management in the South West Region is dominated by capacity at Wingmoor Farm. The identified maximum capacity for the region as a whole is estimated at 1,562,000 m<sup>3</sup>, of which 1,242,000 m<sup>3</sup> is at Wingmoor Farm. The draft South West Plan identifies a minimum requirement of between 1,260,000 m<sup>3</sup> and 1,440,000 m<sup>3</sup>. 34. The Scheme has an important role in managing wastes from the south west region, as well as the surrounding regions, and meeting the hazardous waste disposal needs identified within regional waste planning policy and guidance.

## **Mineral Extraction**

35. Whilst there are limited sand and gravel reserves within the site, it would be inconsistent with Government, Regional and Local Planning Guidance to allow that remaining reserve to be sterilised and lost. Currently, sand and gravel from the application site is supplied to a local market. The continued provision of this material, and completion of sand and gravel extraction operations on site would make a small but nonetheless valuable contribution towards the overall annual sand and gravel supply required in Gloucestershire.
36. The site has a valuable and recognisable role to play in the provision of engineering clay both for use in the operations on the site, and for export to the local and regional market, mainly for brown field remediation and flood defence works. It is considered that the provision of this essential mineral is fully in accordance with Government and Local Planning Policy. This Environmental Statement has demonstrated that impacts from the extraction, use on-site and export off-site of clay reserves can be

*accommodated by the receiving environment and the local highway network without significant adverse effects.*

### **Alternative options to the proposed development**

37. *The Environmental Statement has assessed alternative options to the proposed development. The assessment considered whether any alternative options would meet the following key planning objectives, which it is considered justify the need for continued mineral extraction and landfilling operations, and the operation of the MRF, at the application site:*

- The need to achieve a restoration profile and landform at Wingmoor Farm following cessation of waste management operations that is compliant with Green Belt policy in PPG2 whilst being acceptable in landfill engineering, design and safety terms.*
- The need to consider the implications of the loss of winnable mineral resources of importance for the local and regional market that would otherwise have been extracted at an already established mineral site.*
- The need to consider the implications of the loss of any waste management capacity that would otherwise have been provided at Wingmoor Farm and the impact of this in national, regional and local policy terms.*

38. *Five alternative options were considered. These include providing the required waste management capacity 'off-site' and, failing this, the ability to pursue alternative 'on-site' options', as outlined below:*

*Expansion of capacity at existing non-hazardous waste landfill facilities in Gloucestershire, i.e. at neighbouring Cory Wingmoor West; Cory Hempsted, Gloucester, or the former Frampton Landfill;*

- Identification of a non-hazardous / hazardous landfill facility at a new site in the County, considering alternative mineral voids or at wholly new sites;*
- The export of wastes requiring management out of the County;*
- Alternative on site option to 'do nothing', and close the site immediately once working areas have been made safe; and*
- Alternative on site option implementing a 'minimum engineered scheme' to secure the long term engineering integrity and safety of the site.*

39. *The Environmental Statement concludes that there is an overwhelming need for the application proposals in terms of minerals and waste management policy and achievement of land restoration that is suitable in the Green Belt. It is concluded that none of the above options provide a viable, sustainable and practicable alternative to meeting the identified need for the proposed development.*

### **The Policy Context**

40. *The statutory development plan against which the planning application for the proposal has to be considered consists of:*
- *Regional Planning Guidance for the South West (RPG10) (September 2001) (pending the approval of the Regional Spatial Strategy).*
  - *The Gloucestershire Structure Plan (Second Review) November 1999 (Saved Policies).*
  - *Gloucestershire Waste Local Plan 2002-2012 October 2004 (Saved Policies).*
  - *Gloucestershire Minerals Local Plan 2003 (Saved Policies).*
  - *Tewksbury Borough Local Plan March 2006 (Saved Policies).*
41. *Emerging policy within the draft South West Plan and Gloucestershire's Minerals and Waste Local Development Frameworks has also been considered.*
42. *The site lies within the Cheltenham Green Belt and is approximately 2.5km west of the Cotswolds Area of Outstanding Natural Beauty (AONB). Policies and guidance of particular relevance to the proposed scheme include those relating to waste management, minerals extraction and management, sustainable development, AONB's and the Green Belt. The main planning and environmental designations at the site are shown in Figure 6.*

### **Summary of Environmental Impacts**

43. *The basis for the assessment (described in detail in Chapter 7 of the ES) is that the predicted effects of the Scheme have been considered against two scenarios; the on-site alternatives described in paragraph 38:*
- (i) *the 'do nothing' scenario, with the site closing 13 May 2009 and no further operations taking place at the site; and,*
  - (ii) *the 'minimum engineered scheme' scenario, considered to be necessary to leave the site in a safe and suitably managed form.*

### **Landscape**

44. *The predicted landscape and visual impacts of the Scheme have been assessed against the two scenarios identified above and in accordance with published guidance.*
45. *The site is an existing operational landfill within the Severn Vale of Gloucestershire, lying to the west of Bishop's Cleeve and to the north of Cheltenham. The Cotswold Scarp, part of the Cotswold AONB, lies to the east of the site, and certain views from the Scarp include the site. The site lies entirely within the Cheltenham Green Belt, and there is a locally designated Key Wildlife Site, also in the ownership of the applicant, immediately to the south of the proposed landfill footprint.*
46. *Landscape character, value, features and elements have been identified as 'landscape receptors' in the assessment. Potential visual receptors*

*included users of public rights of way, occupiers of residential properties, users of roads, and passengers of trains with views of the site. In terms of the duration of any impacts to landscape and visual receptors, the assessment considers both the operational phase of development lasting until 2030, and the permanent restoration of the site.*

- 47. The assessment concludes that during the operational phase, the proposed development will result in adverse landscape and visual effects of slight significance. Once the site is fully restored, the site will contribute beneficial landscape and visual impacts of moderate significance.*

### **Traffic and Transport**

- 48. The ES presents the findings of a detailed assessment of the potential traffic impacts of the development proposals on Stoke Orchard Road and the A435 to the north and south of Bishop's Cleeve.*
- 49. The application site is located in close proximity to the A435 primary road, which provides access to Cheltenham and the M5 motorway. The motorway can also be accessed via various routes through Cheltenham to the south. The majority of vehicles access the site from the east via Bishop's Cleeve with a small number travelling from the west via Stoke Orchard village.*
- 50. In terms of two-way Heavy Goods Vehicle (HGV) movements, the Scheme will generate approximately 377 trips per day. This compares with 315 trips per day from the current 2009 operation on the site, and 268 that would be anticipated to be required to undertake the 'minimum engineered scheme' scenario.*
- 51. Junction capacity tests have been undertaken for 5 junctions along the A435, testing the situation in 2009, 2014 and 2024. The assessments indicate that three of the junctions will be nearing capacity in 2024 based on a combination of general traffic growth and the planned housing and employment developments in the draft South West Plan. The additional impacts resulting from the proposals are considered to be negligible.*
- 52. A comprehensive Travel Plan will be developed in conjunction with the Planning and Highway Authorities to promote car sharing between staff and encourage the use of non car modes where practicable.*
- 53. In light of the traffic generated by the Scheme, and the mitigation measures proposed, it is considered that the Scheme will have an insignificant impact on the highway network and is acceptable in traffic and transport terms.*

### **Noise**

- 54. A noise assessment is included within the ES. Existing noise conditions have been calculated by a series of noise surveys in the vicinity of the*

*site. These noise measurements describe the existing noise climate and are used to determine the level of noise arising from activity within the site boundary. Noise from the site and from vehicles on the site access roads and internal haul routes has been calculated and assessed in line with relevant British Standards and policies.*

- 55. The conclusion of the noise assessment is that the magnitude of the impact is low for most daytime operations, due to the large separation distances to most dwellings. The exception to this is for operations in the north western corner of the site where clay extraction and restoration activities could give rise to an unmitigated impact for three dwellings, unless mitigated.*
- 56. Increased bund heights set back from the north western boundary of the site will mitigate this impact and will reduce the residual impact for the nearest dwellings to an impact of minor significance. These bunds are included in the Scheme for which permission is sought.*
- 57. With mitigation in place the calculated daytime and night-time noise levels resulting from the proposals comply with the noise limits recommended in the assessment. For Stoke Orchard Road and the A435, the changes in noise level are considered to be negligible and imperceptible within the normal daily variation that occurs on the road.*
- 58. The assessment concludes that there will be no significant residual noise or vibration impacts arising from the scheme.*

### **Air Quality**

- 59. An assessment of the potential effects of the proposed development on air quality is included within the ES. The topics covered by this assessment are:*
  - Control of dust from handling hazardous and non-hazardous waste materials, quarrying, and associated activities;*
  - Control of odours;*
  - Control of emissions to air of treated or untreated landfill gas; and*
  - Emissions from road traffic.*
- 60. The assessment has used a variety of techniques to investigate the current and forecast levels of airborne pollutants in the vicinity of the Wingmoor Farm site.*
- 61. It was found that dust levels in the local area are not at levels which would give cause for concern with regard to potential effects on amenity. Furthermore, the levels of chemicals within the dust are sufficiently low that they would not be of concern with regard to their potential effects on air quality.*

62. *Emissions from the site do occasionally give rise to odours in the local area, but this does not represent a widespread odour problem – other sources of odour such as an adjacent site have been more significant sources of odour. The impacts of odour will continue to be reduced at the site through the continued development and improve the system for collecting landfill gas and its use to generate electricity.*
63. *Emissions from road traffic were forecast not to have a significant effect on local air quality. In conclusion, provided the appropriate mitigation measures continue to be applied, and that the site is operated in accordance with the Environmental Permits, it was found that the proposals will have a residual impact of no more than a minor significance on air quality.*

### **Geology, hydrology and hydrogeology**

64. *The geology, surface water and groundwater regimes at the site have been assessed with reference to Environment Agency, Local Authority and other information, and by the consideration of site specific monitoring data.*
65. *The application site is located on the Quaternary River Terrace sands and gravels of the River Avon, which are classified as a Minor Aquifer.*
66. *The potential impacts of the Scheme upon the geological, hydrological and hydrogeological environment have been identified and assessed with respect to the currently consented mitigation measures, and the requirements of the Environmental Permits for the Site issued by the Environment Agency.*
67. *The assessment concludes that, with respect to the geological, hydrological and hydrogeological environment, there are no significant residual impacts or cumulative effects associated with the continuation of operations at Wingmoor, with proposed mitigation measures in place. Waste management activities at the site will continue to operate under the requirements of the site's Environmental Permits to ensure compliance with the Groundwater Regulations.*

### **Health**

68. *The ES reports the findings of an assessment of the potential impacts upon human health associated with the proposal.*
69. *The following methods have been used to determine the potential human health effects associated with the proposed development at Wingmoor Farm:*
- *a review of the health profile of the local community;*
  - *a review of the study undertaken by the Wingmoor Farm Task Group, a sub group of GCC's Health Overview and Scrutiny Committee;*

- a review of the *Community Health Impact Assessment of the Wingmoor Waste Treatment and Landfill Sites facilitated by Gloucestershire Primary Care Trust*;
  - consultation with Gloucestershire Primary Care Trust and other key health stakeholders;
  - consideration and interpretation of the results and conclusions of other chapters of this *Environmental Statement*, in particular the findings of the *Air Quality* and *Groundwater* chapters.
70. The *Neighbourhood Health Profile* prepared by Gloucestershire PCT in 2005 concludes that:  
*“People living in the Bishop’s Cleeve area generally experience levels of ill-health which do not differ markedly from people living in other areas of Gloucestershire when a range of established health indicators and other less robust sources of evidence are compared”.*
71. The *Community Health Impact Assessment (2009)* facilitated by Gloucestershire Primary Care Trust concludes that:  
*“based on those areas of community health for which data exists, the Steering Group have found no definitive evidence to suggest that the health of the community has been affected by the Wingmoor Farm sites. However, the Group would strongly emphasise that there has often been no definitive data or answers to the areas that have been explored in detail.”*
72. The available information relating to the health of the local community identifies that there is no definitive data to suggest that the operation of the Wingmoor Farm sites has given rise to public health impacts in the local communities. The proposed development has been designed to provide effective control of the key issues which could potentially affect health and well-being in the local community. These will be managed through proposed mitigation measures identified throughout the ES and will be regulated by appropriate planning conditions and Environmental Permitting. The key issues identified comprise:
- Control of emissions to air (including odours and dusts);
  - Noise control;
  - Management of risks to groundwater and surface water;
  - Landscape and visual impacts; and
  - Management of risks relating to road traffic.
73. It is concluded that the potential and perceived health issues can be properly managed via the proposed mitigation measures set out within the ES. Grundon will continue to manage the site so as to minimise, eliminate and monitor potential emissions, which could theoretically pose a risk to the health or wellbeing of the local community, and to maintain its ongoing dialogue with the local community in relation to the management of the site. This is considered to be most appropriate means of ensuring that the public perception of risks to health is effectively addressed throughout the remaining life of the landfill site.

## **Ecology**

- 74. The application site comprises a large expanse of active landfill and quarry workings, with additional smaller areas of semi-improved grassland, re-colonised topsoil and gravel, amenity planting, rough grassland, un-vegetated shallow ditches, un-vegetated standing open water, and poor quality hedgerows. Limited areas of broad-leaved woodland, vegetated pools, mature trees, lines of trees, hedgerows and several mature individual trees are also present.*
- 75. The habitats adjacent to the application site are dominated by agricultural fields, both pasture and arable. No statutory designations or sites of ecological importance were identified within 2km of the application site.*
- 76. Wingmoor Farm Meadow, a non-statutory wildlife site, is situated to the south of the proposed landfill footprint. With adoption of industry standard suppression techniques and site monitoring, it is considered unlikely that the favourable conservation status of this site will be impacted upon and that the integrity of its interest features will be maintained.*
- 77. The operation of the Scheme will lead to a direct loss of approximately 21ha of semi-improved grassland, re-colonised topsoil and gravel, amenity planting, rough grassland, un-vegetated shallow ditches, un-vegetated standing open water, and poor quality hedgerows. These habitats are of site level ecological value only.*
- 78. There will be a loss of approximately 0.02ha of broad-leaved woodland, vegetated pools, mature trees, lines of trees, hedgerows and several mature individual trees. These habitats are considered to be of parish-level ecological value to wildlife, there are, however, many other areas of such habitat in the area.*
- 79. The presence of great crested newts, bats, reptiles, breeding birds and badgers has been confirmed within the application site. Mitigation incorporated into the scheme, including the relocation of reptiles, replacement of alternative bat roosts, operating a safe working scheme, and habitat enhancements, will ensure that residual impacts upon protected species are either avoided or insignificant.*
- 80. The proposed restoration scheme will provide increased areas of species-rich hedgerows, deciduous woodland, standing water bodies and species-rich grassland. There will also be new lengths of hedgerow planted. The majority of the site will be restored to agriculture, with areas specifically being managed for wildlife, in particular a corridor connecting the north and south of the site along the western site boundary. The proposed mitigation/compensation through the creation of new habitats and species-specific habitats should assist in meeting a number of local and UK BAP targets. The restored site will be of greater value for wildlife than that which currently exists.*



## **Cultural Heritage**

81. *The likely significant effects on the cultural heritage resource resulting from the implementation of the proposals have been identified, and their magnitude assessed.*
82. *Information on cultural heritage was gathered from a study area, which extended 500m from the site boundary, using desk-based sources of information and a site-walkover. Early consultation with the Gloucestershire County Council's Senior Planning Archaeologist confirmed that additional surveys were not required.*
83. *Potential effects on the cultural heritage resource resulting from the proposals have been identified as damage to or loss of potential archaeological deposits, and the loss of a complex of 19th century agricultural buildings which make up Wingmoor Farm. In cultural heritage terms these are considered to be of low value.*
84. *Without mitigation, the potential impact on archaeological deposits (where present) and the demolition of the Wingmoor Farm complex would result in the total loss of the archaeological deposits and the 19th century buildings.*
85. *These impacts will be mitigated by means of an archaeological watching brief and historic building recording. These techniques are designed to enable preservation by record, a suitable measure for receptors of low value. However, the techniques themselves cannot reduce the magnitude of the identified impacts and consequently, there remains a slight adverse significant effect.*

## **Other Matters**

86. *The ES also examines the potential impacts associated with the proposed continuation of mineral extraction, waste disposal and MRF activities on additional matters including sport and recreation, sustainability and climate change, agriculture, and operational waste.*
87. *There are no direct adverse impacts upon any sport and recreation resources as a result of the proposals. It is considered that the restored site will result in a beneficial residual effect of moderate significance as a result of the provision of a new recreational resource for the local population, where there is currently none.*
88. *The potential for sustainability and climate change impacts arising from the proposals, including the potential for in combination effects arising as a result of climate change, are considered in the relevant technical chapters of the ES, and within the consideration of need and alternatives.*

89. *The continuation of the minerals extraction and waste operations at the site will result in a temporary adverse impact on agriculture through the loss of agricultural land. Following restoration of the site, to be secured as part of the proposals, the site will be returned to agricultural use as grazing land, together with the areas to be set aside for nature conservation. It is not considered that there will be any significant residual effects on agriculture arising from the proposals to restore the site.*
90. *The continuation of the minerals extraction and waste operations at the site have the potential to result in low volume waste streams being produced from the site, including landfill gas and leachate. The assessment of potential impacts arising from this waste is set out in detail in the Air Quality and Hydrology chapters of the ES. The planning application is also supported by a Site Waste Management Plan and Waste Minimisation Strategy that considers other waste generated in more detail. It is not considered that operational waste will give rise to significant adverse residual effects.*

2.3 On the 7<sup>th</sup> August 2009 the Council requested additional information in respect of and clarification of details already submitted. This information was received on the 5<sup>th</sup> November 2009 in 3 parts:

- Part A is Grundon's response to the issues raised by Atkins on behalf of Gloucestershire County Council (GCC), in their review of the Environmental Statement (ES) that accompanies Grundon's planning application.
- Part B sets out Grundon's response to representations received from statutory consultees as part of the consultation by GCC on the planning application. The report addresses statutory representations received before 2<sup>nd</sup> November 2009.
- Part C is the appendices to accompany the reports presented in Parts A and B.

On 31<sup>st</sup> May 2011 further information was supplied in respect of the Great Crested Newt Report and a Badger Activity Survey (not available on public access to protect the species from harm)

The submitted information has been made available to view electronically in full through 'Public Access'.

### **3.0 PLANNING HISTORY**

- 3.1 There are a number of planning permissions, which cover this site. In addition to those in the following table there are also a number of consents for the weighbridge and offices that have been renewed several times.

- 3.2 The planning permissions detailed in the table below generally ceased on the 12<sup>th</sup> May 2009. This application seeks to apply to maintain the existing operations at the site through the continuation of mineral extraction and restoration through the importation of wastes at Wingmoor Farm Integrated Waste Management Facility (East), Stoke Orchard Road, Bishops Cleeve. Extraction of sand, gravel and clay; restoration of land to the profile approved in 1996 (planning permission reference: 95/8446/1099), through the importation of non-hazardous and hazardous wastes; operation of the waste treatment plant; operation of a Materials Recovery Facility; parking of collection vehicles; use of the landfill gas control system and associated landfill gas engines; use of ancillary infrastructure, such as leachate treatment plant, weighbridges, sand and gravel processing plant, vehicle servicing facilities, offices and mess facilities required for the operation and restoration of the site.

<b>Application Number</b>	<b>Description of development</b>	<b>Decision/ date</b>
T4402/A	Use of land for the winning of sand and gravel including restoration to agricultural purposes and	68
T4402/H	Use of land for tipping	28.02.79
88T/8446/01/02	Extraction of sand and gravel [50ha] with restoration to agriculture by controlled waste tipping. Formation of new access.	12.05.89
90T/8446/01/11	Variation of condition [11] of planning permission 88T/8446/01 /02 [limiting extraction of sand and gravel only] for clay.	28.07.90
94/8446/0992	Erection of an ash conditioning plant.	10.10.94
95/8446/0222	Change of condition [3] of planning permission 88T/8446/01/02 for the re phasing of scheme of working.	19.04.95
95/8446/1099	The joining together of two landfill sites and adjustments of final levels in order to create a single contoured restoration.	09.04.96
96/8446/0510	Variation of Condition [28] of planning permission 88T/8446/01 /02	01.10.96
97/8446/0130	Erection of gravel processing plant	14.05.97
T/98/8446/0015	Lightweight aggregate plant	12.06.98
T/01/8446/0723 /Ful	Renewal of permission for Lightweight aggregate plant	23.05.01
04/8446/0118/ Ful	The installation of landfill gas engine, landfill gas flare, control cabin, and associated plant within compound.	Consent
04/8446/0143/ Ful	Additional storage silos for existing plant.	Withdrawn
T/04/4037/ 0648/Ful	Erection of a Materials Recovery Facility (MRF), including a replacement ancillary vehicle servicing and offices, replacement weighbridge facilities including control cabin, inert waste classification storage and transfer shed and storage of baled recovered materials.	Refused 30.04. 05
T.05/4037/1317 /Ful	Erection of a Materials Recovery Facility (MRF), including replacement ancillary vehicle servicing and offices, replacement weighbridge facilities including control cabin, inert waste classification storage and transfer shed and storage of baled recovered materials.	Permitted 05/04/06
07/0046/TWMA JW	Installation of double gated entrance.	Permitted 19/10/07.
07/0042/TWMA JW	Variation of condition 12 of planning permission T.4037/1317/Ful (Material Recovery Facility) which relates to the occupancy and use of the offices/ workshop.	Permitted 19/09/07
08/0065/TWMA JW	Variation of conditions 2, 3, 9, 11, 15, 35 and 36 of planning permission 07/01016/CM (our ref 07/0042/TWMAJW) to retain the recycling facility for the duration of quarry restoration and to vary the layout details.	Withdrawn

## **4.0 PLANNING POLICY**

### **National Policy Framework of relevance to the application.**

The following is a list of the relevant national policy framework, more detail is provided in Appendix 1.

**The Waste Strategy for England 2007**

Annex C9 Hazardous Waste

**Planning Policy Guidance Note (PPG2): Green Belts**

**Planning Policy Statement (PPS 5): Planning for the Historic Environment**

**Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation**

**Planning Policy Statement (PPS) 10: Planning for Sustainable Waste Management**

Companion Guide PPS10

**Planning Policy Guidance Note (PPG 13): Transport**

**Planning Policy Statement (PPS) 23: Planning and Pollution Control.**

**Planning Policy Guidance Note (PPG 24): Planning and Noise**

**Planning Policy Statement (PPS 25): Development and Flood Risk**

**Minerals Policy Statement (MPS1): Planning and Minerals**

**Minerals Policy Guidance (MPS 2): Controlling and Mitigating the Environmental Effects of Mineral Extraction in England.**

**Minerals Policy Guidance (MPG7): Reclamation of Mineral Workings**

### **Regional Planning Policy Guidance**

**Regional Planning Guidance for the South West**

**Draft Regional Spatial Strategy for the South West**

The Draft Revised Regional Spatial Strategy for the South West incorporating the Secretary of State's proposed changes – for public consultation July 2008 has been issued for final consultation and is a material consideration in the determination of planning applications. As the Draft Revised RSS has not yet been adopted the policies have limited weight. Policies W2, W3 and RE10 and RE12 are relevant and set out in full in the appendix of this report.

The following development plan policies are relevant to the determination of the application. These policies are appended in full at Appendix 1.

### **Gloucestershire Structure Plan Second Review (Adopted 1999)**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that the Adopted Structure Plan's Development Plan status must be considered. The following policies are relevant to the proposed development:

Policy S4 - Development in rural settlements.  
Policy S.6 - Local Character and Distinctiveness.  
Policy E4 - Rural Commercial and Industrial Development  
Policy WM2 – Location of primary waste management facilities.  
Policy WM3 – Regional Self-sufficiency  
Policy W.1 - Water resources  
Policy P.1 – Environmental impact  
Policy F1 – Flood risk

### **Gloucestershire Structure Plan Third Alteration (Unadopted) incorporating Proposed Modifications (July 2004) and Proposed Second Modifications (January 2005).**

The Third Alteration has had an Examination in Public in November/ December 2003. Two sets of Proposed Modifications have been produced. In April 2005 a Secretary of State Direction was issued on the Plan. Due to this Direction, the Plan remains held in abeyance and will not be forwarded to adoption. However, the policies of the Third Alteration still remain as material considerations in the determination of planning applications, although the weight to be attached to these policies is a matter for the decision makers. The policies not cited in the Direction have more weight as material considerations.

The following policies are material considerations in respect of determining the proposed development:

Policy SD.1 – Principal Urban Areas.  
Policy SD.23 - Telecommunications.  
Policy MR.10 – Water Resources.

### **Gloucestershire Waste Local Plan 2002 – 2012 (Adopted October 2004)**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that the Adopted Waste Local Plan's Development Plan status must be considered. The Gloucestershire Waste Local Plan (WLP) was adopted in October 2004. However, following the Secretary of State for Communities and Local Government's Direction (dated 5<sup>th</sup> October 2007) the following WLP policies are 'saved' until replaced by Development Plan Documents contained in the Minerals and Waste Development Frameworks:

**Policy 12** – Inert recovery and recycling  
**Policy 16** – Special Waste Facilities

**Policy 25** – Conservation outside Designated Sites  
**Policy 33** – Water Resources – Pollution Control.  
**Policy 37** - Proximity to Other Land Uses.  
**Policy 38** – Hours of Operation.  
**Policy 39** – Transport  
**Policy 40** – Traffic  
**Policy 42** – Reinstatement.  
**Policy 43** – Afteruse  
**Policy 45** – Planning obligations

The following policies of the Waste Local Plan are ‘unsaved’ but were requested to be saved, and still have a degree of materiality, as they have been through an inquiry process relevant to the proposed development.

**Policy 4** - Waste management facilities for strategic sites.  
**Policy 5** - Waste management facilities for local sites.  
**Policy 7** – Safeguarding sites for waste management facilities.  
**Policy 34** – Water resources – Flood Control

The following policies of the Waste Local Plan are ‘unsaved’ and were not requested to be saved. These policies may still have a degree of materiality, as they have been through an inquiry process relevant to the proposed development. Whether or not any material consideration is given to these ‘unsaved’ policies is a matter for the decision makers to determine.

**Policy 1** - Best Practicable Environmental Option.  
**Policy 3** - Proximity Principle  
**Policy 13** – Materials Recovery and Waste Transfer Facilities.  
**Policy 44** – Airport Safeguarding

### **Gloucestershire Minerals Local Plan (MLP) 1997 – 2006 - Adopted April 2003.**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that the Adopted Minerals Local Plan’s Development Plan status must be considered. Following the direction by the Secretary of State on the 18<sup>th</sup> September 2007, certain policies from the Adopted Minerals Local Plan have been saved until replaced by Adopted Development Plan Documents. Policies that were not saved by the direction remain a material consideration (where appropriate) until also replaced by Adopted Development Plan Documents. The following policies, which is set out in full in the appendix are considered relevant to the proposed development:

**Development control criteria for future mineral development**  
**Policy DC1**  
**Policy DC2**  
**Policy DC5**  
**Safeguarding and enhancing the environment**  
**Policy E4**

**Policy E10**  
**Policy E11**  
**Policy E14**  
**Policy E16**  
**Policy E17**  
**Policy E18**  
**Policy E19**  
**Policy E20**  
**Reclamation of worked out mineral sites**  
**Policy R1**  
**Policy R2**  
**Policy R3**

The following policy of the Minerals Local Plan is 'unsaved' and was not requested to be saved. It may still have a degree of materiality, as it has been through an inquiry process relevant to the proposed development.

### **Policy SE1**

#### **Gloucestershire Waste Core Strategy (2012-2027) – Publication Version, dated December 2010 (Focused changes are currently under consideration August 2011)**

The County Council has formally published the Waste Core Strategy (WCS) for Gloucestershire (2012-2027). The 8 week period from December 2010 allows representations to be made, followed by formal submission of the document to the Secretary of State, before a public examination of the soundness of the document. The Waste Core Strategy provides a planning framework for waste management across the county of Gloucestershire in the period 2012 - 2027. It identifies a vision, objectives and strategy relevant to Gloucestershire and also identifies strategic sites for waste management. Policy WCS4 identifies the application site as part of 'Wingmoor Farm West' strategic waste site. When adopted, the Waste Core Strategy will form part of the Minerals and Waste Development Framework. Whilst the Waste Core Strategy is a material consideration it can only be given limited weight because it has not gone through an examination in public.

### **WCS10 – Green Belt**

In accordance with Core Policy WCS13 poor design will be rejected. The WPA will work in partnership with the local authorities of Gloucester, Cheltenham and Tewkesbury in relation to potential Green Belt revisions arising through the Joint Core Strategy or other relevant Development Plan Documents (DPD) to ensure that any such revision takes full account of existing and proposed waste management facilities including where appropriate the designation of 'inset' sites within the Green Belt.

In addition to Core Policy WCS10, other relevant policies are as follows:



- WCS2 – Recycling & Composting /Anaerobic Digestion (including bulking and transfer);
- WCS14 – Sustainable Transport.

### **Tewkesbury Borough Local Plan to 2011(Adopted March 2006)**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that the Tewkesbury Borough's Local Plan's Development plan status must be considered. The following 'saved' policies are relevant to the proposed development and set out in full in the appendix:

**Policy GRB1 – Green Belt**

**Policy EVT2 – Light Pollution**

**Policy EVT3 – Noise pollution**

**Policy TPT1 – Access for development**

**Policy TPT3 – Pedestrian Networks**

**Policy TPT5 – Cycle network Enhancement**

**Policy NCN4 – Development Affecting Protected Sites**

**Policy NCN5 – Protection of important natural features/biodiversity**

**Policy NCN6 – New and Restored ponds**

**Policy EMP4 – Rural Employment policy**

**Policy LND4 – Landscape and country side protection**

**Policy EVT5 – development in high, and low to medium flood risk areas**

## **5.0 REPRESENTATIONS**

5.1 The proposal was advertised by a site notice erected on the 12<sup>th</sup> June 2009 and which expired on the 10<sup>th</sup> July 2009 and an advertisement in a locally circulating newspaper dated 17<sup>th</sup> June 2009, which expired on the 10<sup>th</sup> July 2009. Additional information was received on the 5<sup>th</sup> November 2009 and a second newspaper advertisement was placed on the 16<sup>th</sup> November 2009 and a site notice erected on the 13<sup>th</sup> November 2009 which expired on the 10<sup>th</sup> December 2009. In accordance with the protocol contained within the Statement of Community Involvement (SCI) (Adopted December 2005) 51 letters were sent to residents and businesses located within 250 metres away from the site boundary to notify them about the application.

5.2 The Local County Councillors have made the following objections.

Councillor Ceri Jones (County Councillor for Bishops Cleeve) strongly objects to the application for the following reasons.

*“ I find it astonishing that the applicant submitted this application at the last minute. I believe that both this, and the arrogant way in which the company has started use of the MRF despite the fact that permission has not yet been granted show scant regard or respect for you, as the Planning Authority, and for the community which has to suffer the appalling consequences of the operations they inflict upon us.*

*Major objections can be summarised as follows:*

- 1. The company agreed in 1989 to complete their operations by May 2009. I have always believed that landfilling involves digging a hole and refilling it to the same profile. It is quite clear that far from simply excavating and then refilling the land, they have actually raised its level. By stopping the operations now, this abuse will cease.*
- 2. These operations, most especially those involving hazardous waste present clear dangers to both the community's health and the environment. The dioxins in the APC residues alone represent a very real and as yet unquantified threat to the health and well-being of the people I represent. The current HIA has raised many crucial questions and I do not believe that it can be right to allow the application to be determined until all of these have been satisfactorily answered.*
- 3. The traffic problems in the Cleeve area are becoming critical. Our former country lanes, which are being forced to take urban levels of both HGV and other vehicles, are at breaking point. A stream of developments in the area has generated more and more movements and the cumulative effect, which has never been properly taken into account, has a devastating impact upon the community.*
- 4. In addition to polluting traffic, there are many other disamenities being suffered: incessant dust, intolerable odours, ongoing noise, flies and thousands of gulls which now infest Bishops Cleeve.*

*I shall elaborate upon my objections and concerns at a later date. On behalf of the people of Bishops Cleeve, I urge that this wretched application be refused."*

Councillor Gordon Shurmer (County Councillor for Ashchurch, Cleeve and Oxenton Hill):

*" I formally advise you that I object to this application for the following reasons:*

- 1. Traffic impact on local community (proposed M.R.F.) The MRF imports are shown/predicted at 23.4 per day and if you allow for these vehicles exiting the site/area then this figure becomes 46.8 per day which equates to a staggering increase of 12,963.6 vehicle movements over the 277 working days per annum.*
- 2. Highway safety.*
- 3. Pedestrian/cyclist conflict with H.G.V.s.*
- 4. Loss of amenity.*
- 5. Impact on the local environment and local community in terms of noise, odour and air quality.*
- 6. Conflict with green belt policy (new M.R.F. Facility).*
- 7. Ongoing vehicle misuse of western access (i.e. no right turn when accessing from west).*
- 8. Problems with surface water discharge from existing site.*

*I would also support the formal objections from Stoke Orchard Parish Council, Gotherington Parish Council and Woodmancote Parish Council.*

*If the Planning Committee were minded to support this application then I would strongly request the following planning conditions, 106 contributions and highway safety improvements:*

**Conditions:**

- 1. Legally enforceable no right turn to access site from west, with the present junction being completely redesigned.*
- 2. Proper and effective vehicle cleaning facilities.*
- 3. Proper and effective noise, odour and air quality controls.*
- 4. Proper and effective surface water discharge management.*

**106 Contributions:**

- 1. Full implementation of the Halcrow Report that we commissioned in October 2005 (note – in the interest of pedestrian/cyclist safety, the section from the railway bridge to Stella Way may need to be off the carriageway).*
- 2. Dean Lane to Banady Lane – this presents a significant obstacle to both pedestrian and school children alike and should be improved in the interest of road safety.*
- 3. A 106 contribution be made to Stoke Orchard Parish Council to help address any environmental impact issues.*

**Highway Safety**

*The A435 is projected to reach near capacity within the next ten years or so without the traffic movements that are projected by the new M.R.F. i.e. some 12,963.6 (based on 277 working days per annum).*

*Members should also note that this operation should have finished so any extension granted should be counted as an increase in vehicle numbers/movement and on this basis alone you would see 86.9 vehicle imports per day and reasonably 86.9 exports which would equate to over 48,000 vehicle movements over the 277 working days per annum so a minimum requirement in the interest of road safety should see:*

- a) The junction with the A435 should be improved.*
- b) The existing 50 mph should be extended from the Gotherington junction along the full length of the A435 up to the Teddington roundabout.*
- c) In the interest of highway/pedestrian safety full right hand turning bays should be installed at both the Gotherington and Oxenton junctions along the A435.*
- d) Traffic calming measures should also be implemented at the entrance to the Farmers Arms car park on the A435 due to the frequent minor traffic accidents that occur at this point.*

*All of the above I feel are both reasonable and justified given the proposed 20 year extension and the new proposed M.R.F. which will add significant traffic movements to this area.*

*I thank members for their consideration of the above.”*

### 5.3 Friends of the Earth (July 2009)

Gloucestershire Friends of the Earth object to the Planning Application for the following reasons:

- The application should be considered as if it were a Greenfield site.
- Little evidence has been supplied to justify mineral extraction in the Green Belt near the AONB.
- EIS: The landscape and Ecology sections are inadequate.
- Hydrology: Detail of the non-compliance with discharge conditions should be detailed.
- Need has not been demonstrated for a landfill site here.

GFOEN believes that the consideration of this planning application in terms of significant effects, direct and indirect cumulative impacts is not possible at present because of the lack of missing information and request that GFOEN be allowed to revisit this ES and Planning Application when the material is provided.

Additional comments:

As far as we are aware the Planning application data available for public inspection with regard to the Dustcan Ltd Report does not contain the report "Dustscan Ltd (2009) Review of directional monitoring 2007/8 Wingmoor Farm landfill sites and Bishop's Cleeve Gloucestershire for the Environment Agency, Tewkesbury and the brief by the Environment Agency for this piece of research. GFOEN request that these omitted items be made available for public inspection. There may be other items related to this report or related to dust emanating from this site on which we may wish to comment when made publically available.

GFOEN notes that the sample from site DM3 was damaged and therefore omitted from testing. This needs correcting by re-sampling and testing especially as it is the only site that appears to be on the public highway adjacent to the Wingmoor landfill and Hazardous Waste site. DM3 is an important sampling site as it would give an indication as it would also give an indication as to whether or not there is a scenario of Pac's being transported on the wheels of vehicles.

The report does show that Pac's are escaping from the site which warrants further investigation. GFOEN would request information from the applicant to provide further information as to how Pac's will be prevented from escaping from the site.

The local action group, Safety in Waste and Rubbish Disposal (SWARD) has written a number of letters objecting to the proposal. These letters have recently (September 2011) been sent to all members of the Planning Committee individually by SWARD.

In addition there have been 1287 letters of representation to this application from members of the public, including 75 letters of support. A letter of representation has been received from The Borough Councillor for Cleeve

Grange. The reasons for objection are broadly similar to those contained in the Parish Council, SWARD and local County Councillor comments that have been reported in more detail. A petition in support of the application signed by 66 drivers and operators using the site, has been submitted. The following is a summary of the representations received of both letters of objections and those of support:-

## **Objections / Concern**

- 5.4 **Health Issues** - Hazardous waste, Persistent Organic Pollutants, seagulls, disease, flies, vermin, airborne pollution, local residents' health, respiratory issues, unknown effects. Lack of evidence / information to prove no harmful effects. Fear of effects, stress, anxiety, worry. Traffic 'impacts on' children (future generation). asthma. Toxic material, dioxins, Volatile Organic Compounds(VOC's), Particulate Matter – particles of 10 micrometres or less(PM10's). Ill health various symptoms Fugitive emissions Impact on career. Need for long term monitoring of health risks Birth defects (county test case). Cancer. Psychological well being; Incineration linked to ill health.
- 5.5 **Pollution** – airborne, water, fugitive, food chain. Lack of scientific tests; Persistent Organic Pollutants; Prevailing wind direction and eddies off scarp; Pollutants trapped by hills; Potential for accidents; Most polluting site in Europe. World "hotspot"; Unusable land for many years; PM10's, CO2 emissions; Bund failure in cells and drinking water pollution as result; Leachate into water course; Flooding and contamination of water course; Need for air pollution analyses and health impact assessment; No analysis of fugitive emissions.
- 5.6 **Dust, Odour, Noise and Vibration** - Dust, odour noise and vibration from site and HGV's; Dust on cars, hedges, grass, windows, etc; Dust scan report does not account for the impact of the very smallest particles; Dust monitoring not sufficient or conclusive; Situation Akin to Japanese Nuclear disaster; Dust clouds causing breathing difficulties; Caveated conclusions of Health Protection Agency report of concern; Quantities of dust, contamination of surrounding agricultural land from dust; Delay in dust sampling.
- 5.7 **Highways** - Highway condition poor – mud / dust on road, hedges, signs, etc. Highway safety – inadequate roads, pedestrian, cycle, car conflict with HGV's; Speeding HGV's; Lorry routing and emissions; Road capacity and size inadequate; Disamenity and traffic impacts; Structural damage to property from HGVs; Inadequate wheel washer; Damage to vehicles from stones; Spray from lorries exiting site on wet days.
- 5.8 **Visual Impact** - Green belt – inappropriate development, openness of green belt; Visual impact of site and building; Impact / intrusion of site on landscape; Inadequate landscaping; Change of landscape character.
- 5.9 **Property** - Proximity to residential properties and schools; Should not still be allowing houses to be built in close proximity to site; Expansion of town; Property devaluation; Council tax bill should be reduced; View from property;

Would not be permitted elsewhere in Europe close to large town; Relocation of site to non-residential area.

- 5.10 **Duration** - Duration of operation and restoration (scale of operation – closure date should have been honoured). Lack of justification. Expiry date passed. Concern regarding permitting more clay extraction which will extend life of site and impacts. Restoration should be monitored and put back to original land form.
- 5.11 **Animals** - Prevention of sheep grazing – as meat animals – indicate not safe Contamination of agricultural land and food chain Death of 100 white doves, various animal diseases and birth defects Adverse health impact on animals.
- 5.12 **MRF** - Unauthorised MRF building; MRF not environmentally friendly or cost efficient; Recycling at source better than MRF; Unsightly building; Unauthorised use of MRF; Need more recycling; Inappropriate site for MRF; Application for MRF and clinical waste transfer station should be refused as not dependent on landfill
- 5.13 **Democracy/Control/Regulation** - Ineffectual regulatory bodies; Lack of local democracy; Prospect of incineration; Heavy smog on road; Lack of respect of planning control; Importation of waste from out of county and Europe; No trust in local or central government decision making; Financial gain to council; Breach of planning control; Who responsible in future; Late application; Planning system in disrepute; Councils commitment to people of Gloucestershire – improve quality of life; Operating without a licence; Council should do more to encourage people to be green / recycle; Financial profit of operator; Illegal to have hazardous waste site next to house; Consultation not adequate; Need compulsory recycling; Undemocratic process; Concern over Tewkesbury Borough Council planning committee giving support; Not consulted; Byker plant Newcastle – case law, maladministration etc incompetence, health impact; Questionnaire comments not given to WPA; No consideration of wider villages e.g. Swindon; Control of waste types; Unlabeled waste containers; Waste falling from lorries onto road; Lack of compliance with Stockholm convention; Conditioning plant not fit for purpose; MRF wrongly sited; APC should be better containerised; No need for APC deposit at this site as better disposal techniques available; Permit and planning permission regime confusing. Concern regarding self regulation under PPC (now Env Permit); GCC not considering whole waste complex and impact on parishes; Contrary to national and local policy to reduce land-filling; Applicant should engage with local community and demonstrate proof of safety; Contend EA a regulatory body unfit for purpose; Need for monitoring of impacts of health, lorries and waste type.
- 5.14 **Accidents** - Potential for accidents; History of accidents on the site; Possibility of tanker spill in residential area; Phenol incident; unsecured cargo.
- 5.15 **Other issues of concern** – Litter, Inadequate site management of waste; Nimby-ism raised; Importation of sand gravel and road stone – business conflict; Duty of care to each other – H&S; Incinerator ash does not meet

Waste Acceptance Criteria; Failure to establish need and lack of proper consideration of alternatives; Loss of employment due to business leaving due to landfill; Quality of life; No environmental risk assessment; Against disposal of APC; Geology of site; Not sustainable; Impact on wildlife and ecology; Exposure of waste during cell fill; Land raise not landfill; Climate change; Light pollution; Cumulative effects; Not a good way to deal with municipal solid waste (MSW); Air quality; site grown out of proportion; More appropriate sites near to waste arising; AONB with important tourist increase which will be adversely affected; Material incapable of being handled disposed of properly; APC contamination of vegetation and land surrounding site.

### **Support**

- 5.16 **Health** - Good health enjoyed no pregnancy problems or child illness; No detrimental effect after 20 years; Well designed to offer mitigation of harmful effects; Routine health checks of employees – good health.
- 5.17 **Highways** - Well located for reduction in transport of waste; No effect on village life or from traffic; Traffic worse from Tesco's not site; Increased traffic implications if closed on wider network.
- 5.18 **Property** - Housing encroaching on site not site expanding to housing area; Most residents arrived after site was established.
- 5.19 **MRF** - Support MRF and recycling; adverse environmental impacts from having no MRF/recycling/landfill; Better to have MRF at Wingmoor than require more landfill capacity.
- 5.20 **Democracy/Control/Regulation;** - Subject to highest level of monitoring controls possible; Well run safe efficient disposal of hazardous waste; Enables businesses to meet legal responsibilities and provide compliance to clients; Safe place to work offering good employment; Excellent H&S and environmental record; Regularly monitored by EA and no problems; Cost implications of no site hope would be huge to customers; Well run – no objection from EA; Due diligence site audit records show highest standards of APC site operation.
- 5.21 **Economy** - Supports jobs and the economy; reduced operational costs and improved environmental performance of local companies using site; Fly tipping worse and financial implication of uncontrollable tipping – confidence in safe disposal; Objections detrimental to wellbeing and local economy; Bad time for redundancy if site closed; Sponsor rugby club and assist with parking; Increased employment if permitted; Concern over loss of jobs at site if closed.
- 5.22 **Need** - Approve to save taxpayers money at appeal; there is still a need for landfill; Continuation of site maintains competition and keeps costs down; Reduces transport and associated environmental and economic costs.

- 5.23 **Benefits of Service** - Good waste collection service; Provides means of meeting recycling targets; Difficult to find alternative site for local business; Responsible efficient and professionally run site; Valuable disposal outlet for numerous local companies; Polite and courteous operation carries out collection safely; Few alternative sites within reasonable distances; Good service provided to local businesses; Impressive ideas for dealing with reducing waste, increasing recycling and encouraging greener thinking through education.
- 5.24 **Other reasons for support** - Untrue claims of objectors; Landfill should be utilised to its full potential; Low number of SWARD members; Closure would increase carbon footprint; More sense to handle waste at one site; Should not rely on hearsay; Support through national and local planning policy; Ignorance of objections; Site of regional significance; Closure costs now would be huge and still leaves a problem; No fugitive emissions.
- 5.25 Copies of all representations have been made available for inspection prior to Planning Committee.

## 6.0 CONSULTATIONS

- 6.1 Tewkesbury Borough Council: No objection to the application subject to no objection being raised by the County Highways Officer and subject to appropriate planning conditions to address the following issues:
1. The lifetime of the development
  2. A detailed restoration scheme including long term design objectives, management responsibilities and maintenance schedules, taking into account landscaping and biodiversity.
  3. Detailed surface water drainage strategy for the restoration phase of the development.
  4. Hours of operation.
  5. Limits on throughput of material.
  6. Removal of permitted development rights pertaining to the erection of new buildings, fixed plant or machinery, lighting and fencing.
  7. Noise mitigation to safeguard the amenities of nearby residential properties.
  8. The lack of infrastructure on the site access and roads in the area; and
  9. Members also considered that the County Council should take into account the Health Impact Assessment on the residents of Bishops Cleeve.
- 6.2 Cheltenham Borough Council: makes the following comments based on the dust monitoring report:
- “ We note the findings and recommendations in the reports of the Environment Agency and the Health Protection Agency which indicate that the site is operating within the acceptable limits. Therefore, we have no evidence to support popular views which have been expressed locally that the application should be refused.*



*However, we still have concerns over the potential impact on the wider communities situated around the site, particularly if there remains any possibility for significant quantities of dust to blow around the surrounding areas, even if non-toxic. For this reason, whilst the Council raises no objection to the application, this is subject to the continued use of the stringent conditions imposed by the Environmental Permit.”*

A second letter was received from Councillor Whyborn (Cabinet Member for Sustainability) on the 12<sup>th</sup> September 2011.

Further to my letter dated 8th April 2011 regarding the dust monitoring project that has recently been undertaken for the above application, I have received a number of representations from members of the public, there are two main themes:- One concerns the fact that only one monitoring station was used for the Health Protection Agency (HPA) sampling exercise. The second concerns the safety, or otherwise, of the very small particles in the atmosphere originating from the site, i.e. sizes PM2.5 to PM4 and below of the relevant chemicals. The HPA report appears on first reading to work on PM10 only. On making further enquiries (see attached response from NHS Gloucestershire), this Council's understanding is that PM2.5 is included within PM10 which has been covered in the HPA report.

However, we are further advised that a reduction in levels of particles below 2.5µg/m3 (PM2.5) in the exposure to the population (as expressed as an annual average PM2.5) can have appreciable benefits. Due to their small size the particles are more likely to be deposited deep in the lungs and in the air spaces involved in gas exchange. Therefore exposure to particulate matter may be associated with respiratory and cardiovascular illnesses. That there is some level of hazardous material escaping into the atmosphere is not in serious doubt. Whether there is significant hazard and risk to the surrounding population is not within our competence to answer.

In view of its proximity to residential areas within the Borough, Cheltenham Borough Council feels unable to give unqualified support to this application at this time, and feels that the Planning committee at Gloucestershire County Council should satisfy itself on the above point before proceeding to any decision to approve. If necessary, further studies should be undertaken by GCC. We would also re-iterate our point made in the letter of 8<sup>th</sup> April that it would not be satisfactory if there remains any possibility for significant quantities of potentially hazardous dust to blow around the surrounding areas.

### 6.3 Bishops Cleeve Parish Council: Object to this application.

1. The fact that the application was appropriate in 1996 does not automatically mean that it is acceptable now or that the conditions which were applied in 1996 remain appropriate. Bishops Cleeve has grown substantially and the nearest housing development is within 220 metres of the site boundary. Consent has recently been granted for another major development to the north of existing housing (i.e. Homelands).

2. This is an inappropriate use of green belt land. The aerial photograph clearly shows the large unsightly scars on the landscape.
3. Loss of amenity to Bishops Cleeve residents due to smells and dust – particularly for houses in close proximity to site – noting that the predominant direction is westerly towards Bishops Cleeve. Also concerned that there could be currently unrecognised health impacts which could affect a substantial population. A HIA process has started but is not yet complete.
4. There is substantial traffic impact on Bishops Cleeve. Houses adjacent to Stoke Orchard Road will be subject to significant loss of amenity due to frequent HGV movements close to their houses (337 return journeys per day which equates to 754 movements.) these houses were not built when the original planning application was granted.
5. Traffic surveys show that some roundabouts on the A435 are currently around 100% capacity at peak times. This will get worse once Homelands is built. Residents of Bishops Cleeve can be imprisoned at peak hours in the morning as they are unable to enter the A435 roundabouts due to the amount of traffic heading to Cheltenham. Removal of 754 HGV traverses of the A435 would help alleviate this congestion.
6. Application states that residents could have walked to the public exhibition at the site. Unlikely that any residents would choose to walk along an unpleasant and hazardous route. Applicant declined to provide (or fund) transport from the centre of Bishops Cleeve. SWARD provided transport which was funded by the Parish Council, but we do not believe this was publicised by the applicant. Our conclusion is that the applicant did not wish to make it easy for residents to visit the exhibition.
7. Application estimates restoration of land to green belt standards will not be complete until 2030 (21 years hence). Conditions should be varied to reduce extent of operations such that further voids are not created and to restore existing voids to greenbelt standards as soon as reasonable practicable.
8. If application is granted then more onerous restrictions should be put on hours of operation such that opening hours are from 0800 (not 0700 as at present) in order to protect amenity of residents in the closest proximity. Out of hours access should be restricted to emergencies only, with routine tanker deliveries not allowed at such times.

In the application regarding design and access statement at 2.12 it discusses the two accesses from the public road and the supporting statement at 7.21 indicates that the eastern haul road will be closed and this will leave the MRF and relocated offices isolated from the rest of the site with the only means of access to the rest of the site via the public road.

The permission for the MRF dated 5<sup>th</sup> April 2006 states in condition 8 that all non-recyclable outputs of the MRF shall be exported via internal haul roads to the adjacent landfill site. Reason: To minimise road traffic levels in the interests of highway safety and resident amenity and to conform with policies 37 and 40 of the GWLP – Oct 2004.

The applicant design and access statement at 3.4 states access between the two site entrances will be required to export residual waste from the MRF to

the adjacent landfill as a result of the phased closure of the eastern internal haul road and at 3.10 the closure of the access to the non-hazardous land fill from the MRF will require export of residual waste from the MRF to the adjacent landfill via Stoke Road/ Stoke Orchard Road rather than via internal haul roads. This is considered to be acceptable due to the visual improvements that the closure of the western (eastern?) internal haul road will bring about and is acceptable in highway terms.

This directly contradicts the previous condition and if it was not acceptable in highway terms in 2006 the condition is more pertinent in 2009.

#### 6.4 Uckington Parish Council:

Object to the planning application and make the following comments:

As the planning permission for this site expired in May 2009, activities should cease until all the evidence concerning its safety are produced.

I note that the publication of the South West Regional Spatial Strategy has been delayed, and therefore no weight should be given to this application concerning the proposals in the RSS.

History.

Uckington Parish is a small rural hamlet, which lies to the south side of the landfill sites, known as Wingmoor Farm East (Grundons), and Wingmoor Farm West, (Cory Environmental).

The community therefore lives within 500 metres, of these sites, and over many years, the Parish Council, and its parishioners, have regularly communicated, with all the relevant agencies, especially the Environment Agency, about their worries and concerns about the dis-amenity of living so close to the landfill sites.

There is a long history at these sites, and officers must take into account the cumulative activities and affects of the operations of all the companies, on the surrounding communities and towns, over many years. Special weight should be given to loss of amenity, caused by dust (Toxic), machinery noise, waste smells, litter, landfill gas odours, flies, scavenging seagulls, vermin, spraying of exposed waste with insecticides and the impact of transport movements on roads around the sites. In addition, the cumulative effect of the stress and worry on residents individual health of these sites and associated problems must be considered. It must be recorded that residents have been subjected to these un-neighbourly activities for over 30 years.

Omissions

Throughout the Planning Application, there has been a complete omission of the location of the site in relation to the proximity of communities to the south side of the Grundons site, namely:- Uckington, Elmstone Hardwicke, Swindon

Village, Wymans Brook and Prestbury, Cheltenham. All of these communities are within 3km radius of the sites.

#### Objections.

- The planning application is on GREENBELT LAND. It is totally inappropriate development and affects the openness of the countryside.
- It can be seen from an "AONB " (Cleeve Hill.)
- There are major concerns from residents about the dis-amenity that the site creates.
- There are major concerns from residents about the safety and health of the community.
- The application represents a long-term risk to the environment for several hundred years.

#### Recommendation.

This application should be treated as a new application, but permission for operations should not be given to this application until the recommendations of the of the key areas for action in the NHS Gloucestershire, Primary Care Trust, Community Health Impact assessment Report, have been put into place. With particular emphasis on the cumulative effects on the health of the communities around the site, from ALL the activities of all the operators on the Wingmoor Farm Sites, serious weight should be given to the fact that national targets are reducing the amount of waste going to landfill; on this basis activities on this site should be diminishing, and not increasing.

#### Materials Recovery Facility

This has been brought into use without planning permission. The parish council objects to this added process being installed on a greenbelt site. There is no evidence that this operation cannot be done elsewhere, and is not dependent on a landfill site. Therefore, this building should be re-sited nearer the communities where the waste is produced.

#### Clinical Waste Transfer station.

There is no evidence as to why this process is sited on a landfill site. The applicant has not demonstrated the cumulative effect of the lorry movements of the MRF and the Clinical Waste Transfer Station. Nor have they demonstrated and 'special circumstances' as to why this should take place on this Greenbelt site.

#### Contingency Fund.

The applicant should be required to set up a fund of money, as an insurance policy against any potential risk to the safety of the surrounding communities.

#### 6.5 Stoke Orchard Parish Council: Object to this application for the following reasons

Western Access: Stoke Orchard Parish Council objects to the long-term demonstrated vehicle misuse of this access. After the original planning consent for this access, an advisory 'no right turn sign' was erected. This signed advice was ignored by vehicles accessing from the west, until the sign was demolished by a traffic accident and never replaced. The sign was ineffective from the outset, and many minor vehicle accidents have occurred.

The Parish Council requests that for highway safety reasons the western access should have a legally enforceable no right turn to access from the west, as a condition of any permission.

Air Quality: Stoke Orchard Parish Council objects to the minimization of a history of a substantial source of loss of air quality from the application site under the previous permissions. Fugitive mature and immature landfill gas emissions are documented on EA records. Waste tipping face odours have also reduced air quality during the previous permissions. Complete separation of fermentable organic wastes from inert wastes, before landfill, should become a condition of any future permission.

Traffic and Transport: Stoke Orchard Parish Council objects most strongly to the full 2014 proposal on page 108, for total imports and export transport movements of approximately 340,000 tonnes per annum, as totally unacceptable. This would take the nearby A435 junction up to its projected full capacity, and inevitably cause increased local congestion.

Crucially for our village community, we know that year on year, HGV weight limit breaches at Stoke Orchard will increase in direct proportion to increased HGV traffic congestion on the A435. Similarly all vehicle traffic movements increase through Stoke Orchard to avoid trunk road congestion on the A435, both north and southbound.

Our own Stoke Orchard traffic surveys have recorded annual traffic volumes through Stoke Orchard Village increasing at a rate of twenty per cent per annum, with regular HGV weight limit breaches by HGV traffic being duly recorded.

Pedestrian/Cyclist Amenity Assessment: Stoke Orchard Parish Council strongly objects to this assessment. The application does not identify any further highway improvements to improve pedestrian or cyclist safety in the village of Stoke Orchard, or in Stoke Orchard Road. More remiss is the assertion that minimum loss of amenity is currently caused by waste HGV traffic. The Grundon Community Consultation Feedback clearly identified a local community wish for improved pedestrian and cycle provision.

It is a matter of grave concern to Stoke Orchard Parish Council that by far the safest route for pedestrians or cyclists of any age group for both commuting and recreational purposes, is to travel in a vehicle from Stoke Orchard to Bishops Cleeve.

For most pedestrians or cyclists it has always been most inadvisable to risk traffic conflict, or personal safety, on the current application site waste HGV

movement narrow single carriage routes, let alone those projected for the 2014 proposal.

A planning inspector brought this matter to the attention of Gloucestershire County Council at the time of the previous permissions being granted.

The Stoke Orchard Parish council objects on the basis that the current arrangement of highway cleansing gives rise to unacceptable risk to cyclists and motorists alike. Following periods of rain and or frozen conditions the current arrangement of using road sweeper / cleaner vehicle merely serves to spread the mud onto the road and does not actually remove it in sufficient quantity to improve the adhesion of the surface.

As is well known, the hot rolled asphalt surface has low noise characteristics, but is also very slippery when coated in a film of compressed mud. Mud on the highway, followed by frost, results in a very slippery and therefore hazardous surface, and one that is known to be particularly dangerous to cyclists. Motorists using the highway adjacent to the two waste site entrances, can temporarily lose windscreen visibility with soil splash.

We would suggest that significantly improved wheel wash facilities be implemented in the facility and a review of verge and road cleanliness

Further roadside hazard is presented because the mud spread about by the traffic is then deposited onto the road signs making them almost illegible except when you are close to the signs

On a more long term basis, due to the history of poor wheel wash facilities, the whole area from the waste facility to the A435 roundabout and beyond, still has elevated accumulated soil verges, and is not in keeping with how residential areas are meant to be managed. Stoke Orchard Parish Council seeks a demonstrable long-term improvement.

Loss of Tranquillity: Before the initial permissions for waste activity at the site were granted, a reasonable level of tranquillity on Stoke Road, an essentially rural highway, existed in a way that allowed a mix of residential and commercial vehicles, with comparatively unthreatened pedestrian, and cycling activity. Since those permissions were granted, that rural tranquillity has been lost. The future waste traffic transport projections indicated in the application are unacceptable, because rural tranquillity of any kind cannot coexist with the volumes of waste traffic that are duly identified.

#### 6.6 Swindon Parish Council: objects to this application:

1. The Parish Council's objections to the continuation of the Grundon's Wingmoor Waste Treatment and Landfill site permit are based on the situation as reported below which shows that:
  - a. the escaping dust has not been analysed over the past five years and it would be a dereliction of duty if the County Council was to permit anything other than a short term extension without strict timetable for analysis of the dust to take place;

- b. Prior to the determination of the full application the County Council should be aware of the extent of the release of APC residue dust, which is visible around the bases of the waste treatment plant units (Grundon has stated at a Wingmoor Liaison Group meeting that there is a regular release of this dust and that it is swept at intervals).
2. The Parish Council is also of the opinion that Waste Import Controls should be strictly imposed which would limit the radius of operation for the import of waste, with especial reference to cooked food waste, and an odour monitoring team of volunteers should be organised and trained during any short term extension (e.g. less than 12 months) of the planning permission.
3. The Parish Council also stresses that Air Quality and Pollution Key Actions which are required of Tewkesbury Borough Council should also be required of Cheltenham Borough Council to cover the adjacent areas of Swindon and Prestbury Parishes.

#### Comments Supporting our Objections

The application is a very detailed one. It is often said that the devil is in the detail. In this case however it is in the omissions:

##### 1. Dust and Air Pollution Control Residues (APC)

The Environment Agency (EA) has conducted monitoring tests off-site since 2005. However, in that time up to late in the first quarter of this year they had not undertaken any analysis of the monitoring tests. The fact is that, according to a statement made at the last Wingmoor Liaison Forum, they had not even let the contract to have the results analysed.

Dust is observed to be present in significant quantities on the immediate roads, hedges, verges and in residents' homes, causing loss of amenity. The Community Health Impact Assessment Steering Group is concerned with regard to the potential health impact of dust from inhalation of fine particles and in particular to APC residues that may be present in the dust.

Dust control forms part of the waste permit for the landfill site and as such is regulated by the EA. In 2004 in response to concerns from the community, the EA commissioned DustScan Ltd to undertake directional dust monitoring off-site in addition to that undertaken by the Operator as part of their permit. Monitoring has taken place annually since 2005. However, no interpretation or analyses of the dust samples have taken place, despite repeated requests for this to be undertaken through the auspices of the Wingmoor Liaison Forum.

A recent study (Macleod et al, 2006a and b) raises issues that concern the Group. The study modelled human exposures to APC residues from municipal incinerators in England following their disposal to landfill. The study indicated that modelled exposures to dioxin, fine particulates and heavy metals were likely to be several orders of magnitude greater for "receptors"

(this means local residents including children) around the Wingmoor site than for other sites referenced in the paper. The report did not model other substances which are known to be constituents of fly ash such as Polychlorinated Biphenyls (PCB).

## 2. Community Health Impact Assessment: Final Version February 2009

Stress Key Action - The NHS Gloucestershire must undertake a study to determine the potential effects of the Wingmoor sites on the physical and mental health and wellbeing/stress of local residents (to include asthma) who live in proximity to the Wingmoor sites, to be completed in 2009.

Dust Key Actions - The Environment Agency must undertake to complete the analyses of the dust monitoring carried out by DustScan Ltd to commence in 2009 or as soon as is practicable. The results of the analyses must be made publicly available and sent to the Wingmoor Liaison Forum. These analyses must be undertaken annually thereafter following monitoring.

Air Pollution Control Residues (APC) Key Actions - The EA must commit to carrying out the recommendations of the findings of the MacLeod (et al, 2006a and b) study relating to APC.

Emissions to Air Key Action - The EA must undertake research with regard to the effects to health of the “cocktail effect” of wastes that enter landfill sites.

Air Quality and Pollution Key Actions - Tewkesbury Borough Council must recommence passive tube monitoring for nitrogen dioxide on Stoke Orchard Road and also introduce monitoring on the A435 Bishop's Cleeve By-Pass in May 2009 or as soon as is reasonably practicable. The results must be made available in a timely manner to the Wingmoor Liaison Forum so that they are publically accessible. Tewkesbury Borough Council must undertake real time air quality monitoring and analysis at Stoke Orchard Road, Bishop's Cleeve and the A435 Bishop's Cleeve By-Pass to establish an accurate baseline of the impact of traffic on air quality in the area to commence in 2009. Comparative annual air quality monitoring and analysis thereafter must be undertaken to identify trends. Tewkesbury Borough Council must undertake to give specific consideration to the Bishop's Cleeve area and the locality surrounding the Wingmoor sites when undertaking its Updating and Screening Assessment on air quality for 2009.

## 3. Waste Import Control

Currently waste is imported to the site from great distances including from the mainland continent. With the current lack of in-depth knowledge of the effects on the health of the local community this should be stopped forthwith. Further to this such transportation can only adversely affect the ‘greenhouse gas’ issues of the nation.

## 4. Odour monitoring



The current situation is that odour monitoring is limited, mainly to one active volunteer. The EA has stated that it will improve the reporting procedures and train an improved voluntary 'odour smelling squad' with a better distribution around the compass.

- 6.7 Elmstone Hardwicke Parish Council: Under no circumstances can the Parish Council support the application to continue workings at Wingmoor Farm for a further 20 years.

As non-professional people, it is extremely difficult for us to comment technically on why or why not this site should be allowed to continue in operation. From the figures quoted it would appear that they intend to extract some 1,374,000m<sup>3</sup> of sand and clay and import some 4,323,000 m<sup>3</sup> of hazardous and no-hazardous material, presumably with which to fill the hole. Simple maths would show that the hole isn't big enough to hold all this material so what happens to the surplus? When viewing the site from Racecourse Hill it already looks like a mini Alps!! Other details are equally confusing which makes it difficult to make informed judgement on the application.

However we can point out that from past experience the site has not been operated correctly for some considerable time. Errors in operation were pointed out in the Environment Agency Audit August 2008 when it listed non-compliance with permit conditions. Incomplete training of staff in handling materials was also highlighted which we consider extremely serious in view of the hazardous materials being processed.

The business has grown piecemeal over the past years from an 'ordinary' waste refuse site to something which is now, almost unmanageable. Over the years despite objections from many people, permission has been granted bit by bit from various operations and in our opinion, it is now difficult to oversee all the processes correctly and in conditions such as these when dealing with hazardous waste, accidents will and do happen.

Our residents have been plagued with poor air quality- odours sometimes reaching Cheltenham – dust, vermin and flies for far too many years. The continuous traffic along Stoke Road and the proliferation of rubbish being blown from the site are other factors. All these things in what should be an open, healthy rural area within the green belt!!

Despite the many complaints you, The Environment Agency or whoever is supposed to supervise this site, have been lax and dilatory and very reluctant to impose sanctions or to bring the operators to account. In this respect all the authorities have failed the local population. Furthermore, not ensuring that the operator complied with the closure of the site by May 2009 is the biggest failure of all.

It is accepted that waste has to be processed but there are many, many ways of carrying this out without ruining the lives of one small area of the County. For the last forty years, the area covering Elmstone Hardwicke, Stoke

Orchard, Uckington and Bishops Cleeve has been plagued by a rubbish tip of one sort or another. It is about time somewhere else was found or better still, different methods of dealing with this problem.

As an authority you have had many years to find a alternative site knowing that this site should close in 2009, but it would appear that you have taken the easy option to 'let things lie'. You should now refuse this application and ensure that the site is returned to a reasonable condition in as short a time as possible – it cannot be returned to its original condition in view of all the toxins there.

6.8 Gotherington Parish Council: endorses the comments made by Stoke Orchard Parish Council.

6.9 Environment Agency:

The Environment Agency (EA) makes the following comments:

*“ Thank you for consulting the Environment Agency on the above application and for agreeing to extend our normal response time. The proposal is for ongoing operational activities at a strategic site that continues to be regulated by us. We have reviewed the information submitted in support of the planning application, including the Environmental Statement. We are satisfied that environmental issues within our remit have been adequately assessed. We are also satisfied that the proposals are in accordance with the permits for the operations as per our regulatory role.*

*We therefore have no objections, in principle, to the proposed development. We recommend that the relevant operational conditions from the previous planning permissions are re-imposed on any permission granted. This should assist in ensuring the planning permission is in accordance with the proposals and Environmental Statement without unnecessarily overlapping with the regulatory system operated by us. We would be happy to discuss the conditions further with you if you are in any doubt as to which conditions should be applied. In addition we are recommending two conditions within this letter relating to surface water management and the restoration scheme.*

*The following comments provide more detail on our regulatory role and our assessment of this planning application and Environmental Statement.*

#### **Site operations and permitting**

*The waste management operations at Wingmoor Farm are regulated under the Environmental Permitting Regulations 2008 (previously the Pollution prevention and Control Regulations 2000 and the Waste Management Licensing Regulations 1994). For a permit for a landfill site to be issued by us the applicant was also required to demonstrate compliance with the Groundwater Regulations and the Landfill Regulations.*

#### **Current Environmental Permits**

*There are four Environmental permits currently in place at the site as detailed below:*

1) Hazardous waste landfill, Wingmoor Farm West - permitted to accept 120,000 tonnes of waste per year and 30000 tonnes of inert waste for use as cover and restoration material.

2) Non Hazardous Waste Landfill, Wingmoor Quarry - permitted to accept 250,000 tonnes of waste per year which include specific limits on Stable Non Reactive Hazardous waste and inert waste for restoration and cover.

3) Hazardous Waste Treatment Facility which principally treats Air Pollution and Control Residues.

4) Clinical waste Transfer station and Materials Recycling Facility.

### **Emissions**

*From the waste streams accepted at the site emissions are likely to be atmospheric such as odour, noise or particulate matter. The permits require the operator to use appropriate measures to prevent or, where that is not practicable, minimise particulate emissions from the operations. Monitoring requirements for particulate matter including PM10s (particulate matter of a certain size) are included within the permits. We have received one recent complaint regarding dust at the facilities. This complaint was not substantiated, but we continue to monitor dust through our regulatory role.*

*The sites accept biodegradable waste which has the potential to cause odour during tipping and from landfill gas generation. The operator is required to use appropriate measures to prevent or, where that is not practicable, minimise odour from the operations. These measures include the use of daily cover over freshly tipped waste and the management of landfill gas through the use of a flare and engine.*

*The permit currently authorises the operation of a 300kw landfill gas engine. It is noted within the planning application that a larger engine will be required to manage landfill gas volumes in the future. The operator is aware that an application to vary the permit including an assessment of emissions to air will be required to authorise a larger engine.*

### **Leachate management**

*It is noted that the planning application includes proposals for the future installation of a leachate treatment plant. Leachate from the non hazardous waste landfill is currently managed by the on site Hazardous waste treatment facility. The operator is aware that an application to vary the permit including an assessment of emissions to sewer if proposed will be required to authorise a leachate treatment plant.*

### **Completion of the site**

*The planning application includes proposals for the completion of the site should an extension of time not be granted. We would require the facilities to be completed to a suitable landform to ensure long term management of them. This would require the continued use or construction of infrastructure for the management of landfill gas, leachate and surface water.*

### **Groundwater and surface water protection**

*The site is situated upon the Lower Lias Mudstone, which is classified as a non aquifer under our Groundwater Protection Policy. The site location accords with the provisions of the our Groundwater Protection Policy. As part of the landfill permit applications the operator was required to provide a Hydrogeological Risk Assessment (HRA) demonstrating compliance with the Groundwater Regulations. The HRA is required to be reviewed every 4 years under the conditions of the landfill permits. A review was undertaken in 2006 and accepted by us as demonstrating continued compliance with the Groundwater Regulations. The permits require surveillance monitoring of groundwater and surface water to be undertaken at a series of points around the sites to demonstrate continued compliance.*

*We are satisfied with the information submitted in support of the planning application, including the Environmental Statement. We consider it has adequately assessed risk to ground and surface water from all activities including the mineral extraction and the waste management operations.*

### **Flood risk / surface water management**

*We have reviewed the information submitted on flood risk and surface water management, including the Hydrogeology and Hydrology chapter in the Environmental Statement and the Surface Water Management Plan (SWMP). We consider these documents and information fulfil the requirements of PPS 25 (Planning Policy Statement 25: Development and Flood Risk). We have no objections in principle to the design parameters and surface water management plan as submitted.*

### **Current drainage system**

*The current drainage system in place at the site has been agreed with us previously as part of previous planning applications. We are satisfied that the drainage system meets the requirements of PPS 25 for managing surface water runoff and we raise no objections to the current scheme.*

### **Final drainage scheme for restoration phase**

*The SWMP has included assessment of the future drainage scheme for the restoration phase. As the exact details of restoration are not yet finalised, we recommend the following condition to secure the future drainage scheme is attached to any permission granted. (We have left the trigger point as 'x years' for this condition so you may apply the time period your Authority sees*

*fit. You may also wish to cross reference this condition with the one for a restoration scheme recommended in the next section of this letter.)*

### **Condition**

*Within x years of the date of this permission, a scheme for a detailed surface water drainage strategy for the restoration phase of the development based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the planning authority. The scheme shall subsequently be implemented in accordance with the approved details.*

*The scheme shall also include:*

- details of how the scheme shall be maintained and managed after completion*
- time scales for implementation*

### **Reasons**

*To ensure the future surface water drainage system minimises the risk of surface water flooding, improves and protects water quality, improves habitat and amenity, and ensures future maintenance of the surface water drainage system.*

*In addition to the above remarks and condition, we have a number of comments on the final drainage scheme post restoration that we wish to note at this stage so that our advice can be referred to in the future when considering the final scheme:*

- We can confirm that the calculation of the greenfield runoff from the site using the two methodologies in tables 1 and 2 within the SWMP are acceptable. We would recommend taking the precautionary approach by using the ADAS345 results. This gives a maximum discharge rate of between 2.1 to 6.1 litres per second per hectare on a sliding scale for increasing return periods up to the 1 in 100 year flood event.*
- Tables 3 to 5 and the microdrainage calculations set out within the appendix confirm that discharges from the site from the four completed ponds will total between 42 to 67 litres per second (having taken account of climate change). These figures are within the parameters of the greenfield runoff rates set within the report.*
- We require that the final drainage scheme post restoration is designed in accordance with PPS 25 (or any future update of this policy). This will entail designing all drainage features including ditches to at least the 1 in 100 year flood event plus the appropriate allowance for climate change. We also advise an assessment of an extreme event and residual risk is included (this could be based on the rainfall that occurred on the 19 and 20 July 2007 that contributed to the significant floods in the area at that time).*
- We concur with the provision of settlement ponds during the construction phase. However, these will need to be thoroughly de-silted should they be*

*developed into the final attenuation features, prior to the completion of works on the site. In addition any discharges from any of the operational settlement ponds should equate to existing greenfield runoff rates and the figure used for the design of the permanent features.*

- *We recommend including a specific sacrificial area within the final pond designs to minimise future disturbance to these features through future maintenance.*

### **Ecological protection and enhancement**

*We have reviewed the information submitted on ecological protection, including the Ecology chapter in the Environmental Statement. This chapter is very thorough in relation to within-site evaluation and we agree with the range of potential impacts and mitigation measures identified. We note that off-site evaluation is more limited, and opportunities for betterment in the restoration should be sought.*

*It is important that the necessary mitigation and enhancement measures highlighted in the Environmental Statement are undertaken, and we would expect the operational conditions attached to any permission granted to secure this.*

### **Restoration proposals**

*We agree that the component habitats suggested for the restoration plan are appropriate to the locality: lowland mixed deciduous woodland, scrub, species rich grassland and species-rich hedgerows, including a strategic corridor connecting the north and south of the site along the western site boundary.*

*We recognise that the restoration proposals may change over time prior to the restoration phase. Therefore we are satisfied with the current proposals for the purposes of the planning application, but would recommend the following condition is attached to any permission granted to secure the opportunity to revisit the principles and determine a detailed scheme nearer to the time of restoration. (We have left the trigger point as 'x years' for this condition so you may apply the time period your Authority sees fit.)*

#### **Condition**

*Within x years of the date of this permission, a scheme for detailed restoration, including long-term design objectives, management responsibilities and maintenance schedules, shall be submitted to, and approved in writing by, the planning authority. The restoration plans shall be carried out in accordance with an approved timetable for implementation.*

#### **Reasons**

*This condition is necessary to conserve and/or enhance the natural features and character of the site and to both offset the impact on wildlife experienced during the working of the mineral and landfilling operations and to maximise*

*the opportunity for securing positive benefits for nature conservation once mineral workings and landfill operations cease.*

*In addition to the above comments and condition, we have a number of suggestions for the restoration scheme that we wish to note at this stage so that our advice can be referred to in the future when considering the final restoration scheme:*

- We would advocate more emphasis on non-agricultural habitats such as bare ground and rough grassland, some of which would naturally regenerate into scrub.*
- Given the slope and aspect of some areas of the site, these habitats could be of particular value to reptiles and invertebrates and potentially some ground nesting bird species.*
- We would also wish to see nutrient poor topsoil being used to slow down the process of succession and encourage more unusual, and less competitive species.*
- Habitat creation for badgers should be focused off the tipped area to discourage set digging that could compromise the integrity of the engineered landfill. This is another reason for considering relatively infertile soil that does not encourage earthworms.*
- Whilst surface water features cannot be created on the final landfill there may be more potential to create more extensive wetlands in the adjacent land in Grundon's ownership than the two ponds for newts currently proposed.*
- The four surface water management ponds within the boundary of the site are included in the list of habitat provision as areas of standing water. If they are to increase the availability of permanent water at the site to assist with UK Biodiversity Action Plan and Local Biodiversity Action Plan targets detailed design will need to ensure they are suitable for wildlife (that is, sufficiently oversized to accommodate permanent water, vegetation growth shallow sloping banks with a variety in cross section.)"*

**6.10 Central Networks:**

Central Networks makes the following comments:

*In this instance we do not object to the development as proposed. We must emphasise that any alteration, building or ground works proposed in the vicinity of our cables that may or may not directly affect our cables, must be notified in detail to Central Networks.*

**6.11 Natural England:**

Natural England makes the following comments:

*"Natural England is an organisation which has been established under the Natural Environment and Rural Communities Act 2006. It has been formed by bringing together English Nature and parts of the Rural Development Service*

*and the Countryside Agency. Natural England has been charged with the responsibility to ensure that England's unique natural environment including its flora and fauna, land and seascapes, geology and soils are protected and improved. Natural England's purpose as outlined in the Act is to ensure that the natural environment is conserved, enhanced, and managed*

*The Act reflects guidance in planning policies PPS1,7 and 9, with an emphasis on the protection and enhancement of biodiversity, natural habitats and landscape. Your authority should use conditions or planning obligations to mitigate the harmful aspects of this development, highlighted within the County Ecologist memo dated 13th July 2009. Whose comments we support, together with the Environment Agency. The Ecological Mitigation and Enhancement Report proposes a number of mitigation and some enhancement opportunities for this site, and it is suggested that this will add to a net gain in biodiversity, but these need to be linked to planning conditions. Landscape impacts highlighted in the Landscape and visual assessment report also require mitigation to be conditioned, together with ongoing monitoring.*

*This same guidance and the issue of enhancement is also relevant to the planned after use and restoration of the site, and the applicant should be obliged to consider sufficient mitigation through planning obligations to compensate for loss of habitats, with conditioned monitoring of the enhancements. These could contribute to the Biodiversity Action Plan.*

*The duty to conserve biodiversity is also included in section 40 of the Natural Environment and Rural Communities Act 2006, and specifies that conserving biodiversity includes restoring or enhancing a population or habitat."*

6.12 Natural England (Agricultural issues): No response.

6.13 Health and Safety Executive

*"HSE is a statutory consultee on developments in the vicinity of major hazard sites and major hazard pipelines. Unless the development site is within the consultation distance (CD) of a major hazard site or pipeline, then HSE does not need to be consulted over this planning application, and PADHI+ should not be used to obtain HSE's advice*

*The Wingmoor Farm site is not within the CD of a major hazard site, nor is it a major hazard site in itself as it does not require hazardous substances consent. According to Regulation 4(4) of the Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major Accident Hazards) Regulations 1999, 'Hazardous substances consent is not required for the presence of a hazardous substance on, over or under land at a waste land-fill site'.*

*I do not have access to the pipeline route maps which would enable me to identify if the Wingmoor Farm site is in the vicinity of a major hazard pipeline, but your office should have them. If it is within the CD of a major hazard*



*pipeline, then you should use PADHI+ to obtain HSE's advice; if it is not then HSE does not need to be consulted over this planning application."*

For information, the application site is not within the consultation distance of a major hazard pipeline.

6.14 Health Protection Agency:

The Health Protection Agency has been involved with this application as a consultee and also through its involvement on the County Council's Health Overview Scrutiny Committee.

The results of the dust monitoring project that was undertaken by the Environment Agency between September and December 2010 were sent to the HPA. The HPA has commented on these results as follows:

*" ... Dioxins and Furans*

*There are no air quality guidelines for dioxins and furans because direct inhalation exposure constitute only a small proportion of the total exposure. However, the estimated ambient concentrations of Dioxins and Furans are well below the air quality level that is used to trigger further investigation of local sources (0.3 pg/m<sup>3</sup>).*

*PCBs*

*Similar to dioxins and furans, there is not an air quality guideline for PCBs because direct inhalation exposures constitute only a small proportion of the total exposure. Average ambient concentrations are estimated to be 3ng/m<sup>3</sup> in urban areas and the estimated concentrations calculated at the Wingmoor treatment facility site are below this concentration.*

*Cadmium*

*The estimated ambient concentrations of cadmium, based on measurements from the Wingmoor Landfill, are below the WHO air quality guidelines of 0.3µg/m<sup>3</sup> for continuous exposure to cadmium.*

*Nickel*

*... The UK's Expert Panel on Air Quality Standards (EPAQS) has considered nickel and recommended that 20 ng/m<sup>3</sup> total nickel compounds in the PM10 fraction as an annual average represents a level in ambient air at which no or minimal effects on human health are likely to occur.*

*The estimated ambient concentrations of nickel are below these recommendations.*

*Chromium*

*Information on the speciation of chromium in ambient air is essential because only hexavalent chromium is carcinogenic in man by inhalation (WHO, 2000). In our previous correspondence reporting on results from analysis of air pollution control (APC) residue at the Wingmoor treatment facility Landfill site on September 10<sup>th</sup> 2010, we were provided with data to show that in the air pollution control hexavalent chromium, Cr(VI), was present at about one hundredth of the concentration of the total chromium in the material*

*analysed... You will see that the estimated concentrations: 0.03-0.11ng/m<sup>3</sup> implies as risk of between 1 in 100,000 and 1 in 1,000,000.*

*... To summarise for Cr(VI)*

*The estimated concentrations: 0.03 – 0.11ng/m<sup>3</sup>*

*EPAQS recommendation for AQS: 0.2 ng/m<sup>3</sup> (no, or minimal effects expected)*

*WHO risk estimate: lifetime exposure to 1 ng/m<sup>3</sup> is associated with an increase in risk of cancer of 4 x 10<sup>-5</sup>*

*On this basis the increase in risk of cancer associated with exposure to Cr(VI) at the estimated concentrations is likely to be very small. However, efforts to reduce, further, emissions to air of dust are desirable in order to reduce exposure to this carcinogen.*

*Lead*

*The estimated ambient concentrations of lead are below both the UK Air Quality Objective annual average and the WHO AQG Annual average.*

*Copper and zinc*

*Air quality guidelines or objectives have not been set for copper and zinc. It is unlikely that exposures to very low concentrations of these metals would have significant effect on health.*

*Conclusion*

*The calculations set out above show that the airborne concentrations of dioxins, furans, polychlorinated biphenyls and metals measured at the locations of the partisol monitor at Wingmoor Farm disposal site are likely to be lower than recognised guideline values. This is, per se, reassuring. Exposure to dioxins, furans, PCBs and metals present in particulate matter released from the Wingmoor Farm disposal site is unlikely to be associated with a significant risk to health. Exposure to chromium (in the hexavalent state) is discussed above: at the likely exposure concentrations the risk of cancer is likely to be very small but efforts to reduce exposure would be prudent."*

#### **6.15 Health Authority (NHS Gloucestershire):**

NHS Gloucestershire has made several responses in respect of this application. Their most recent letter summarises their position as follows:

*" On the basis of current knowledge including local, national and international data, we conclude at this time, that the evidence base does not unequivocally demonstrate that the site represents a hazard to human health" We therefore do not formally object to the planning application, but would note that this is qualified by the need for the site to be rigorously monitored and managed*

*through the conditions of the operating permit, and for the views and concerns of local residents to be acknowledged and dealt with appropriately.*

6.16 Gloucester Geological Trust:

*“ Gloucestershire Geology Trust would like to comment on the above planning application. We have no objection to the proposal but would like to ask for a condition of granting GGT reasonable periodic access to the site for scientific recording. Our justification for this request is outlined below.*

***Planning Application***

***Section 14 - Biodiversity and Geological Conservation***

*In this section of the application the applicant has answered ‘No’ to the question regarding whether there is a reasonable likelihood of features of geological conservation importance being affected by the application. We believe this to be an incorrect statement, in that the application has a good chance of enhancing the geodiversity interest on the site.*

*Wingmoor Farm is recognized as a ‘Local’ site in our records, this being a tier below importance of RIGS. We do not envisage the importance of the site growing significantly as a result of the application, but it is very likely that formations and features rarely exposed in the county will be uncovered during the course of operations.*

*The proposed extraction will cut through part of the 2nd Terrace of the River Avon (aka the Wasperton Member of the Avon Valley System). These are Quaternary age river terrace deposits, largely relating to outwash from the Late Devensian glaciation. Exposures in deposits of this age are rare as they are unconsolidated sediments, and exposures tend to degrade rapidly when not kept fresh. Therefore, active extraction of these sediments provides excellent opportunities for study and gaining a better understanding of depositional environments operating towards the end of the last Ice Age.*

*We would ask that it be possible for officers of Gloucestershire Geology Trust be given reasonable access to the site from time to time, in order to record any features of interest which may be exposed due to future mineral working and extraction. We would not want, even if it were possible, to put any retrospective conditions on the operations, we would simply like the opportunity to record the geology of the site for academic purposes. We would, of course, respect any confidentiality requested by the owner/operator.”*

6.17 Network Rail:

The site has been in operation for a number of years, for the extraction of sand and gravel, clay and waste disposal, adjacent to the railway. Network Rail representatives have visited and inspected Wingmoor Farm on a number of occasions. However, I am unable to locate a previous response under Town and Country Planning legislation for this site and as a consequence it is now intended to make a full response for the site as detailed below.

Network Rail has concerns that the safe operation of railway and /or the integrity of railway infrastructure may be jeopardised by the proposed works and consequently recommended that Conditions 1 to 11 (Part A\_ be attached to any grant of planning permission and also that the Operational and Safety Informative 1 to 4 (Part B) be passed to the applicant/operator for information.

The conditions relate to extractive operations, drainage, plant and machinery, fencing, landfill with putrescible waste, and restoration. The informatives relate to litter, restoration and liaison.

6.18 Secretary of State: No response.

6.19 Gloucestershire Airport: No response to consultation. However they did respond to the applicants pre-application consultation exercise:

*"It appears from your letter that operations at the site will not alter significantly as a result of this application. If it can be confirmed that this is the case, then Gloucestershire Airport would not object to the application. In 2005, Gloucestershire Airport and Grundon jointly funded a research project into the gull flight paths in the Severn Valley and their potential impact on the Airport and it's operation. The research concluded that, although Wingmoor Farm was used as a feeding site, the majority of birds used the natural geography of the valley to access a variety of feeding grounds in the region. It also acknowledged that the 'passive' on non-dispersal techniques at Wingmoor Farm prevented additional bird transits across the Airport."*

## 7.0 PLANNING OBSERVATIONS.

### 7.1 Development Co-Ordination Highways Representative

The Development Co-ordination Highways Representative, has extensively examined the application and all relevant supporting documents . Additional supporting information and confirmation of data was also requested, and submitted by the applicant. The Development Co-ordination Highways Representative makes the following summary comments( a full copy of the highway observations are available to view through public access):

*I consider therefore that whilst the site has been operating for the length of the previous permission that the requirements of that permission have expired and therefore the due proposed vehicular increase, the impact on the roads in the vicinity has increased and therefore given the nature of the vehicles involved and the proposed intensity compared with the GCC baseline position I consider that contributions towards the improvement of Stoke Road from the Grundon's western site entrance to the existing rugby club entrance, in accordance with the Halcrow report, is entirely reasonable and in accordance with Communities and Local Government Circular 05/2005, Planning Obligations.*

*Therefore I recommend that no highway objection be recommended subject to a completed Section 106 agreement for the following contributions, and the attached highway conditions.*

**Stoke Road highway safety improvements**

*Contributions towards a minimum footway width facility of 1.4m with a minimum carriageway width of 6m, including localised widening should be implemented. Localised road strengthening works to maintain the life of the road. - £132,300*

**A435 Junction Improvements**

*Contribution towards improvements of 4 junctions on the A435 - £60,000*

Conditions are recommended:

1. No left turn sign for the western access.
2. Hard surfacing of the accesses to the site.
3. Visibility splays to be maintained.
4. Car parking and manoeuvring facilities.
5. Sheeting of lorries.
6. Wheel cleaning.
7. Records of monthly input and output.
8. CCTV weight limit monitoring.
9. Cessation by 2029.
10. No general use of the MRF.
11. Restriction to 25,000 m<sup>3</sup> of clay extraction pa.
12. Restriction to 47,500 tpa into the MRF.
13. Restriction to 250,000m<sup>3</sup> import of non-hazardous waste.
14. Restriction to 65,000m<sup>3</sup> import of hazardous waste.

**Archaeology**

- 7.1 The County Council's Senior Archaeological Officer makes the following comments:

*"I note that archaeology and cultural heritage is considered within chapter 15 of the Environmental Statement submitted in support of this planning application. This identifies potential for adverse impacts on archaeological remains revealed during stripping of topsoil of areas of mineral extraction, and also the loss of the historic fabric of Wingmoor Farm through demolition of this structure. To mitigate those impacts, the applicant proposes to instigate archaeological monitoring and recording during the extraction programme, and also to undertake a survey of the Wingmoor Farm buildings prior to their demolition.*

*I advise that I concur with the applicant's view of the potential adverse impacts and with the scope of their proposed mitigation strategy. Therefore, I recommend that an appropriate programme of mitigation should be undertaken should development proceed, to allow any significant archaeological and historic building remains to be recorded.*

*To secure this work I recommend that model condition 55 from DoE circular 11/95 is attached to any planning permission which may be given for this development, ie:*

*‘No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority’.*

*I have no further observations.”*

## **Landscape.**

### **7.2 The County Council’s Landscape Advisor makes the following comments.**

Atkins have undertaken a comprehensive review of the Wingmoor farm planning application EIA and associated documents as submitted in May 2009, this has included review of the Landscape and visual impact elements of the submission. We have, in discussion with Adams Hendy and David Jarvis for the Applicant and with GCC officers reviewed the suitability of the restoration landform, phasing, landscape proposals and residual impacts. This resulted in a number of minor modifications and clarifications to the submitted scheme.

We reviewed the appropriateness of the full restoration scheme against the minimum engineering scheme (MES). As previously commented, accepting that a literal ‘do nothing’ option is not feasible the MES effectively becomes the ‘do nothing’ option. Whilst it is clear that there are options between this and the full restoration proposed, I am of the opinion that the conclusion reached by the applicant that there is not a viable option between the MES and the full restoration proposal, is the right conclusion. As such I would not support a scheme that sought to reduce the lifespan of the application to the detriment of the final levels and restoration profiles submitted.

I am content that the Landscape and Visual Impact section of the EIA (Section 8) has appropriately identified the relevant receptors, assessed the impacts on these and assessed appropriate mitigation. Proposed landscape restoration is set out in Appendix 8 of the EIA. Appendix 8.6 sets out the restoration planting schedule and management plan. whilst this is acceptable as an initial general approach further clarification and detail will require conditioning.

The landscape character of the area is one of fields over a relatively flat landscape with the Cotswold edge and outliers rising out of this with, generally, wooded flanks and grassland tops. The proposed final restoration scheme is shown on drawing SK/1823/001/100309. This has been developed from the scheme originally submitted to provide thicker, linear belts of planting. Whilst this is an improvement, I remain of the opinion that larger blocks of woodland to the side slopes of the restoration profile with a more

open field pattern to the top would be more appropriate and in keeping with the landscape of the area. This could reasonably be covered within the overall detailed landscape conditions.

I would agree that as the site is already operational a pre-commencement condition would not be appropriate however I am keen that both we and the public have certainty of the final restoration scheme as soon as possible albeit that phasing review in subsequent years may require elements of this to be revisited. As such I would propose that a 6 month time is set for the submission of details.

The need for a formal arboricultural report was previously discussed with the applicant and agreed that in this instance this could be conditioned, subject to the detailed site works requirements.

Taking account of the above comments and subject to appropriate conditions I do not object to the application. I would recommend the following conditions:

1. No trees (as defined in BS5837:2005) that lie within (suggest 10) metres of the proposed works, hereby approved, shall be removed or receive any tree surgery nor shall the proposed works if trees are affected be commenced unless and until an arboricultural report, prepared in accordance with BS 5837, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed details. Any necessary protection and/or any removal of or works to trees shall be carried out in accordance with the agreed details and timescale. Any existing vegetation that dies as a result of the works shall be subject to replacement, the details of which are to be agreed in writing by the planning authority.

*This to protect the boundary and site trees without the requirement for a full arboricultural survey that may cause the applicant abortive work and costs given the timescales involved and scope of work.*

2. Within 6 months of the approval of the application a detailed landscape scheme including details of the position, height and types of all trees, shrubs and seeding should be submitted for approval. This shall show the final restoration scheme, based on drawing SK/1823/001/100309 (but to take account of the Landscape comments above), details of the surface water management ponds and aquatic/marginal planting together with detailed landscape restoration phasing plans. The timescale and extent of each phase shall be agreed in writing prior to the submission of such plans. The scheme should ensure that minimum areas are left for restoration at the end of the works. The landscape design proposals for each phase shall be approved in writing by the planning authority prior to commencement of the subsequent phase of the works and shall be implemented to an agreed timescale.

*This to ensure the appropriate restoration of the site and to provide for timely restoration of the site as works progress.*

3. All nursery stock to be local native provenance and of the species currently found within the area surrounding the site. Final species and percentage mixes shall be subject to written agreement from the County Ecologist and Landscape advisor

*This to ensure the restoration scheme meets landscape, visual and biodiversity requirements.*

4. Within 6 months of the date of approval a landscape management plan should be submitted to provide for the management of the existing tree and shrub belt surrounding the site, of areas already restored and of future restoration phases. The management plan should clearly set out the ultimate landscape goals and provide for management up to completion of the restoration works and for a 15 year period thereafter.
5. The landscape management plan shall provide for formal meetings between the applicant and GCC officers to review the overall status and success or otherwise of the landscape restoration, to agree any remedial works and if necessary to review and revise future restoration phase proposals. Meetings shall be held 12 months after the date of this approval and thereafter 5 yearly until the end of the restoration management period.
6. All planting that dies or fails to thrive should be replaced annually during the phased restoration and for a period of 5 years following completion of the restoration scheme.

*These to ensure the ongoing successful restoration of the site in line with the submitted photomontages, appropriate establishment of planting and seeding and to make adjustments to the restoration scheme for species or matrices that fail to establish successfully.*

7. 6 months prior to their installation and no later than 12 months before the completion of restoration works, which ever is the earlier, the applicant shall submit for approval in writing details and locations of all permanent fencing, gates or similar, hard surfacing, and structures or buildings to be retained at the completion of the restoration works to include materials, finishes and colours. For the two retained access points from Stoke Road and of the leachate and gas engine compounds the details should provide for the removal of built features and restoration of the site at the point these and other monitoring equipment is no longer required.

*This to ensure an appropriate, rural appearance to the restored site in keeping with the surrounding landscape.*

8. Within 12 months of the date of this approval the applicant shall submit for approval in writing details of a scheme of permissive public access to the site to include details of finishes, timescales for opening up areas to public access and compliance with DDA provision. It should include details for interpretive material to cover the history of the site and the key wildlife habitat creation and management works.



*This to ensure appropriate and early public access to the restored area for the general benefit and health of the public*

### 7.3 Ecology.

The proposal to continue a major waste management operation has a number of ecological issues associated with it. Overall the development should bring about mitigation for impacts on existing local biodiversity and good enhancement in the long-term. The end use is to be agriculture (pasture) with hedgerows, trees (woodland), scrub and water features. A permissive footpath is also to be provided across the land. Full site restoration is planned to be before June 2030 and for a time beyond this environmental management and monitoring systems will operate on site.

The existing habitats on and next to the site are well described (Environmental Statement [ES] 14.56 to 14.59). The most extensive areas are active land fill and aggregate workings of low ecological value plus semi-improved grassland much of which has recently been restored from development activity. However a number of smaller scale but notable habitat features are present including tall herb (ruderal) vegetation, standing open water, re-colonised topsoil and gravel tips, scrub, tree lines, woodland, hedgerows and amenity (formal) planting. Next to the application site there are agricultural fields of arable and grass mainly bounded by hedgerows.

The proposal does not propose significant changes to existing operations and associated environmental safeguards. New adverse impacts arising from reduced water or air quality appear to be unlikely on biodiversity outside of the site.

Apart from Wingmoor Farm Meadow Key Wildlife Site no designated sites within 2km have been identified. Coombe Hill Canal SSSI is situated further away at almost 5km distant. The potential for any wide ranging ecological effects well beyond the boundary of the site appear to have been adequately assessed (ES 14.100, 14.115 to 14.131, 14.139, 14.143 to 14.146, 14.155, 14.157 to 14.158, Table 14.3, Table 14.4 & Table 14.6).

Potential ecological impacts were identified and assessed (ES 14.139 & Table 14.4). A number of adverse impacts on biodiversity were considered to be likely and required mitigation or preferably avoidance. Mitigation and enhancement details for biodiversity are summarised in Chapter 14 of the ES but laid out in more detail in Appendix 14.1. The predicted impacts of the development proposal include loss, disturbance and change of habitats on site. The scheme proposed is assessed as leading to a direct loss of 21ha of various habitats determined as of site level ecological value only (paragraph 77 of NTS, ES 14.). A further very small area of 0.02ha of habitats of parish-level significance will be lost (paragraph 78 of NTS).

I generally support the recommended mitigation proposed for habitats which includes creation of new habitat (woodland, scrub, hedgerows, grassland and ponds) provides a good opportunity to enhance wildlife networks and species diversity at Wingmoor Farm (ES Table 14.6). I also conclude that enhancements will be delivered in relation to great crested newts, farmland

birds, brown hare, bats, and reptiles. It is considered that long-term impacts on protected species are either avoided or are insignificant with mitigation. Table 14.6 of the ES is a useful summary but details are presented in Appendix 14.1.

The proposed development will result in temporary loss of habitat for badgers in the area. It is stated that as far as possible badger setts will be retained but these may need to be disturbed in the future and therefore a licence from Natural England will be needed. The mitigation strategy at Appendix 14.1 Section 3 is acceptable if based on up to date badger survey information.

It is noted that there are a number of buildings on site supporting bats and that some of these are affected by the development including demolition. Bat activity close to buildings has been reported and roosts of pipistrelle, brown-long eared and whiskered/Brandt's bats have been confirmed by the ecological surveys. Bat survey results are reported between paragraphs 14.82 and 14.88 in the ES.

As clearly the development will have an impact on bats a mitigation strategy that conserves bat roosts and their foraging habitat is essential. A bat mitigation strategy is provided in Appendix 14.1 at Section 4 which includes the following measures:

the provision of alternative roosting sites;  
the protection of bats during the demolition of buildings; and  
habitat enhancement

A significant part of providing alternative roosting sites (together with creation of additional features into retained buildings) is the building of a bat barn (Figure 3.22 or GRU035). This drawing and the bat mitigation strategy together describe the approach being proposed in some detail.

Supplementary bat mitigation details have now been supplied (Grundon Waste Management, 2009, Statutory Consultee Representations, Part C, Appendix 21). These address my requirement to see how bat access points are likely to be achieved in the new bat barn using:

- Code 6 lead access 'slate' (Figure 14.3) for just below the ridge line
- Schwegler 1FE Bat Access Panel (Figure 14.4) and/or overlapping wooden slatted sections overlapping for gable end entry
- Constructed gaps (or as for gable ends above) for eave/soffit entry

I would generally prefer designs that make the entry points fairly identifiable (access slate, panel and purpose constructed gap) so that they are likely to be better remembered, maintained and monitored. The exact details and choice would be part of an eventual European Protected Species licence application to Natural England should the development be granted.

At the retained building (The Lodge) 5 externally mounted bat boxes are proposed – Schwelger boxes 1FQ (x2), 1WQ (x2) and 1FP (x1). Additional boxes will be erected on elsewhere but opportunities are limited to the presence of suitable trees on/around the site. Figure 4 indicates 3 trees

that will be assessed to see if it is possible for them all to have erected upon them one 2FD and one 2FN Schwelger box. This makes a maximum of 3 locations and 6 extra boxes in all. This is probably sufficient so if any of the trees is unsuitable another possible location needs to be searched for. The proposed development could disturb breeding little ringed plover and other bird species. The overall mitigation strategy for breeding birds is given in Appendix 14.1 Section 5 as:

- a) protection to nesting birds during the breeding season
- b) habitat creation and enhancement during and post development including the restoration of the site
- c) provision of nesting boxes.

The approach is acceptable and compliant with the Wildlife and Countryside Act. The strategy needs to be made part of a *condition* of any consent that may be granted for this development.

Great crested newts breed in one of the ponds (number 9) on site and two other newt species plus common frog and toad are also present on site. Suitable amphibian habitat occurs adjacent to the site also. Amphibian survey results are reported between paragraphs 14.82 and 14.88 in the ES.

The development proposals will lead to the loss of a great crested newt breeding pond which is a significant matter to address. There are good opportunities for this development to facilitate the enhancement of an existing population of great crested newt by strengthening and extending existing habitat at Wingmoor Farm.

A good population of slow worms and a low population of grass snakes were identified in a few areas with suitable habitat (adjacent to the railway line, the old orchard and habitat south of the buildings at Wingmoor Farm). The development will result in the loss of some of the habitat areas used by reptiles which are legally protected species. The ES correctly states that it is necessary to take all reasonable precautions to avoid harming reptiles within areas of suitable habitat. To this end another mitigation strategy is provided and summarised at paragraph 7.2 in Appendix 14.1. The strategy has many elements in common with that proposed for great crested newts. *The reptile mitigation strategy is acceptable and needs to be made a condition of any consent granted for the development.*

An assessment of the potential for impact on eels in surrounding watercourses is given at paragraph 14.100 of the ES. It appears that there should be no adverse impact given the controls in place for the discharge of water into the Hyde and Dean Brooks. As the Environment Agency raised the issue of off site impacts on the biodiversity of watercourses, and they are involved in agreeing the management of water discharges from the Wingmoor Site with Grundon, their views will be important on this matter. Details of the proposed drainage regime including ponds are to be found in 3.4 and 3.5 of the ES.

The overall scheme presented is summarised in Table 2 of Appendix 14.1. It is useful in setting out milestones, phasing and responsibilities through the life time of the development.

Enhancements are an essential requirement of this proposal because it is a large development in a rural location. In such circumstances PPS9 (paragraphs 1(ii) and 14) and our general biodiversity duty (NERC Act) demands we should be seeking enhancement of biodiversity. ES paragraph 14.211 summarises the beneficial enhancements of the development over its life time and beyond. Appendix 14.1 at section 2.4 tells us that new habitat will be created including woodland, hedgerow, ponds and grassland. Additionally a summary table on predicted biodiversity gains from the proposed development has been received and is satisfactory. Usefully new NERC Act Section 41 species (reptiles and hedgehog) have been covered.

I have some reservations that the alternative option B (Appendix 2 part A of the Supporting Statement) presented at a pre-application exhibition would have been a better template for the Landscape Restoration Scheme. I would prefer that to achieve a more appropriate result for biodiversity the Landscape Restoration Scheme (Figure GRU014 and Figure 3.4) should be varied a little to arrive at fewer hedgerow divisions with some bigger blocks of woodland. Such a layout provides better quality and larger blocks of contiguous habitat that would be easier to manage and will better benefit bats which are protected by the EU Habitats Directive (Habitats Regulations). It would not involve any significant change in habitat areas just a re-distribution of what is being currently proposed. Grundon's whilst accepting some biodiversity benefit of such a variation cite landscape reasons for having small woodland blocks and small field sizes (Grundon Waste Management, 2009, Statutory Consultee Representations, Part B, Section 4). I will leave it to the case officer in consultation with the County Landscape Advisor to judge whether landscape consideration may outweigh biodiversity enhancement in this instance.

Aftercare and continuing long-term management by Grundon's is important to secure the biodiversity value on site. Other party or parties are likely to become involved in management of the land close to and beyond the life time of the development. A detailed Landscape Restoration and Management Scheme based on a revised version of Figure GRU014 (Figure 3.4) of the planning application and Appendix 2 part A of the Supporting Statement that incorporates all the specific mitigation and enhancement measures as set out in Appendix 14.1 of the ES would provide the best outcome for biodiversity. As you are aware we recently received for the IWMF application an 'Ecological Walkover Survey Update' dated 7<sup>th</sup> April 2011. We requested this because in 2011 much of the ecological information was now over or close to 3 years old and needed to be re-assessed for its soundness.

Since much of the original survey work there has been the restoration of some quarry cells/landfill to grassland and some new areas being opened up for waste use. Restored grassland is currently dominated by rye grass and white clover with some common herbaceous species present. Some new tree saplings have been planted too and one area has been colonised by common weeds or ruderals.

In relation to bats (a European Protected Species) we have also recently received a letter report from SLR Consulting dated 31<sup>st</sup> May 2011. The document affirms that no buildings will be demolished before 2014/2015 and that the number, location and type of bats roosting at Wingmoor Farm are likely to be the same as they were in the 2008 survey. Even if there were to be a change in the size of the bat population the approach in the bat mitigation strategy would be the same. The approach is to be found in: *Bat Survey Report SLR Ref: 404-0013-00040 dated March 2009, Appendix 14.1 of the Environmental Statement dated May 2009, Part B Statutory Consultee Representations November 2009 paragraphs 4.4 to 4.9, Bat Mitigation Details in Part C Appendix 21 dated November 2009*

Although the last full bat survey was carried out 3 years ago I would not insist a resurvey is carried out this year as it would be unlikely to further inform a decision on the derogation tests in the Habitats Regulations or the development proposal in general.

The next planned survey to monitor bats at Wingmoor Farm is proposed for Years 1 and 2 following granting of planning permission (potentially 2012 and 2013). In Year 2 a replacement bat barn would be constructed as a compensatory roosting site. In the spring of Year 3 bats would be excluded from returning to roosting sites in the building to be demolished and encouraged to use the nearby constructed bat barn. Bats would be annually surveyed in the summers from Year 3 to 6. The measures would need to be subject to a licence being approved by Natural England as part of a derogation of the Habitats Regulations. My view is that a successful licence application is likely.

On the issue of great crested newts (another European Protected Species) we have received a new Survey Report from SLR dated May 2011 which again finds that only one pond (pond 9) is a breeding site. Eggs were found but only one male great crested newt was recorded in 2011. Although a low population the development proposals do lead to the loss of a breeding pond and an impact on a European Protected Species. There are however good opportunities for this development to facilitate the enhancement of the small (and probably declining) population of great crested newts by strengthening and extending existing habitat at Wingmoor Farm. Relocation of the small population of great crested newts is proposed to one area under the control of Grundon's before the breeding pond is lost. Another site linked to the receptor site is proposed for enhancement to make it more suitable for amphibians. Across both the receptor and enhancement sites existing ponds will be improved and two new ponds created for the benefit of great crested newts. Paragraph 6.2 in Appendix 14.1 of the Environmental Statement summarises the mitigation strategy proposed for great crested newts and this would include the acquisition of a licence from Natural England as a derogation of the Conservation of Habitats and Species Regulations 2010. My view is that a successful licence application is likely. As a planning authority we must consider the three tests in Regulation 53 of the Habitats Regulations 2010 before determining this application (ODPM Circular 06/2005, paragraphs 99, 112 & 116).

*Regulation 53(2) defines the circumstances where derogation is allowed for an affected European Protected Species (EPS) and a license could be issued by Natural England. This includes public health, public safety and an imperative reason of overriding public interest 53(2)(e) which includes beneficial consequences of primary importance for the environment. My observations are that this will continue to be a waste site of economic and strategic importance if the planning committee decide to allow the application. The second test set out in Regulation 53(9)(a) deems that there should be 'no satisfactory alternative'. In this case my observations are that if the first test deems it to be an acceptable ongoing strategic waste site then we are only left with a variation of the development footprint as an alternative option. Such a variation would be more likely to have a similar or greater impact on the EPS concerned. The third test set out in Regulation 53(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS. For both bats and great crested newts it is my view, taking account of the mitigation strategies submitted, that this development would conserve and have potential to enhance the local populations present. Therefore it is possible to consent the application in accordance with the planning authority's obligations of Regulation 53 of the Conservation of Habitats and Species Regulations 2010. The final judgement here of course will be made by the planning committee in determining this application.*

For another protected species a further survey report has been submitted by SLR entitled 'Badger Activity Survey' and dated May 2011. It updates previous survey work carried out in 2010 because badger activity can change quickly and so annual surveys are usually recommended. Although additional badger setts were found (now 21 in total) the focus of badger activity was predictably concentrated around the site boundaries (north and south). There are considered to be two social groups present and a similar pattern to that observed in 2010. Please note there is one typing error on page 15 (last sentence should say 'badger development licence' NOT 'great crested newt licence').

The proposed development will result in loss of habitat for badgers and this is to be mitigated. After restoration of the site at Wingmoor Farm there would be increased habitat available for badgers to occupy. It is stated that as far as possible badger setts will be retained but some will need to be disturbed/closed in the future and therefore a licence from Natural England will be needed. The mitigation strategy at Appendix 14.1 Section 3 was previously deemed to be acceptable and the new survey report makes similar recommendations that are also appropriate.

Taking all the above into account my recommendations are brought together and updated herewith.

**Recommendations (updated from all previous memos)**

The following items need to be addressed to be able to consent this development.

1. Further details to support the bat mitigation survey to be submitted before demolition takes place.
2. Newt and Badger and all other protected species mitigation measures.
3. A Landscape Restoration and Management Scheme

**Advice Note** - *In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).*

These recommendations are in accordance with the guiding principles of Planning Policy Statement 9 and ODPM Circular 06/2005 and in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 (this confers a general biodiversity duty upon Local Authorities whilst exercising their functions).

## Planning Assessment

- 7.4 The planning application is for the continuation of the existing previously consented activities which have no permission beyond May 2009. The proposals involve the extraction of minerals from the site and the subsequent restoration of the currently unfinished site through the importation of hazardous and non-hazardous wastes, including the operation of a waste treatment plant, Materials Recovery Facility and ongoing landfill gas engine and leachate management. The proposals also include site offices, wheel cleaning facilities, and weighbridges. In considering the application, I have taken into account the Environmental Statement (ES) submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The planning application, Environmental Impact Assessment and associated documents, have been comprehensively reviewed by Atkins, an independent consultant providing specialist technical advice. I consider that the ES complies with these regulations and that with the additional submitted information supplied as background information and for clarification, sufficient information has been provided to be able to assess the environmental impact of the application
- 7.5 The main considerations in determining this application and issues raised by those making representations are addressed below, in summary and in no particular order they relate to the previous history and past and present operations at the site, democracy, control and regulation, alternatives, need for the facility and duration, visual impact, impact upon the green belt, amenity including property, health issues, ecology, noise, landscape and visual impact, archaeology, highways and traffic, pollution control, air quality, accidents, economy, benefits of the service, hydrogeology and surface water discharge, restoration and afteruse, and whether the proposal accords with the relevant development plan, national and local planning policy.
- 7.6 There are no objections raised by thirteen out of nineteen of the statutory consultees, subject to the inclusion of appropriate planning conditions and

notes to the applicant, and the applicant first entering into a legal undertaking under Section 106 of the Town and Country Planning Act 1990 to provide financial contributions towards highway improvements and highway safety works. Objections have been received from the six surrounding Parish Councils. These objections relate to impact upon the Green Belt, health impacts, traffic and highway safety, air quality including odour and dust, noise, operating hours, visual impact, other operations at the site, duration, operating practices, alternative sites, loss of tranquillity and capability of pollution control agencies. Objections have also been received from two local County and one Borough Councillor, Gloucestershire Friends of the Earth (GFOE), Safety in Waste and Rubbish Disposal (SWARD) and local residents. Letters of support have been received from business users and Grundon's employees. Different aspects of the application e.g. The Materials Recovery Facility raise different concerns for the objectors. Details of these representations are summarised in paragraphs 5.4 to 5.24 above.

### **Policy considerations**

- 7.7 In considering the application, I have had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Gloucestershire Structure Plan Second Review (Adopted 1999), the Gloucestershire Structure Plan Third Alteration (Unadopted) incorporating modifications in July 2004 and January 2005, Gloucestershire Waste Local Plan 2002-2012 (Adopted October 2004), Gloucestershire Minerals Local Plan 1997-2006 (Adopted April 2003), Gloucestershire Waste Core Strategy (2012-2027) – Publication Version (dated December 2012), and Tewkesbury Borough local Plan (Adopted March 2006). Of the policies detailed in Section 4 above, I consider the following to be the most relevant Gloucestershire Structure Plan Second Review (Adopted 1999) policies S6, W1 and P1; Gloucestershire Waste Local Plan 2002-2012 (Adopted October 2004) saved policies 16, 25, 33, 37, 38, 40 and 42 and unsaved policy 4 and 35; Gloucestershire Minerals Local Plan 1997-2006 (Adopted April 2003) saved policies NE2, R1 and A4; Gloucestershire Waste Core Strategy (2012-2027) – Publication Version (dated December 2012) policy WCS10 and Tewkesbury Borough local Plan (Adopted March 2006) policies GRB1, EVT3, and TPT1.

### **The site history and past operations at the site**

- 7.8 Some of the Parish Councils and objectors have raised the issue of the past history of the site and the operating practices at the site. Whilst section 3 of this report details the planning applications relating to this site, it is important to highlight some of the key elements of the site's history up to the present day. In 1963 planning consent T.4037 was granted for the extraction of sand and gravel from what was then known as Wingmoor Quarry (the eastern part of what is now the overall site). In 1968 planning permission T.4402/A was granted permission for the use of approximately 120 acres (49 hectares) at Wingmoor Quarry for the winning and working of sand and gravel and



restoration to agriculture. In 1979 planning permission T.4402/H was granted that gave permission for tipping at Lower Farm and Wingmoor Farm.

- 7.9 On 12 May 1989 Grundon obtained planning permission (reference 88T/8446/01/02) for the extraction of minerals from 50 hectares of land at Wingmoor Farm, which was land to the west of Wingmoor Quarry. This permission allowed restoration to agriculture by the deposition of controlled waste and the formation of a new access. The end date for this permission was 20 years from the date of the permission, i.e. by 12 May 2009. In order to maintain consistency this end date has been maintained by the Minerals and Waste Planning Authority on subsequent applications that have been granted consent.
- 7.10 Objections have been received raising the issue that the May 1989 permission seems to have been varied by letter from the officer's report and resolution at the then Planning and Transportation Committee in 1989. However, this is a new planning application and Members are required to consider the merits of the proposals that are in front of them today.
- 7.11 The next significant planning consent was for a variation of condition 11 of consent 88T/8446/01/02 to allow for clay to be extracted from the site in addition to sand and gravel. The erection of the ash conditioning plant was approved in 1994 (planning reference 94/8446/0992) and in 1995 a planning application (reference 95/8446/1099) was made to join together the two separate landfill sites and for an adjustment in the final levels to create a single contoured landform. This application had the effect of increasing the void capacity at the site and arguably the applicant should also have sought a time extension for the application. However, this was not the case and the County Council granted planning consent but maintained the 12 May 2009 end date on this consent, hence the need for this application.
- 7.12 In April 2006 a temporary planning consent was granted for the MRF with a throughput of 50,000 tonnes per annum, but as the site was due to cease landfilling operations in May 2009, this same date was carried through to the MRF permission. The MRF has been built but has not yet been brought in to use.
- 7.13 Objectors have questioned why the site has not been completed within previously imposed time scales. This issue is addressed by the applicant in Chapter 5 of the ES and suggests there are a number of contributing factors, including market factors, a move away from landfill and the increase of recycling, planning permissions increasing void capacity without extending the life of the site. The applicant suggests that the current application balances the need to avoid unnecessarily sterilising mineral resources and the desirability of fully utilising the available landfill capacity.
- 7.14 Notwithstanding the above Safety in Waste and Rubbish Disposal (SWARD) and Friends of the Earth feel that the application should be considered as a new development on a greenfield site. Whilst it is agreed that there is no longer planning permission at this site, this is however an unrealistic

assumption for the reasons examined in the alternatives section below. The site is in existence, there are existing ground conditions that cannot be ignored with open and active cells that need to be taken into consideration. The site cannot be left as it is because it would be unsafe from a health and safety viewpoint, waste management legislation and national planning policy. There is a requirement for the site to be restored to an appropriate landform and beneficial afteruse.

- 7.15 These issues are however, historical matters of fact and cannot be altered. I am of the opinion that they should not be given any significant weight in the decision making process and the application should be considered on its own merits as it stands.

## **Alternatives**

- 7.16 As part of the ES a number of alternatives to the proposal were considered. The first alternative is the expansion of capacity at the existing non-hazardous landfill sites such as the Wingmoor Farm West (Cory Environmental) site. The second option considered is the identification of a new non-hazardous and hazardous landfill facility somewhere else in the county. The third option is the export of wastes requiring management out of the county. The fourth option is the notional 'do nothing' scheme whereby the operator immediately ceases operations and leaves the site. The fifth option is to implement a 'minimum engineered scheme' to secure the long term engineering integrity and safety of the site.
- 7.17 The 'do nothing' option of stopping importation of material and leaving the site largely as it is, is described as 'notional' by the applicant. In reality this is correct as Grondon has a duty of care to ensure that the site does not pose a risk to the surrounding environment and community. Neither the planning nor permitting regime would allow the company to simply leave the site as it is and the appropriate enforcement action would be required.
- 7.18 The second option suggests finding an entirely new site in the county. The applicant has looked at the possibility of other non-hazardous sites being able to take up the capacity and also at other mineral voids that could be utilised. Alternative sites are limited and are affected by location and the sensitivity of the underlying geology and hydrogeology. The presence of major and minor aquifers would rule out many sites in the Water Park, and their location, towards the County boarder with Wiltshire is not adjacent to sources of waste arisings. Other Limestone sites are often located within the AONB, and have sensitive underlying geology or hydrogeology. The Severn Vale proposes the most potential for an alternative site. Establishing a new facility, from land acquisition to final planning permission is a major project, and would still require a minimum engineered scheme at the Wingmoor facility. There would still be similar environmental impacts in a new location which would have to be weighed against the merits of utilising an established facility.
- 7.19 The applicant suggests that the third option involves the minimum engineered scheme and would require the shortfall in capacity being met outside the

county. This approach may be considered contrary to the requirements of the draft WCS which recognises the requirements of Gloucestershire to manage an identified tonnage of non-hazardous waste, and it's potential to play a role in the management of hazardous waste. Placing reliance on disposal outside the county would be contrary to emerging regional and local policy and guidance contained in PPS10. The minimum engineered scheme would not result in the best final restoration and landform at the site, it would also sterilise established mineral reserves and void capacity.

- 7.20 The applicant contends that the 'minimum engineered scheme' (MES) would involve importing 607,000m<sup>3</sup> of hazardous waste (approximately 47% of the proposed total volume of hazardous waste), importing 980,000m<sup>3</sup> of non-hazardous waste (approximately 33% of the proposed total volume of non-hazardous waste), the continued extraction of clay for on-site engineering purposes but no exportation of material from the site. The MES would result in the loss of approximately 600,000m<sup>3</sup> of hazardous waste landfill capacity and 2,000,000m<sup>3</sup> of non-hazardous waste landfill capacity, but would mean that the site would be restored by mid-2019. Under the MES the MRF building would operate throughout the reduced life of the landfilling operations. The site has currently been landfilled up to its highest point and one of the main reasons the applicant uses to discount the MES is that it would result in an incongruous, steeply-sided final landform, particularly for the southern and western facing slopes. The applicant contends that this would not be visually acceptable for a green belt area. The other main disadvantage is that the MES would significantly reduce both the hazardous and non-hazardous voidspace available within the county. In assessing the MES option other issues associated with this scenario must be considered, including the practicality of a poorly engineered final landfill form that could potentially suffer from surface water run off issues and potential water ingress undermining the integrity of the final structure. These issues could be designed out, however this does not represent a good practice or management post closure and is not a sustainable solution. The early closure of the site under this scenario would be contrary to National policy contained in PPS10 and PPG2 as it would not safeguard and utilise a nationally important waste management facility or facilitate the proper reinstatement of the landscape, contrary to the aims of the Green Belt.
- 7.21 In conclusion on Alternatives, based on the submitted information and above assessment in the context of the main relevant policy of PPS10 (Planning for Sustainable Waste Management), PPG2 (Greenbelt), MPG7 (Reclamation of mineral workings), PPS23 (Planning and Pollution Control), WLP policies 42 (Reinstatement) and 43 (afteruse), MLP policy R1 (Reclamation of mineral workings); I can only conclude that none of the alternatives provide for full compliance with the relevant policies and considerations and do not represent a satisfactory solution. Therefore the most practical option is that which forms the basis of this application.

## **Continuation of waste activities on site**

- 7.22 The County Minerals and Waste Policy response states that The Secretary of State made a decision in 2007 not to save certain policies of the Waste Local Plan which Gloucestershire County Council had requested to save. This was because the policies referred to *Best Practicable Environmental Option (BPEO)* which has now been superseded by Planning Policy Statement 10: Planning for sustainable waste management (PPS10). The policies which contained BPEO references included those referring to the allocated sites in the adopted Waste Local Plan. PPS10 paragraphs 22-38 consider the determination of planning applications and Paragraphs 24 and 25 refer to planning applications for sites that have not been identified, or are not located within a development plan document. Paragraph 23 is also particularly applicable because it states that “in the interim period before the development plan is updated to reflect the policies in this PPS, planning authorities should ensure proposals are consistent with the policies in this PPS and avoid placing requirements on applicants that are inconsistent”.
- 7.23 In the case of any unsaved policies the County Council has sought legal opinion and has been advised that any unsaved policies from either the MLP or the WLP may be a material consideration (where appropriate) in the determination of planning applications in the absence of new style plans. In particular there will be unsaved WLP policies, which will be a material consideration in certain applications. The weight of the material consideration will be a matter for the decision-maker. My advice would be that in instances where there is a relationship with unsaved WLP site related policies, 4,5, 6 and 7, these are likely to be very material in the absence of any DPD containing revised Waste Site Allocations.
- 7.24 Unserved Policy 4 of the Gloucestershire Waste Local Plan provides the policy framework to consider sites that are needed to develop a sustainable waste management system for Gloucestershire. Schedule 1 identifies the Wingmoor Farm East site as a strategic waste management facility processing more than 50,000 tonnes per annum. The plan states at paragraph 5.20 that “*the sites identified in Schedule 1 have the support of the waste Planning Authority for development, in principle. But any proposal should meet the General development Criteria and Site Specific Criteria set out in each site profile and will be subject to the criteria and policies of the Development Plan.*”

## **Need for Hazardous Waste Disposal**

- 7.25 The County Minerals and Waste Policy response states that as the applicant has pointed out, Policy W3 – Hazardous Waste of the most recent draft of the RSS (proposed changes July 2008) is appropriate to this application, in particular supporting text paragraph 7.4.11 which states “*The specialist nature of hazardous waste landfill may restrict the type of waste inputs, but the region should also seek to make a contribution to the national need in line with its own regional requirements. Existing sites being located on the region’s eastern boundary and close to the primary road network are well positioned to serve the regional and the wider national market for hazardous*

*waste disposal. Existing sites should be safeguarded with proposals for extension considered within the context of the region's contribution to wider national needs and the proposal's local environmental impact."*

- 7.26 However, it should be highlighted that throughout the development of the RSS, the County Council has objected to this policy, the most recent objections (to the Proposed Changes document in 2008) state:  
*"The County Council reiterates its objection to Hazardous Waste Policy W3 from the Draft RSS, which has remained unchanged. It is also strongly opposed to the removal of supporting paragraph 7.4.12 alongside the failure to revise paragraphs 7.4.10 and 7.4.11. In total, the Proposed Changes represent an inadequate regional approach to hazardous waste that has not taken into account national hazardous waste policies as set out in Waste Strategy 2007. At the regional level, Waste Strategy 2007 requires a contribution assessment to be completed to provide a deliverable resolution to national priorities on managing hazardous waste. However, no such assessment has been carried out. Furthermore, failure to revise the Draft RSS policy will result in Waste Planning Authorities (WPAs) having to find local solutions rather than provide a comprehensive regional strategy. Hazardous waste is a major issue for Gloucestershire, as the county currently contains an operational hazardous waste management facility (i.e. Wingmoor Farm). However, at no stage during the preparation of the RSS, has a regional or inter-regional assessment been carried out of the facility / or potential alternatives."*
- 7.27 It should be noted that the RSS is yet to be adopted. Therefore in light of the County Council's continued objection to this particular policy, this casts doubt on how much weight should be accorded to the draft RSS policy W3.

Saved WLP policy 16 – Special Waste Facilities is also appropriate to the hazardous waste aspect of this application

*"Facilities for the additional handling, treating, processing or disposal of special wastes will be permitted if it can be demonstrated:*

- That it would form part of a sustainable waste management system; and*
- That it would meet the relevant policies and criteria of the development plan.*

Consideration should be given to Annex C9 – Hazardous Waste of The Waste Strategy for England 2007. In addition to Annex C9, Paragraph 34 of the strategy should also be considered. It states that "Reliance on landfill is already reducing and this should become the home of last resort for waste. The Government will continue to pursue the reduction of the use of landfill while recognising that landfill may continue to have a place for disposal of some wastes, such as some hazardous wastes and as a means of restoring exhausted mineral workings.

### **Need for the facility**

- 7.28 The Grundon Integrated Waste Management facility has been an important element of the overall landfill provision within the County of Gloucestershire. Hempsted landfill site and the adjacent Wingmoor Farm West landfill site,

both of which are operated by Cory Environmental, primarily landfill municipal waste, albeit with a proportion of commercial and industrial (C&I) waste. The Grundon site is used for the landfilling of C&I waste and hazardous waste. The Hazardous Waste Regulations 2005 replaced the Special Waste Regulations 1996, and were brought in as a result of the European Commission's revision of the list of hazardous waste. A wider spectrum of waste became classified as 'hazardous' than had previously been classified as 'special waste'. The Landfill Regulations 2002 classified sites into the following three categories: landfill for hazardous waste, landfill for non-hazardous waste, and landfill for inert waste. This resulted in a reduction in the number of sites throughout the country that could accept hazardous waste. At the moment Grundon is one of only 16 merchant (commercial) sites (of which 14 are operational) throughout the UK that have been granted an Environmental Permit for the management and disposal of hazardous waste. There are three sites in the South West and the Grundon Wingmoor site accounts for approximately 80% of the total void space currently available in the region.

- 7.29 The applicant argues that as a result of an increase in the variety of wastes classified as hazardous, together with a reduction in the number of landfill sites accepting hazardous waste, means that Grundon became: *“an important regional facility, which is also of potential national significance”*
- 7.30 Data for the draft Waste Core Strategy Waste Data Paper (updated November 2010) indicated that at the time of writing the following capacities existed at the main four non-hazardous landfill sites in the county (as rounded to the nearest 10,000 tonnes):

Hempsted	991,000m <sup>3</sup>
Cory Wingmoor	2,215,000m <sup>3</sup>
Grundon Wingmoor	2,824,500m <sup>3</sup> (non-hazardous)
	1,206,200m <sup>3</sup> (hazardous)
Frampton	70,000m <sup>3</sup> (data from 2007)

- 7.31 Since 2007, the Frampton site has now largely closed. In 2009 inputs to Grundon's Wingmoor Farm East were approximately 92,933 m<sup>3</sup> (non-hazardous<sup>1</sup>) and 50,472 m<sup>3</sup> (hazardous) per annum. The landfill life based on current fill rates is 30.3 years for non-hazardous waste and 22.8 years for hazardous waste. The Development plan demonstrates a need for continued capacity to manage waste within the county.

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<sup>1</sup> In an e-mail dated (17/08/2010) Grundon Estates Department stated that: *the range of MSW and C&I is 0.7 to 0.9 tonnes per m<sup>3</sup>. For C&D it is 1.2 to 1.7 tonnes per m<sup>3</sup>*. The e-mail suggested that due to the landfill accepting a mix of wastes there was a difficulty in breaking out individual conversion rates. Grundon calculated that the combined conversion rate for the landfill for 2007 was 0.95 tonnes per m<sup>3</sup> and for 2009 it was 0.87. the reason for the reduction was a decline in C&D inputs (2007 being a busy year for C&D). Grundon consider that 'around 0.9 tonnes per m<sup>3</sup>, would be an appropriate rate to calculate site life. Therefore on the basis of the input figure for 1/04/2008 to 31/03/2009 – supplied by Grundon, the cubic metres figure for this financial year is 102,000/0.9=113,333 m<sup>3</sup>.

- 7.32 The applicant contends that as at 31 March 2009 the hazardous voidspace remaining at the site is 1,242,000m<sup>3</sup>. The applicant also estimated that by the time of the submission of this application (May 2009) the hazardous voidspace remaining at Purton in Wiltshire, the other main hazardous site in the South West, was in the region of 300,000m<sup>3</sup>. The third hazardous waste site, Southwood Landfill in Shepton Mallet, has a remaining voidscape of approximately 20,000m<sup>3</sup>.

In terms of mineral extraction, Mineral Policy Statement 1 Planning and Minerals states that *minerals are essential to the nation's prosperity and quality of life, not least in helping to create and develop sustainable communities. It is essential that there is an adequate and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs, but that this provision is made in accordance with the principles of sustainable development. In order to secure the long-term conservation of minerals it is necessary to make the best use of them. This can be achieved by adopting a hierarchical approach to minerals supply, which aims firstly to reduce as far as practicable the quantity of material used and waste generated, then to use as much recycled and secondary material as possible, before finally securing the remainder of material needed through new primary extraction. Minerals development is different from other forms of development because minerals can only be worked where they naturally occur. Potential conflict can therefore arise between the benefits to society that minerals bring and impacts arising from their extraction and supply. Minerals planning aims to provide a framework for meeting the nation's need for minerals sustainably, by adopting an integrated policy approach to considering the social, environmental and economic factors of doing so and securing avoidance or appropriate mitigation of environmental impacts where extraction takes place.*

- 7.33 The County Minerals and Waste Policy response states that there is no 'need' for a specific land bank to be maintained for clay minerals in the same respects as for aggregates, however, as the applicant has pointed out in paragraph 6.133 of the Planning Application Supporting Statement, Paragraph 3.4 of Annex 2 of MPS1 advises that *"when developing planning policies and considering planning applications, MPAs and LPAs should take account of" .... "the need to recognise the potential for sales of clay for other uses, particularly engineering purposes, such as lining, daily cover and capping material for landfill sites, the lining of canals, lakes and ponds, as construction fill or as bulk fill suitable for roadway construction or for the manufactures of lightweight aggregate or cement. In some cases, clay pits may be operated mainly or wholly for these other purposes rather than for brick clay extraction."*
- 7.34 The applicant has noted that saved policy NE2 of the Minerals Local Plan should be considered *"Proposals for the working of clay will be permitted where its use for a specific purpose outweighs any adverse environmental, local amenity, or other impacts that the development would be likely to have, and would not prejudice the other policies of this plan"*

- 7.35 In terms of sand and gravel the County Minerals and Waste Policy response states that the new National and regional guidelines for aggregates run up until 2020 and as the current landbank will certainly not meet provisions for the entire of this period. The permitting of additional resources would help to maintain the landbank and ensure a continuous supply of sand and gravel throughout the emerging plan-making period. Saved policy A4 is applicable to the permitting of mineral extraction outside of preferred areas, particularly in relation to the mineral being *“of a specification, or will meet a forecast shortfall, which is required to maintain the County’s appropriate contribution to local, regional and national need”* and potentially *“in relation to existing mineral development... ..the completion of working of a residual area of mineral resource that would be impractical to exploit in any other way”*. Mineral extraction began at the site in the late 1960’s prior to the adoption of the Minerals Local Plan. The continued extraction of sand and gravel at the site will ensure that the mineral is not sterilised and the site is restored to a beneficial afteruse in accordance with the now adopted local and national planning policies in force.
- 7.36 The granting of this planning application will help maintain the landbank and supply of minerals albeit a relatively modest quantity of mineral resources.
- 7.37 The applicant contends that the life expectancy of mineral workings and their restoration largely reflects market conditions and it has not been possible for the clay, sand and gravel to be extracted from the site within the previously permitted time scales. The applicant is clear that there are no intention to import sand and gravel for processing at this site. Whilst the sand and gravel extraction is reaching it’s final stage, it would be inconsistent with national, regional and local policy guidance to allow that remaining reserve to be sterilised and lost. The extraction of clay has a recognisable role to play in the provision of engineering clay for export to the local and regional market. The clay is also used on site for engineering purposes. The provision of clay is fully in accordance with national and local planning policy. This approach is supported by MPS1.
- 7.38 Objectors have suggested that new voids should not be created to be filled with waste. Notwithstanding the above regarding sterilisation, the site is identified in the Mineral and Waste Local Plans and the Waste Core Strategy for potential mineral extraction and for future waste operations the applicant has demonstrated that there is a local and regional market for the sand and gravel in the area.
- 7.39 A number of objectors have questioned the need for the hazardous waste treatment facility at the site and the methods of treatment used and are concerned about the proximity of the site to neighbouring residential properties. It is suggested that better solutions / techniques exist for the disposal of APC residues. There are a range of options for the disposal of APC residues, of which bonded disposal, which is used at Wingmoor farm is one. Hazardous waste must be managed specifically to address the properties of that particular waste material. The Environment Agency is satisfied with this method of disposal and has issued an Environmental permit



accordingly. APC residues are not the only hazardous waste disposed of at this site, contaminated soils, building materials, asbestos and liquid waste are all managed at the site, within the parameters of the EA permit.

- 7.40 It has been suggested by objectors that a limit should be imposed upon the radius within which waste can be imported to the site. This is not a practical option and would conflict with the aim of seeing the site restored within a reasonable time period. In addition it has been suggested that the site is restored to a level surface upon completion of mineral extraction to reduce the void space. This is again impractical because the site has to be engineered to blend with the previously tipped area and to facilitate surface water runoff and prevent ingress of water into the site.
- 7.41 The need for the MRF had also been questioned by objectors. They raise issues about efficiency, amenity impacts, question the location both in the Green belt and within the site, and the capacity of the MRF. It has also been suggested that the MRF and Clinical waste transfer should be refused as they are not dependant upon the landfill. The MRF and clinical waste transfer form part of the current planning application and could not be refused without refusing the whole planning application.
- 7.42 Objectors suggest that the failure to separate recyclables at source is inefficient and creates unnecessary waste and environmental impact. National, regional and local policy indicates that the location of waste recovery facilities alongside disposal facilities is the best sustainable practice. Chapter 6 of the ES considers alternatives to the MRF. The proposed operations at the MRF accord with the regional and local planning objectives, that additional waste diversion capacity is required in Gloucestershire to meet regional and local targets and to reduce reliance on landfill. The MRF is not intended as a permanent facility and will be removed upon cessation of the waste operation.
- 7.43 The impact of the MRF and the site as a whole upon the amenity of local residents through odour, noise, dust, vermin and flies has been considered in Chapters 9, 10 and 11 of the ES. These issues are considered in more detail below.
- 7.44 The location of the MRF within the Green belt is discussed below. The applicant suggests that location of the MRF within the site was given careful consideration by the applicant to ensure that there are no conflicts with the proposed landfill operations, and the diversion of waste from landfill.
- 7.45 Should the applicant wish to increase the capacity of the MRF to 100,000 tonnes per annum, a new planning application would have to be submitted and the associated issues addressed accordingly.
- 7.46 The County Minerals and Waste Policy response states that the principle of the MRF is in accordance with national policy of moving waste up the 'waste hierarchy'. PPS10, paragraph 1 states *"The overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to*

*protect human health and the environment by producing less waste and using it as a resource wherever possible. Through more sustainable waste management, moving the waste up the 'waste hierarchy' of reduction, re-use, recycling and composting, using waste as a source of energy, and only disposing as a last resort the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed."*

- 7.47 The principle of the MRF would be supported by policy (eg PPS10 paragraphs 1 and 3) because it would make a significant contribution in moving waste up the waste hierarchy.
- 7.48 The proposal to increase the capacity of the landfill gas engine is in accordance with paragraph 1 of PPS10 as outlined above because it is moving waste up the hierarchy by using waste as source of energy, and at the same time is mitigating against climate change by preventing release of greenhouse gases through the gas flare. Leachate treatment is essential for the protection of water bodies as outlined above in saved WLP policy 33.
- 7.49 The applicant suggests that the underlying need for the proposal is to complete mineral extraction and restore the site through landfilling. The use of the landfill capacity is to be supplemented by the pre-treatment of wastes at the MRF, with any residuals from that process being disposed of on site. The site has been identified in the draft Waste Core Strategy which suggests policy options for safeguarding existing or allocated waste sites from encroachment or sterilisation by incompatible land uses which is consistent with national policy (PPS10)

## **Green Belt**

- 7.50 The Wingmoor Farm East landfill site is in the northern part of the Cheltenham and Gloucester Green Belt. The Cheltenham and Gloucester Green Belt now covers an area of approximately 81,000 hectares and it was first incorporated into the County of Gloucestershire Development Plan First Quinquennial Review in 1968. This first area of designated Green Belt did not include the area where the application site lies. In 1981 the Gloucestershire First Structure Plan extended the Green Belt area to include lands between Cheltenham and Bishops Cleeve, including the application site.
- 7.51 By the time of Green Belt designation in 1981, there were mineral extraction and tipping operations already taking place in the area at Wingmoor Quarry, Lower Farm and Wingmoor Farm. Nevertheless these areas were also included within the Green Belt designation. Since the Green Belt designation for the Bishop's Cleeve area there have been 16 planning consents granted at the application site.

- 7.52 PPG2 was published in 1995 and contains guidance on development in Green Belts. The following sections of PPG2 are of particular relevance with regards to this application:

*“ There are five purposes of including land in Green Belts:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns from merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*Presumption against inappropriate development*

*The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. ...*

- 7.53 There are two areas that need to be explored in terms of the Green Belt. Firstly whether a mineral extraction and a waste management facility and the associated activities are inappropriate development in the Green Belt, as there is a presumption against inappropriate development in the Green Belt. Secondly if it is inappropriate development in the Green Belt, then are there very special circumstances to justify that inappropriate development. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 3.2 of PPG2: Inappropriate development is, by definition, harmful to the Green Belt.
- 7.54 Some of the representations, including the Parish Councils make reference to the fact that the proposal represents inappropriate development in the Green Belt for which there is no special justification. WLP Policy 35 (unsaved) relating to green belt suggests that the construction of a waste management facility will only be permitted where it can be demonstrated not to conflict with the purposes of Green Belt designation in the following instances: i.e. the construction of a waste management facility will only be permitted where it comprises an essential facility which is genuinely required and whose form, bulk and general design is in keeping with its surroundings and where waste management operations of a temporary nature include the likely duration of the waste management operation.
- 7.55 PPG 2 states at paragraph 3.11 that *Minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. Mineral and local planning authorities should include appropriate policies in their development plans.*

*Mineral planning authorities should ensure that planning conditions for mineral working sites within Green Belts achieve suitable environmental standards and restoration. Relevant advice is in MPG2 and MPG7. Paragraph 3.13 below is also relevant to mineral extraction.*

- 7.56 Paragraph 3.12 states that *the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.*
- 7.57 Paragraph 3.13 states that *when any large-scale development or redevelopment of land occurs in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments or improvements), it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts (see paragraph 1.6). This approach applies to large-scale developments irrespective of whether they are appropriate development<sup>4</sup>, or inappropriate development which is justified by very special circumstances. Development plans should make clear the local planning authority's intended approach.*
- 7.58 Government waste planning guidance in PPS10 has now acknowledged that the locational needs of certain waste management facilities may require sites in the Green Belt which, together with the wider environmental and economic benefits of sustainable waste management, should be given significant weight in determining planning applications.
- 7.59 The application site is within a site identified in the WLP (unsaved policy 4) for the provision of waste management facilities for strategic sites and the inclusion of the site did acknowledge the environmental constraints of the site with the Green Belt designation and visibility from the AONB. The WLP criteria for the development of the site identifies that with the Green Belt status the site requires demountable buildings and that the duration of operations should be tied to the landfill operations.
- 7.60 The site is identified in the Minerals and Waste Local Plans as having potential for mineral extraction and as a waste management facility subject to satisfying the other relevant policies in the plans. The proposal will help in the provision of a sustainable waste management system for Gloucestershire. Noting the guidance of PPS10 with the significant weight that should be attached to the locational needs of certain waste management facilities and the provision of sustainable waste management, it is considered that there is justification for this development in the Green Belt that outweighs any harm to the Green Belt.
7. 61 As stated in PPG 2: *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.”* Therefore although those elements of the application site that are not restored will have an industrial appearance, in the

medium to longer term the site will be restored, is not intended to be built on for housing and the restoration scheme will allow for a degree of biodiversity interest and public access via the proposed permissive footpath. For the above reasons I do not consider that this proposal represents inappropriate development in the green belt. As it is not considered to be inappropriate development the issue of very special circumstances does not apply.

- 7.62 Policy WCS10 of the Waste Core strategy supports the principle of the green belt and recognises the relationship between the green belt and existing waste management facilities. Policy GRB1 of the Tewkesbury Borough local Plan also follows the same approach and considers operations that maintain the openness of the green belt do not conflict with policy. For these reasons I consider that the proposal accords with Policy WCS 10 (Green Belt), Tewkesbury Borough local Plan Policy GRB1 (Green Belt) and national policy PPG2 (Green Belt) as it does not conflict with the primary aims of the green belt and subject to conditions requiring phased restoration will ensure the impacts on the visual appearance of the green belt are reduced and negated over time. The completion of the landfill site would therefore comply with this fundamental aim of Green Belt policy.

### **Amenity**

- 7.63 The main amenity issues pertaining to this application are the potential for odour mainly due to the non-hazardous landfilling operations at the site, the potential for noise and vibration due to both the operations at the site itself and the number of HGVs using the site, the potential for dust due to both the operations at the site itself, amenity problems caused by the number gulls visiting the site, litter and problems of flies and vermin due to the landfilling operations at the site. It has also been suggested that concerns regarding health in the context of affects on the quality of life of the community as a whole, may also be considered as an amenity issue. I comment later on the health issues relating to the application later in this report.
- 7.64 The nearest residential properties are as follows (and which will be referred to separately, later in this report in the context of noise, dust, odour, vibration, litter and pests): Wingmoor Lodge which is within the application site, a mobile home/log cabin at Pussy Willows Cattery which is approximately 10m from the boundary of the site, Haydon which lies 40 m from the site boundary, a residential property at Pussy Willows Cattery which lies 60m from the site boundary, Court Farm farmhouse which lies 75m from the site boundary, Lower Farm which lies 190m from the site boundary. The start of the residential properties at the western edge of Bishops Cleeve i.e. Stella Way/Stoke Road are approximately 220m from the boundary of the site. Approximately 1.4km to the south of the site lies Swindon village. Approximately 335 metres to the south of the site lies the farmhouse at Home Farm.
- 7.65 The Wingmoor Farm site has as stated above been operating since at least the 1960's. However, new housing developments have brought residential areas of Bishops Cleeve closer to the site boundary, although the operational

area of the site has moved further west as the site has been progressively restored. The impact of the proposal upon residential amenity has been considered in the ES and it has not identified any specific impacts that will adversely affect the surrounding residential areas, including the village of Bishops Cleeve. This has been supported through consultation responses from Tewkesbury Borough Council and The Environment Agency.

## Dust

- 7.66 Potential sources for dust arise from the handling of clay, hazardous and non-hazardous waste, plus haul roads and the public highway. Public concern is that the dust occurs on cars, hedges, grass and houses surrounding the site, in addition the dust monitoring that has taken place is not sufficient and is inconclusive. Some objectors raise concerns about dust clouds causing breathing difficulties; my assessment in relation to the health issues concerning the proposals are referred to later in this report.
- 7.67 Annex 1 to Minerals Policy Statement 2 (MPS2) *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England* is a statement of the policy considerations in relation to dust from mineral workings and associated operations, and how they should be dealt with in local development frameworks and in considering individual applications. Appendices briefly outline information on the nature of dust, give examples of methods of reducing and controlling dust, and outline good practice in dust assessment. The Government expects Mineral Planning Authorities (MPAs) in England to have regard to this Annex alongside the policies contained in the MPS2 overarching document.
- 7.68 Annex 1<sup>2</sup> states that “If not managed or controlled, dust from surface mineral operations can have a noticeable environmental impact and affect the quality of life of local communities. It is a material planning consideration. Residents can potentially be affected by dust up to 1km from the source, although concerns about dust are most likely to be experienced near to dust sources, generally within 100 m, depending on site characteristics and in the absence of appropriate mitigation. In formulating plans for mineral extraction or related activity and appraising mitigation strategies, Mineral Planning Authorities (MPAs) should consider all the effects on the surrounding environment and communities. Where these effects cannot be adequately controlled or mitigated, planning permission should be refused. The Government looks to the minerals industry to keep dust emissions at a level that reflects high environmental standards and to work for continuous improvement based on best available techniques (BAT).”

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<sup>2</sup> Annex 1 is mainly based on research undertaken for the Office of the Deputy Prime Minister (ODPM) by Arup Environmental/Ove Arup and Partners on *The Environmental Effects of Dust from Surface Mineral Workings* (HMSO, 1995). The recommendation to adopt best practice is of continuing relevance to the minerals industry and MPAs in formulating plans for mineral extraction or related activity and designing mitigation strategies.

- 7.69 Prior to the submission of this application the applicant held discussions with both Tewkesbury Borough Council and the Environment Agency with regards to air quality issues. Neither the application site nor its servicing roads lie within an Air Quality Management Area. The Air Quality section of the ES compared the potential air quality impacts for the notional 'do nothing' scenario, the minimum engineered scheme scenario and the proposed scheme. The ES concludes that when assessing the proposed scheme against the notional 'do nothing' scheme, the 'do nothing' scheme would give rise to the cessation of dust emissions relating to day to day operations such as traffic movements, the handling of APC residues and contaminated soils and asbestos. However, fugitive dust emissions would increase under the scenario of the 'do nothing' scheme due to inadequate capping, contouring and maintenance. For the proposed scheme versus the Minimum Engineered Scheme (MES), the proposed scheme would have a greater duration for the potential of dust emissions and emissions of landfill gas would be expected to be higher.
- 7.70 The site has a history of regular dust monitoring through the use of Topaz monitors at the site, and in addition the DustScan project (referred to later in this report) specifically looked at the issue of the chemical composition of any fugitive dust emissions from the site. Objections have been raised regarding the quality of the data and the accuracy of the Dustscan report and the conclusion drawn from it.
- 7.71 Our Consultants Atkins have carefully appraised the information submitted by the applicant in the ES and the health report. They have looked at it in the light of the objections and concerns raised in the report by Greenfield Science Ltd, and consider that the assumptions and conclusions contained within these and health reports are robust.
- 7.72 I am satisfied that the dust assessment in the ES complies with the requirements of MPS2 and the proposed mitigation measures are sufficient to ameliorate any potential adverse effects and complies with the requirements of MPS2 and policy 37 of the Gloucestershire Waste Local Plan. Since the application was submitted, the EA and the HPA have undertaken additional monitoring, which has confirmed that dust emissions from the site are not at levels sufficient to give rise to nuisance complaints or present a significant risk to health. Emissions to air are regulated and monitored by the EA through the sites Environmental permits. The health issues and concerns associated with this application are discussed elsewhere in this report.

## **Noise**

- 7.73 The nearest residential properties potentially affected by noise are as outlined above in this report.
- 7.74 MPS2 Annex 2 identifies the planning considerations the Government expects to be applied to noise emissions from surface mineral operations. It covers both surface mineral extraction and surface operations associated with

underground mineral extraction, including waste disposal and recycling operations that form an integral part of a mineral working operation. It is not framed with direct reference to other waste disposal and recycling operations. Since these share many operational features with surface mineral operations, waste management operators and waste planning authorities should take account of this Annex alongside Planning Policy Statement 10 (PPS10) *Planning and Waste Management*. Planning conditions on noise should not duplicate controls placed on the developer under the relevant pollution control regime.

7.75 MPS2 Annex 2 advises that the key planning principle is that noise emissions should, as far as possible, be controlled, mitigated or removed at source. Proposals for mineral working operations should therefore include appropriate proposals for the control or mitigation of noise emissions. Those making development proposals and planning authorities considering such proposals should, therefore:

- consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties;
- make and consider proposals to minimise, mitigate or remove noise emissions at the source using best available techniques (BAT) in accordance with the European Commission's BAT Reference Documents, taking account of the control of some quarry processes under the PPC Regulations;
- assess the existing noise climate around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;
- estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;
- monitor noise emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

7.76 MPS2 Annex 2 advises that all mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. Examples include soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. However, these activities can bring longer-term environmental benefits. Increased temporary daytime noise limits of up to 70dB(A) LAeq1h (freefield) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq1h (freefield) limit referred to above should be regarded as the normal maximum. LAs should look to operators to make every effort to deliver temporary works at a lower level of noise impact. Operators should seek ways



of minimising noisier activities and the noise emissions from them when designing the layout and sequencing of temporary operations, and should liaise with local residents prior to such operations taking place.

- 7.77 The proposed landfill operations at the site take place between 07:00 to 18:00 on Mondays to Fridays and 07:30 and 13:00 on Saturdays. In addition it is proposed that operations inside the MRF building take place between 06:30 to 21:00 hours on Mondays to Fridays and 07:00 to 14:00 on Saturdays. The application also proposes that 'occasional' 24 hour access to the treatment plant will be required, and that this takes place already. Finally, some of the plant such as the landfill gas engines and gas flares will need to run continuously. The issue of the noise caused by the operations was raised by a number of objectors to this application.
- 7.78 As part of the ES the applicant submitted a noise assessment. This included baseline measurements at 8 dwellings including Lower Farm, Haydon and Pussy Willows. Future areas of housing were not considered as these would not be closer to the site than those locations already selected for assessment. Based on actual attended and also unattended assessments the noise levels of both the general background and the majority of the site operations (with the exception of the MRF building and sand and gravel processing plant in operation) were undertaken. The noise assessment found that for the continued ongoing operations at the site the magnitude of the noise impacts is low except for operations in the north west corner of the site which would have a medium to high magnitude of impact for the three nearby dwellings. With mitigation in the form of increased bund heights, this would reduce to a medium magnitude of impact. The calculated night time noise levels comply with the suggested night time noise limits set out in MPS2. The District Council's Environmental Health Officer did not object to this application on noise grounds and Tewkesbury Borough Council recommended that a planning condition be attached that requires "*noise mitigation to safeguard the amenities of nearby residential property.*" The applicant has demonstrated that, subject to mitigation, operations at the site can take place within acceptable day time and night time noise limits, and therefore I consider that subject to appropriate conditions in respect of duration and types of operations at specified times of day this proposal accords with PPG24 (Planning and noise), MPS2 (Controlling and mitigating environmental effects of mineral extraction), Policies 37 (proximity to other land uses) and 38 (hours of operation) of the Gloucestershire Waste Local Plan (adopted October 2004), Policy DC1 (mitigation of adverse environmental effects) of the Gloucestershire Minerals Local Plan (adopted April 2003), and Policy EVT3 (avoidance of noise disturbance) of the Tewkesbury Borough Local Plan (adopted March 2006).
- 7.79 Mitigation measures for noise and dust have been suggested by the applicant and I consider that appropriate planning conditions can be attached to any planning permission granted to mitigate noise and dust, in accordance with Government Guidance; Circular 11/95: Use of conditions in planning permission. Noise dust and odour are addressed in more detail below.

## Vibration

- 7.80 Noise and vibration, including that from HGV's is assessed in Chapter 10 of the ES. The ES concludes that for dwellings adjacent to Stoke Orchard Road, between the site entrances and A435 roundabout, the likely potential increase in road traffic noise and vibration arising from the proposals are negligible and would be imperceptible lying well within the normal daily variation that occurs on these roads. Well constructed roads to adoptable standards should not allow for the transmission of significant vibration and therefore not lead to any structural issues to properties in close proximity or abutting the highway as a result of HGV traffic. Structural vibration is often confused with reverberation as a result of exhaust noise that can cause windows to reverberate due to the tonal effects. I consider the issue is addressed adequately in the Environmental statement and no adverse impacts arise from the use of the highway associated with the HGV's using the proposed development. The proposal is therefore compliant with PPG23 (planning and noise and MPS2 (controlling environmental effects) in that no significant adverse impacts arise from the proposed development that cannot be controlled by conditions relating to appropriate hours of operation. Furthermore vibration as a result of HGV traffic should not create an adverse effect on properties associated with the highway network used to service the development.

## Odours

- 7.81 There are several potential sources for odour at the site, but primarily these arise from leachate, landfill gas or an odorous load of waste deposited at the site. These are closely monitored by the EA, with action taken as appropriate. Landfill gas is collected and used for electricity generation. Leachate is collected through a comprehensive system and used in the treatment of waste. When the hazardous waste treatment plant is removed, plant to manage and treat the leachate will be required. This plant will then need to remain in operation post restoration and closure of the site to actively manage leachate into the future. This plant will be located in the environmental compound at the western entrance. With the controls in place and good site management odours should be kept to a minimum.
- 7.82 The ES reports that emissions from the site do occasionally give rise to odours but that this is more of an issue from the adjacent, Wingmoor Farm West, landfill site. However, Cory Environmental, the operators of Wingmoor Farm West dispute this assertion. The non-hazardous part of the site takes a range of commercial waste that includes putrescible waste. This could give rise to the potential for odours to occur but proper working practices, that would be dealt with via the site licensing regime, would ensure that these would not affect the local amenity. Meteorological conditions can affect dispersion of odour and the prevailing wind is from the south west. The ES concludes that the modelled odour levels could give rise to occasional complaints of odour at the closest locations to the site, but that this would not represent a widespread odour problem.

- 7.83 All landfill sites by their nature will emit odours to some degree due to the degrading process of the waste deposited; though these occurrences should be infrequent and within tolerable limits. Therefore with correct procedures in place, I consider that this proposal accords with Policy 37(Proximity of other land uses) of the Gloucestershire Waste Local Plan and is acceptable within the context of the need for waste disposal facilities. The MRF element of the proposal should not give rise to any odourous emissions detrimental to the surrounds due to the processes in place to control odour. E.g. negative pressure environment within the building and odour extraction units that are designed to minimize odour emissions.

### **Pest Control**

- 7.84 The issue of vermin (e.g. seagulls and rats) and flies are matters to be controlled by the Environment Agency through licensing procedures. However monitoring is ongoing with local residents collecting and reporting data. Various trials have been undertaken for the management of seagulls, however the general approach is for non-dispersal. Flies and vermin are controlled by a specialist contractor with a regular treatment programme for all active waste cells designed to eliminate breeding flies and vermin.

### **Litter**

- 7.85 Objectors to the proposal have raised concerns that litter escapes from the site and from vehicles approaching the site and can be seen on surrounding land and along Stoke Orchard Road. The control and regulation of litter forms part of the Environmental permitting process which is regulated by the EA. The ES states that litter emanating from the site is controlled in a number of ways, including litter fences when tipping at high levels, closing the site during extremely windy conditions, placing daily cover on deposited waste ; and litter picking within and outside the site. All vehicles accessing the site will be required to have their load areas sheeted, sealed or enclosed upon entering and exiting the site. Therefore with correct procedures in place, I consider that this proposal accords with Policy 37(Proximity of other land uses) of the Gloucestershire Waste Local Plan.

### **Impact on human health**

- 7.86 As part of the application the ES contains a chapter on health. Concerns about health are one of the major reasons for objection to this application and have been cited by the neighbouring Parish Councils, SWARD and the many people who have made written objections. The main issues surrounding this issue are whether the operations being carried out at the site constitute an actual unacceptable risk to public health and/or whether the perceived impacts of the operations (whether real or not) constitute an unacceptable impact on public health. Case law has determined that the perceived fear of a risk to health, even if this is not proven by medical evidence, can in itself be a material planning consideration. Appendix A to PPS23, also recognises the objective perception of unacceptable risk to the health or safety of public

arising from development is a material consideration. However, the weight to be attached to such a perceived fear is one for the decision-maker to assess.

- 7.87 As part of the ES chapter on health, the applicant has reported on a number of studies that have taken place. The ES notes that health issues have been discussed at both the Wingmoor Farm Liaison Group meetings and, since 2006, as a result of the Wingmoor Farm Task Group which was formed at the behest of the County Council's Health Overview and Scrutiny Committee.
- 7.88 Of particular concern to local residents and local Parish Councils, are any potential effects on health arising from the handling, treatment and disposal of air pollution control (APC) residues and contaminated soils at the Grundon site. Also of concern are any potential health impacts associated with landfill sites in general, such as the possible links between landfill sites and asthma, birth defects, cancer, stress, anxiety and general mental well-being.
- 7.89 In 2005 the then Tewkesbury Primary Care Trust (now Gloucestershire PCT) undertook a Neighbourhood Health Profile. The Neighbourhood Health Profile was updated in 2009.
- 7.90 The health section of the applicant's ES contains a summary of key related other ES sections: air quality, noise, management of risks to groundwater and surface water, landscape and visual impacts and management of risk relating to road traffic.
- 7.91 As part of ongoing analysis of the Wingmoor Farm landfill sites, the Environment Agency commissioned DustScan Ltd to undertake dust monitoring in and around the application site during the year 2008. The Dustscan report is available to view on line, through public access. The DustScan report sought to establish the association of APC residues in the dust within and surrounding the site. The reason why the term 'association' is used is that it cannot definitively be proven that the sample is actually APC residue-related. A number of sticky pads were placed at 8 locations and the results of these were analysed. The DustScan report indicates that at most of the locations the association of APC residues on the sticky pads is negligible. However, in some instances, particularly at one monitoring point directly to the north of the Grundon site APC residues are clearly present and comprised, on one occasion, an association in the region of 70% of the sample. The DustScan Ltd report was presented by officers from the Environment Agency to a special meeting of the Wingmoor Liaison Forum in June 2010. The EA indicated that it did not possess the technical competence to comment on any health implications arising out of the DustScan report and that this was a matter for the Health Protection Agency.
- 7.92 Following the publication of the DustScan Ltd report, the members of the Wingmoor Farm liaison Group were consulted. The Environment Agency made the following response:

*" We have reviewed our formal response in light of the Dust Characterisation Report produced by DustScan on our behalf. We have reached the view that*

*the findings of the report do not change our response for the following reasons:*

*Although we await the health impact assessment by the Health Authority [now available] on any waste dust found outside the site, the waste activities at the sites are regulated by an Environmental Permit. If there is imminent or significant risk to health or the environment we would take the appropriate action under the permit. This could include variation, suspension or revocation.”*

- 7.93 Following the Dust Scan report, and at the request of the County Council’s Health Overviews Scrutiny Committee, a further dust monitoring project was undertaken by the Environment Agency. This work entailed an initial review of the existing data followed by the installation on the Grundon’s site of a sophisticated monitoring unit (a Thermo partisol monitor) by the Environment Agency’s Ambient Air Monitoring Team. The dust monitoring unit was located adjacent to the rugby ground and took dust samples from the air over a 10 week period from September to December 2010. The EA’s National laboratory Service analysed the dust collected within this monitor and these results were provided to the HPA for its assessment.
- 7.94 The HPA assessed the dust monitoring results and estimated the ambient concentrations of dioxins and metals that had been measured, and compared these with the relevant air quality standards and guidelines. The HPA’s full response is available to view through public access and an abridged response is contained in paragraph 6.14 of this report. The HPA does not object to this application and has concluded that: *“Exposure to dioxins, furans, PCBs and metals present in particulate matter released from the Wingmoor Farm disposal site is unlikely to be associated with a significant risk to health. Exposure to chromium (in the hexavalent state) is discussed above: at the likely exposure concentrations the risk of cancer is likely to be very small but efforts to reduce exposure would be prudent.”*
- 7.95 The Environment Agency has made the following comments: *“ Following a review of existing data and additional monitoring the HPA has concluded that the levels of heavy metals, dioxins and furans within samples from the monitoring are below guideline values and do not pose a risk to health. We will continue to firmly regulate the site against the conditions of the Environmental Permit. Our response to the planning application ... remains unchanged.”*
- 7.96 SWARD has commissioned their own report through Greenfield Science Limited. The Greenfield Science Limited report of August 2011 comprises their assessment of the Health Protection Agency (HPA) report on the ambient monitoring carried out at the Wingmoor Quarry landfill site weighbridge, and the analytical report by the National Laboratory Service forming the basis of the HPA assessment.
- 7.97 The County Council commissioned Atkins to carry out an appraisal of the planning application, the ES and associated documents and the Health

Protection Agency (HPA) report on the ambient monitoring carried out at the Wingmoor Quarry landfill site weighbridge, and the analytical report by the National Laboratory Service forming the basis of the HPA assessment. Atkins have looked at it in the light of the objections and concerns raised by the Greenfield Science Limited report. Atkins have reviewed the available information and consider that the assumptions and conclusions contained within the planning application, the ES and associated documents and the (HPA) report and HPA assessment are robust.

- 7.98 Health is principally an issue for the EA and the pollution control regime. The Government is quite clear on the proper delineation between the planning and pollution control regimes. Paragraph 10 of PPS 23 states:

*“The planning and pollution control systems are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest. It plays an important role in determining the location of development which may give rise to pollution, either directly or from traffic generated, and in ensuring that other developments are, as far as possible, not affected by major existing, or potential sources of pollution. The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.”*

- 7.99 The Government have reiterated that advice in PPS10. It tells WPAs to avoid carrying out their own detailed health assessments. Paragraph 30 of PPS10 further explains that modern, well-run and well regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. It is essential to distinguish between the hazardous properties of chemicals and the risks arising from the level and duration of exposure to it. However, the public's concerns or perceptions in relation to health are themselves capable of being material considerations. Appendix A to PPS23 lists issues which may be relevant to the determination of a planning application. The penultimate issue refers to *“the objective perception of unacceptable risk to the health and safety of the public arising from the development.”* Perceptions that are based on emotions, personal prejudices or information which if factually incorrect, cannot be objectively held. Here, there is no reliable evidence to suggest that perceptions of health risk are objectively justified. Thus although perceptions, even those unsupported by objective evidence, are capable of being material planning considerations, very little or no weight should be attributed to such unjustified perceptions of health risk.

- 7.100 Whilst there is substantial concern from residents about the effects of the proposal on health, the findings of the analysis undertaken, current national research and the fact that there are no objections to this proposal from the Environment Agency, the Health Protection Agency or the Health Authority (NHS Gloucestershire) is an indication that such concerns are not well founded.
- 7.101 Therefore consultees have provided a response based on the assumptions in the ES and the evidence from DustScan report and the dust monitoring project. These consultation responses need to be weighed against the perceived fear for health impacts that have been cited by a number of members of the public and the Parish Councils and local Councillors. Fear of health impacts, even if not borne out by the evidence, is in itself a material planning consideration. The weight that should be attached to this fear is for the decision maker. However, whilst a material consideration, it is my view, based on the assumptions in the ES and subsequent project assessment work that this application cannot be refused on health grounds. Although this planning application is a decision taken at a particular moment in time, the separate but parallel environmental permitting system can provide ongoing scrutiny of operations and require amendments if the situation at the site or best practice techniques change in the future. Therefore I consider that the proposal complies with Policies 4 (waste management facilities for strategic sites) and 37 (Proximity to other land uses) of the Gloucestershire Waste Local Plan.
- 7.102 I therefore conclude that having regard to these factors and the perception of health risk as a material consideration, the proposals are in overall compliance with the development plan and are not outweighed by the material consideration of health.

### **Impact on Animal Health**

- 7.103 Whilst the issue of animal health and the possibility of the contamination of the surrounding land and subsequent impact on the food chain from grazing animals has been raised; it would be perfectly logical to conclude that any direct impacts on animal health would be similar to those on Human health as there is no evidence to suggest the surrounding land is or has been adversely contaminated by the operations or that the current environmental permitting regime does not adequately safeguard the environment from pollution. There appears to be little direct local policy relating to domesticated animals, though PPS23 does refer to the consideration of the precautionary principle of effects on Human, animal and plant health where there is good reason to believe that harmful effects may occur to health. I therefore conclude that little weight can be afforded to this matter in terms of policy. As a material consideration based on the evidence available I consider the risk to animal health or the surrounding land to be negligible and therefore afford it little weight in the decision making process in this instance.

### **Ecology**

- 7.104 A bat survey was carried out by SLR Consulting, on behalf of the applicant, in July and August 2008. This consisted of the survey of 11 no. buildings within the site boundary, evening emergence surveys and dawn swarming surveys. The Lodge, which lies adjacent to the north-west boundary of the site, was also surveyed. A range of bat species were recorded using the site including noctule, common pipistrelle and brown long-eared bats. A natural England European Protected Species development licence will be required for the demolition of some of the buildings including the barns adjacent to the north of Wingmoor Farmhouse. The SLR report (Bat Survey section 4.3) concluded that: *“the loss of buildings associated with Wingmoor Farm will have a significant impact on the bat population within the site, however, a replacement building will be provided to offer alternative roosting opportunities.”* Prior to any demolition further survey, including the early part of the survey season, would be required.
- 7.105 The applicant proposes the construction of a bat barn adjacent to the east of Wingmoor Lodge and bordering Stoke Road to provide mitigation. Details of the construction of this have been submitted to the County Ecologist and Natural England. Both have assessed the survey information, and neither the County Ecologist nor Natural England has raised objections to the planning application. The County Ecologist has recommended a planning condition requiring the submission of a detailed scheme for bat mitigation.
- 7.106 The majority of the site comprises habitat classified as being of low suitability for reptiles, but the slow worm population size is classified as ‘good’ and there is also a ‘low’ population size of grass snakes. The areas around the railway embankment and orchard area provide the best reptile habitat within the overall site. As part of the reptile mitigation strategy there would be the translocation of reptiles to the old orchard area and within this area there would be enhancements made through the provision of a compost heap, hibernacula and log piles. This would be secured via the imposition of a planning condition should consent be granted.
- 7.107 The site supports a ‘low’ population of great crested newts that use Pond 9 for breeding purposes. The site also supports smooth and palmate newt, common frog and common toad. A detailed scheme for great crested newts has been developed and submitted to Natural England as an European Protected Species Disturbance Licence. This includes the use of fencing to exclude newts from areas to be developed, the selection of a receptor site for translocated species, the creation of two new ponds to provide new breeding habitats and the enhancement of the pond in the ‘enhancement site’. Annual population monitoring surveys will be carried out in the receptor site and the habitat areas will be managed appropriately.
- 7.108 The applicant proposes that mitigation will be provided to ensure protection to any nesting birds during the breeding season, and for enhancement through the long term restoration of the site and the provision of nesting boxes.
- 7.109 There are a number of badger setts within and in close proximity to the site. It is proposed that mitigation will take the form of a further survey in the season



prior to the disturbance of any suitable habitat. It is also proposed that suitable planting and grassland management take place to improve badger foraging opportunities. Should any setts require closure then this would be done under licence from Natural England and in full accordance with licence conditions.

- 7.110 The proposed restoration scheme for the site consists primarily of a mixture of agricultural grassland with hedgerow and woodland planting along field boundaries. In addition an area will be retained to provide bare ground, rough grassland and scrub for reptiles and invertebrates, and the provision of a bat mitigation building. Two new ponds will be created as part of the overall scheme and habitat enhancements such as hibernacula will be carried out. The County Ecologist did consider that larger blocks of woodland would provide greater biodiversity enhancements, although this would need to be balance against the landscape impacts.
- 7.111 Due to the time that had elapsed since the original ecological assessments were undertaken in 2008, the applicant was required to submit updated information. To this end a walkover survey update (carried out by SLR Consulting) took place in March 2011. This found that the habitats had not changed significantly since the 2008 survey work, and there had not been significant change in the nature conservation or ecological value of the site.
- 7.112 Subject to the submission and implementation of acceptable schemes, and ongoing habitat maintenance, the proposal would contribute towards the protection and enhancement of biodiversity. Therefore I consider that the proposal is in accordance with PPS9 (biodiversity and Geological conservation) that encourages biodiversity and promotes the conservation and enhancement of habitat, Policy 25 (Conserving biodiversity) of the Gloucestershire Waste Local Plan, Policy E10 Enhancement of biodiversity) of the Gloucestershire Minerals Local Plan and Policy NCN5 (Protection and enhancement of Biodiversity) of the Tewkesbury Borough Local Plan.
- 7.113 The Morge case (Morge (FC) (Appellant) v Hampshire County Council (Respondent) 2011 suggested that the correct approach when planning authorities have regard to the requirements of the Habitats. The Supreme Court said that planning permission should ordinarily be granted save only in cases where the Planning Committee conclude that the proposed development would both be likely to offend article 12 (1) and be unlikely to be licensed pursuant to the powers to derogate from the requirements of Article 12(1).

### **Landscape and Visual Impact**

- 7.114 Bishops Cleeve Parish Council, and others making representations have raised concerns about the visual impact of the proposal upon and from the AONB and the Green Belt. Recent development including the MRF building is considered to be an eyesore. Light pollution from the site is also raised as a concern.

7.115 The application site lies within the Green Belt and immediately adjacent to the south of the site is Wingmoor Farm Meadow: a key wildlife site. The nearest Listed Building to the site is Lower Farm which lies approximately 190 metres away. The application site approximately 2.5km away from the Cotswolds AONB and is visible in long distance views from the scarp of the Cotswolds AONB across part of the Severn Vale. The nearest Public Right of Way (ProW) is approximately 350m away, but the application site is also visible from PRoWs on the Cotswolds, including the Cotswold Way National Trail. The landscape character type is classified as Settled Wooded Vale.

7.116 The Landscape and Visual Assessment was carried out in accordance with guidance published by the Institute of Environmental Management and Assessment and the Landscape Institute. Both summertime and wintertime surveys were carried out. The proposed development has been assessed against two different baselines: the notional 'do nothing' scheme and the minimum engineered scheme (MES), and examined the impacts on 17 representative sensitive visual receptors, including users of the public footpath ABC/28/1 to the north of Brockhampton, users of Stoke Road passing the site and occupiers of residential properties in Cleeve Hill. The Councils Landscape Advisor is content that chapter 8, the Landscape and Visual Impact section of the ES has appropriately identified the relevant receptors, assessed the impacts on these and assessed appropriate mitigation.

7.117 The ES concluded that the final restoration of the site would result in: *"permanent beneficial impacts of moderate to slight-imperceptible significance for fifteen of the seventeen receptors assessed."*

The applicant has stated that lighting will be kept to the minimum required for health and safety reasons. Where it is needed it will be downward facing and cowled to limit light spillage. The waste treatment plant occasionally receives night time deliveries and lighting is therefore necessary.

7.118 One of the key arguments for not implementing the MES is that it would result in an unnatural landform in parts with steeply sided areas. As such the applicant contends that this landform would conflict with Green Belt policy including the objective as defined in PPG2 of retaining attractive landscapes and enhancing landscapes near to where people live. The County Council's landscape advisor concurs with this view and recommends that the application should be approved subject to the imposition of a number of planning conditions (see comments at section 7.2 above). The applicant has demonstrated that, an appropriate landscape and restoration scheme can be achieved and therefore I consider that this proposal accords with MPS2 (Controlling and mitigating effects of mineral extraction), MPG7 (Reclamation of mineral workings), Policies 42 (Reinstatement) of the Gloucestershire Waste Local Plan (adopted October 2004), Policy R1 (Reclamation of mineral sites) of the Gloucestershire Minerals Local Plan (adopted April 2003), and Policy LND4 (Landscape and countryside protection) of the Tewkesbury Borough Local Plan (adopted March 2006).

## **Airport Consultation Zone**

- 7.119 The site falls within the consultation zone for Gloucestershire Airport and both mineral sites and landfills have the potential to attract large birds. The applicant has included a statement from Gloucestershire Airport as part of the application which indicates that the proposals as they stand do not represent a hazard to the airport.

## **Archaeology**

- 7.120 Planning Policy Statement 5, published in 2010, states that in decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal, and that local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations.
- 7.121 The potential impact on archaeology is considered within the submitted Environmental Statement. The ES considers that there is the potential for adverse impacts on archaeology and proposes a mitigation strategy. The County Council's Senior Archaeological Officer concurs with the submitted information and approach, and recommends that model condition 55 of Circular 11/95 be imposed should consent be granted. Therefore I consider that, subject to the imposition of a planning condition requiring the implementation of a programme of archaeological work prior to the commencement of development, this proposal accords with PPS5(Planning for the Historic environment) through the proposed implementation of mitigation measures by means of condition, and Policy E4 (Protection of archaeological remains) of the Gloucestershire Minerals Local Plan as it will not cause significant damage to national or important archaeological remains.

## **Highways and Traffic**

- 7.122 Highways and traffic impact have been raised in particular by Stoke Orchard Parish Council and by other Parish Councils and other objectors as a major area for concern. Concern has been expressed about road and junction capacity, congestion, speed, safety, flow, mud and, spray from lorries and accidents, structural damage to property from HGV's, all of which it is claimed will be exacerbated should this application be approved. The ES at chapter 9 considers the likely impacts of the proposals on Stoke Orchard Road and the A435 to the north and south of Bishops Cleeve. Junction capacity and traffic flow assessments have been carried out to assess the impact of the proposal. The ES has considered the degree of impacts upon pedestrians and cyclists. The applicant suggests that analysis of historic data shows that there have been no accidents on the Stoke Orchard Road in the last 5 years that are attributable to the sites operations. It is therefore not unreasonable to assume that this pattern will continue.
- 7.123 The waste management facility has two wheel wash systems, one at each site entrance. In addition a road sweeper is used to ensure that any

extraneous material that is carried onto the public highway as a result of vehicles exiting the site is removed. I am confident that planning conditions could be imposed that would satisfy the requirement of Circular 11/95 to control mud and dust deposits on the public highway.

- 7.124 A Transport Assessment (TA) was submitted to accompany this application and the TA was based on the following assumptions concerning the annual tonnage of materials generated at the development:
- 142,546 tonnes per annum of non-hazardous waste up to early 2029;
  - 62,764 tonnes per annum of hazardous waste up to early 2027;
  - 7,067 tonnes per annum of exported sand and gravel up to the end of 2014, and
  - 38,400 tonnes per annum of exported clay up to mid 2026.
- 7.125 In addition, it was predicted that the MRF would take up to 50,000 tonnes per annum over the lifetime of its operations (i.e. to 2028). It was also estimated that some 37,500 tonnes of this (75%) would be recycled and moved off site, and 12,500 tonnes (25%) would be disposed of in the non-hazardous landfill part of the sit.
- 7.126 In order to provide baseline data the applicants used available traffic data from GCC surveys, which were primarily in 2007, and also new traffic surveys were undertaken in September 2008. The ES states that the traffic survey information was factored up to 2009 levels to produce the base year situation and then further factored up to 2014 and 2024 levels using the 2008 National Traffic Model low growth forecast adjusted by TEMpro version 5.4. These growth factors were also checked a new release of TEMpro 6.0 in January 2009. These assessment intervals were based on Department for Transport guidance and agreed with GCC Highways.
- 7.127 For the assessment the average weight of vehicles in tonnes was calculated from information from Grundon including weighbridge data and used to convert the predicted annual tonnages in to the predicted number of vehicles per year. These figure were then divided by the number of working days at the site to produce daily flows.
- 7.128 The recent traffic survey indicates that at present over the 12 hour day 162 HGVs enter the site and 153 leave the site. In the predicted Minimum Engineered Scheme scenario 138 HGVs would enter the site each day and 130 HGVs would leave the site each day.
- 7.129 The predicted 2014 flows for the proposed scheme, as detailed in table 9.10 of the ES, are 194 HGVs entering the site each day and 183 HGVs leaving. This represents an increase of approximately 20% compared with the present day traffic survey data, and the applicant contends that this is mainly due to the operation of the MRF. Table 9.10 predicts 12 hour traffic flows from 07:00 hours to 19:00 hours. Therefore the workers who arrive in their cars prior to 7am are not included in this prediction. With this proviso, the predicted overall number of traffic movements in this 12 hour period each day in the year 2014

are 524 movements, of which 377 of these (approximately 72% ) are HGV movements.

- 7.130 Due to the time that had elapsed since the original transport assessment work, the applicant has also submitted a review of planning permission granted in the vicinity of the site and updated highways accident data.
- 7.131 Concern about the safety of the western access has been raised by objectors. The access has been designed so that it is a right turn only junction for HGV's. This is enforced by the applicant, however the Highways Representative is recommending that appropriate signs are installed at the exit to further remind drivers that it is a right turn only. Further, there is a weight restriction order through Stoke Orchard, which should further reduce traffic in that direction, except for access.
- 7.132 The County Highways Representative has rigorously assessed the findings of the transport assessment and subject to the imposition of planning conditions in accordance with Government Guidance; Circular 11/95: Use of conditions in planning permission, and subject to the applicant first entering into a legal undertaking (under Section 106 of the Town and Country Planning Act 1990) planning to secure financial contributions towards highway safety and junction improvements, he can see no reason that the application could be refused on highway grounds. Therefore I consider that subject to the imposition of the appropriate planning conditions and completion of the legal undertaking that this proposal accords with Policies 39(Transport) and 40 (Highway network and safety) of the Gloucestershire Waste Local Plan (adopted October 2004), Policy DC5( Mitigation of Highway impacts through Planning obligations) of the Gloucestershire Minerals Local Plan (adopted April 2003), and Policy TPT1(Highway capacity)of the Tewkesbury Borough Local Plan (adopted March 2006).

## **Pollution Control**

- 7.133 Objectors have raised concerns about the pollution control regime and the ability of the relevant authorities to enforce control at the site. Areas for concern arise from emissions from the site whether air or water bourne. Objectors consider that there has been insufficient scientific investigation into the emissions from the site. Concerns are expressed about what might happen as a result of an accident as well as ongoing concerns about operations at the site. The prevailing winds and Cotswold Escarpment might trap pollutants. Concern is expressed that the site could cause drinking water pollution if a bund failed in one of the cells and leachate could pass into watercourses, this is of particular concern at times of flooding. It is felt by local residents that there is a need for air pollution analysis and health impact assessments. A representation has also been submitted suggesting that this is one of the most polluting sites in Europe and contains Persistent Organic Pollutants (POPs<sup>3</sup>). And it is contrary to the Stockholm Convention.

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<sup>3</sup> Persistent Organic Pollutants (POPs) are organic chemical substances, that is, they are carbon-based. They possess a particular combination of physical and chemical properties such that, once

- 7.134 The Stockholm Convention protects human health and the environment from persistent organic pollutants through a range of measures aimed at reducing and ultimately eliminating their releases. The Stockholm Convention on persistent organic pollutants was adopted on 22 May 2001 in Stockholm, Sweden and entered into force on 17 May 2004. This has been addressed in various reports on dust and pollution at the site and there is no firm evidence to substantiate this claim.
- 7.135 The issue of the effects of Volatile Organic Compounds (VOCs) has been raised in representation as a matter that may have an adverse effect on Human Health. VOCs are principally found in materials such as solvents and paints (now mainly removed in modern products), Benzene from petrol, and as a natural occurrence in the environment (from plants and the mineral composition of the ground. Methane is also a VOC which is obviously produced by landfills as a by-product of waste decomposition. Landfill gas is controlled through the management of the landfill and used to produce energy. VOCs are covered by various legislation under European directives and are controlled by the Environment Agency under the Environmental permit. There is no evidence to suggest VOCs pose any long term health problems from modern landfill sites.
- 7.136 It is important to remember that separate but complementary to the planning system is the permitting system which is administered by the Environment Agency (EA). The EA carries out regular checks on Grundon and other waste sites and can either modify or revoke elements or all of a site's licence. Therefore the permitting process is more of an ongoing inspection regime than occurs through the planning system whereby a decision is made at a point in time as to whether a planning application is acceptable or not, albeit with the imposition of planning conditions that can be monitored and enforced against.
- 7.137 PPS 10: Planning for Sustainable Waste Management, paragraphs 26 to 28, state that: *"In considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities. The planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable*

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released into the environment, they: remain intact for exceptionally long periods of time (many years); become widely distributed throughout the environment as a result of natural processes involving soil, water and, most notably, air; accumulate in the fatty tissue of living organisms including humans, and are found at higher concentrations at higher levels in the food chain; and are toxic to both humans and wildlife.

*use of the land, and the impacts of those uses on the development and use of land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.*

*28. Waste planning and pollution control authorities should work closely to ensure integrated and timely decisions under the complementary regimes. This can be assisted by applicants preparing and submitting planning and pollution control applications in parallel.”*

*In this respect the Waste Planning Authority has regard to the advice of the relevant statutory consultees responsible for controlling pollution under other regulatory powers. This also includes having regard to advice from the Environmental Health Officers and consideration of the Authorities role as the Strategic Flood Authority. In this respect the WPA can determine appropriate conditions to assist in the mitigation of environmental impacts from pollution by conditioning such issues as drainage schemes, final restoration contours, dust mitigation schemes, air quality schemes, storage of oils etc to compliment the permitting regime and ensure proper control of the development, I therefore consider that subject to the recommended conditions suggested by the pollution control bodies, the proposal is acceptable and complies with PPS23 (Planning and Pollution) WLP policies 33 (Water Resources and 37 (proximity to other Land uses) and Policy DC1 of the MLP by reason that satisfactory controls and mitigation can be put in place to protect the environment from potential adverse effects.*

- 7.138 There is concern that once landfilled, pollutants could leach into surrounding water courses and could adversely affect water quality. Hydrology and hydrogeology is addressed in chapter 12 of the ES, which assesses the possibility of effects on groundwater and surface water quality as a result of the accidental leakage of leachate from landfill cells. Mitigation measures are proposed to reduce the chance of this occurring and these measures are consistent with current practice at the site and meet the requirements of the sites Environmental permits, and therefore the requirements of the Landfill Regulations 2004 and the Waste Directive 2008. The ES concludes that there will be no significant residual impacts or cumulative effects predicted for the geological, hydrological and hydrogeological environment as a result of the proposed scheme, with the proposed mitigation measures in place.

### **Hydrogeology and surface water discharge**

- 7.139 The application site lies within an area of Quaternary River Terrace deposits that overlay blue Lower Lias clay. The Lower Lias clays at the site are described in the ES as being thick, stiff blue clay, firm grey clay and laminated clay similar to the Vale of Gloucester Lower Lias clays where a thickness of 300-350m is observed. The Lower Lias clay is classified as a 'non-aquifer', whilst the River Terrace Gravels are classified as a 'Minor Aquifer'. The application site does not lie within a Source Protection Zone and is within Flood Zone 1 (low flood risk). The application site is within the catchment of the River Severn, and the Dean Brook runs approximately 1 km to the north of the site and the Hyde Brook runs approximately 500m to the south of the site.

These watercourses flow in a westerly direction and join the River Swilgate approximately 2km to the west of the application site. The site has a surface water management plan that includes the use of 4 no. runoff attenuation ponds situated around the perimeter of the site. In addition, there is a separate surface water management plan for the MRF site.

- 7.140 The operations at the site must comply with the Environmental Permitting Regulations 2007 and the Groundwater Regulations 1998. This legislation is separate but complementary to planning legislation and the permit system requires a 4 yearly review of the Hydrogeological Risk Assessments for the 4 no. Environmental Permits for the site. The Environment Agency has not objected to this application on hydrological grounds and I consider that the proposal is in accordance with PPS25 (Development and flood risk), and saved Policy 33 (Water resources) of the Gloucestershire WLP and unsaved Policy 34 (Flood risk) of the Gloucestershire WLP.

### **Restoration and After Use**

- 7.141 The proposed after use of the site is for a mixture of agricultural fields and species rich grassland separated by a network of hedgerows with additional small clumps of woodland planting, farmland and passive recreation. At the public exhibition, prior to submission of this application, two potential restoration options were detailed. The more popular option was Option A which contained more of a grassland/hedgerow mix than Option B (which was more woodland, primarily in the central part of the site). The restoration also proposes a permissive footpath leading from the eastern of the two site accesses over the central part of the site, a surface water management pond in the south-eastern part of the site and additional newt ponds.
- 7.142 The proposed restoration scheme provides for biodiversity enhancement and does allow a degree of public access over part of the site. Subject to additional planting details and a scheme to provide for the ongoing maintenance and aftercare of the site post-restoration, I consider that the proposed restoration and afteruse is acceptable and accords with MPG7 (Reclamation of mineral workings), and the principles of PPS9, Policy 43 (Afteruse) of the Gloucestershire Waste Local Plan and Policy R1 (Reclamation of mineral sites) of the Gloucestershire Minerals Local Plan.

### **Other issues of concern**

- 7.143 Members of the public and SWARD have raised concerns about the pre-application consultation between the applicant and local residents that took place prior to the application being submitted. Concerns are expressed that the public exhibition was not easily accessible to local residents. Prior to submitting the application the applicant complied with the requirements set out in the Gloucestershire County Councils Statement of Community Involvement. In January 2007 the applicant sent out a survey to 8000 residents seeking to identify the views of the local people in respect of the continuing operation of the site, the approach to restoration and final afteruse.



A public exhibition was held on site in January 2009, on the applicants draft proposals. There was also the opportunity to take a trip around the site.

- 7.144 Property devaluation and loss of views have been raised as concerns by local residents. The devaluation of property and loss of views are not considered to be material considerations in the planning system.
- 7.145 Climate change has been raised by objectors as an area of concern, with emissions from the site contributing to climate change. Climate change and the impacts arising from the proposals, including the potential for in combination effects, are considered in the relevant chapters of the ES.
- 7.146 Concerns have been raised by objectors that the County Council have not followed correct consultation and democratic procedures, however it can be confirmed that publicity and consultation has been carried out well beyond the statutory minimum requirements and due process has been followed throughout.

#### **Economics and benefits of the site.**

- 7.147 There have been 75 letters of support and a petition signed by drivers and site operators highlighting the benefits that the site provides. These suggest that the site is very much needed and an important facility providing a good waste collection service. The site provides and supports local jobs and the economy. It is suggested that the site is subject to the highest level of monitoring controls possible and offers a safe and efficient disposal of hazardous and non-hazardous waste. It is felt that the site is well located and has a good supporting highway network. The merits of the proposed development in respect of its location and contribution towards achieving wider environmental and economic benefits of sustainable waste management should be given weight when considering the development.

#### **7.148 Human Rights**

From 2<sup>nd</sup> October 2000 the Human Rights Act 1998 has the effect of enshrining much of the European Convention on Human Rights in UK law. Under 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.

- 7.149 The main Convention rights relevant when considering planning proposals are Article 1 of the First Protocol (the peaceful enjoyment of property and possessions ) and Article 8 (the right to a private and family life). Article 1 of the First Protocol guarantees the right to peaceful enjoyment of property and possessions and Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life. Article 8 also provides that there shall be

no interference by a public authority with the exercise of this right except as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the freedom of others.

- 7.150 At the time of writing this report 1287 representations have been received relating to the application. For the reasons set out in the Planning Assessment and the proposed mitigation measures (secured through planning conditions and a Section 106 Agreement), it is not thought there would be any breach of the convention rights. Even if there was to be an interference with convention rights then, in this case, it is thought that the interference would be justified in the interests of public safety and for the protection of the health of the wider community by providing a waste facility which manages the treatment of waste both on a local and national level. Accordingly, it would not be unlawful to grant planning permission for this development.

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

- 7.151 The proposal is for the continued extraction of sand, gravel and clay and the restoration of the land through landfilling with hazardous and non-hazardous waste. Following careful consideration of the application and based on the information provided I consider that subject to the attached conditions, and the applicant entering into the S106 agreement within 6 months of the date of this decision, planning permission should be granted for the following reasons:
- 7.152 Concerns were raised regarding previous grant of planning permissions, past operations and practice at the site, however these are historical matters of fact and cannot be altered. I am of the opinion that they should not be given any significant weight in the decision making process and the application should be considered on its own merits as it stands.
- 7.153 The underlying need for the proposal is to complete mineral extraction and restore the site through landfilling. The use of the landfill capacity is to be supplemented by the pre-treatment of wastes at the MRF, with any residuals from that process being disposed of on site. The site has been identified in the draft Waste Core Strategy which suggests policy options for safeguarding existing or allocated waste sites from encroachment or sterilisation by incompatible land uses which is consistent with national policy PPS10 (Planning for sustainable waste management).
- 7.154 The applicant contends that the life expectancy of mineral workings and their restoration largely reflects market conditions and it has not been possible for the clay, sand and gravel to be extracted from the site within the previously permitted time scales. Whilst the sand and gravel extraction is reaching it's final stage, it would be inconsistent with national, regional and local policy guidance to allow that remaining reserve to be sterilised and lost. The

extraction of clay has a recognisable role to play in the provision of engineering clay for export to the local and regional market. The clay is also used on site for engineering purposes. The provision of clay is fully in accordance with national and local planning policy. This approach is supported by MPS1(Planning and minerals).

- 7.155 In conclusion on Alternatives; based on the submitted information and above assessment in the context of the main relevant policy of PPS10 (Planning for Sustainable Waste Management), PPG2 (Greenbelt), MPG7 (Reclamation of mineral workings), PPS23 (Planning and Pollution Control), Waste Local Plan (WLP) policies 42 (Reinstatement) and 43 (afteruse), Minerals Local Plan (MLP) policy R1 (Reclamation of mineral workings); I can only conclude that none of the alternatives provide for full compliance with the relevant policies and considerations and do not represent a satisfactory solution. Therefore the most practical option is that which forms the basis of this application.
- 7.156 Policy WCS10 of the Waste Core strategy supports the principle of the green belt and recognises the relationship between the green belt and existing waste management facilities. Policy GRB1 of the Tewkesbury Borough local Plan also follows the same approach and considers operations that maintain the openness of the green belt do not conflict with policy. For these reasons I consider that the proposal accords with Policy WCS 10 (Green Belt), Policy GRB1(Green Belt) and national policy PPG2 (Green Belt) as it does not conflict with the primary aims of the green belt and subject to conditions requiring phased restoration will ensure the impacts on the visual appearance of the green belt are reduced and negated over time. The completion of the landfill site would therefore not conflict with this fundamental aim of Green Belt policy.
- 7.157 Whilst there is substantial concern from residents about the effects of the proposal on health, the findings of the analysis undertaken, current national research and the fact that there are no objections to this proposal from the Environment Agency, the Health Protection Agency or the Health Authority (NHS Gloucestershire) is an indication that such concerns are not well founded.
- 7.158 Therefore consultees have provided a response based on the assumptions in the ES and the evidence from DustScan report and the dust monitoring project. These consultation responses need to be weighed against the perceived fear for health impacts that have been cited by a number of members of the public and the Parish Councils and local Councillors. Fear of health impacts, even if not borne out by the evidence, is in itself a material planning consideration. The weight that should be attached to this fear is for the decision maker. However, whilst a material consideration, it is my view, based on the assumptions in the ES and subsequent project assessment work that this application cannot be refused on health grounds. Although this planning application is a decision taken at a particular moment in time, the separate but parallel environmental permitting system can provide ongoing scrutiny of operations and require amendments if the situation at the site or best practice techniques change in the future. Therefore I consider that the

proposal complies with Policies 4 (waste management facilities for strategic sites) and 37 (Proximity to other land uses) of the Gloucestershire Waste Local Plan.

- 7.159 I therefore conclude that having regard to these factors and the perception of health risk as a material consideration, the proposals are in overall compliance with the development plan and the evidence available would suggest that Health and the perception of risk to health do not outweigh the development plan as a material consideration.
- 7.160 Whilst the issue of animal health and the possibility of the contamination of the surrounding land and subsequent impact on the food chain from grazing animals has been raised; it would be perfectly logical to conclude that any direct impacts on animal health would be similar to those on Human health as there is no evidence to suggest the surrounding land is or has been adversely contaminated by the operations or that the current environmental permitting regime does not adequately safeguard the environment from pollution. There appears to be little direct policy relating to domesticated animals and I therefore conclude that little weight can be afforded to this matter in terms of policy. As a material consideration based on the evidence available I consider the risk to animal health or the surrounding land to be negligible and therefore afford it little weight in the decision making process in this instance.
- 7.161 I am satisfied that the dust assessment in the ES complies with the requirements of the MPS2 and the proposed mitigation measures are sufficient to ameliorate any potential adverse effects and complies with the requirements of the MPS2 and policy 37 of the Gloucestershire Waste Local Plan. Since the application was submitted, the EA and the HPA have undertaken additional monitoring, which has confirmed that dust emissions from the site are not at levels sufficient to give rise to nuisance complaints or present a significant risk to health. Emissions to air are regulated and monitored by the EA through the sites Environmental permits.
- 7.162 Subject to the submission and implementation of acceptable schemes, and ongoing habitat maintenance, the proposal would contribute towards the protection and enhancement of biodiversity. Therefore I consider that the proposal is in accordance with PPS9 (biodiversity and Geological conservation) that encourages biodiversity and promotes the conservation and enhancement of habitat, Policy 25 (Conserving biodiversity) of the Gloucestershire Waste Local Plan, Policy E10 Enhancement of biodiversity) of the Gloucestershire Minerals Local Plan and Policy NCN5 (Protection and enhancement of Biodiversity) of the Tewkesbury Borough Local Plan.
- 7.163 The applicant has demonstrated that, subject to mitigation, operations at the site can take place within acceptable day time and night time noise limits, and therefore I consider that subject to appropriate conditions in respect of duration and types of operations at specified times of day this proposal accords with PPG24 (Planning and noise), MPS2 (Controlling and mitigating environmental effects of mineral extraction), Policies 37 (proximity to other

land uses) and 38 (hours of operation) of the Gloucestershire Waste Local Plan (adopted October 2004), Policy DC1(mitigation of adverse environmental effects) of the Gloucestershire Minerals Local Plan (adopted April 2003), and Policy EVT3 (avoidance of noise disturbance) of the Tewkesbury Borough Local Plan (adopted March 2006).

- 7.164 The issue of vibration is addressed adequately in the Environmental statement and no adverse impacts arise from the use of the site or highway associated with the HGV's using the proposed development. The proposal is therefore compliant with PPG23 (planning and noise and MPS2 (controlling environmental effects) in that no significant adverse impacts arise from the proposed development that cannot be controlled by conditions relating to appropriate hours of operation. Furthermore vibration as a result of HGV traffic should not create an adverse effect on properties associated with the highway network used to service the development.
- 7.165 The applicant has demonstrated that, an appropriate landscape and restoration scheme can be achieved and therefore I consider that this proposal accords with MPS2 (Controlling and mitigating effects of mineral extraction), Policies 42 (Reinstatement) of the Gloucestershire Waste Local Plan (adopted October 2004), Policy R1 (Reclamation of mineral sites) of the Gloucestershire Minerals Local Plan (adopted April 2003), and Policy LND4 (Landscape and countryside protection) of the Tewkesbury Borough Local Plan (adopted March 2006).
- 7.166 Subject to the imposition of a planning condition requiring the implementation of a programme of archaeological work prior to the commencement of development, this proposal accords with PPS5(Planning for the Historic environment) through the proposed implementation of mitigation measures by means of condition, and Policy E4 (Protection of archaeological remains) of the Gloucestershire Minerals Local Plan as it will not cause significant damage to national or important archaeological remains
- 7.167 Subject to the imposition of planning conditions and a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards highway safety and junction improvements, the application is acceptable on highway grounds and accords with Policies 39(Transport) and 40 (Highway network and safety) of the Gloucestershire Waste Local Plan (adopted October 2004), Policy DC5( Mitigation of Highway impacts through Planning obligations) of the Gloucestershire Minerals Local Plan (adopted April 2003), and Policy TPT1(Highway capacity) of the Tewkesbury Borough Local Plan (adopted March 2006).
- 7.168 It is considered that subject to the recommended conditions suggested by the pollution control bodies, the proposal is acceptable and complies with PPS23 (Planning and Pollution) WLP policies 33 (Water Resources and 37 (proximity to other Land uses) and Policy DC1 of the MLP by reason that satisfactory controls and mitigation can be put in place to protect the environment from potential adverse effects. The Environment Agency has not objected to this application on hydrological grounds and I consider that the proposal is in

accordance with PPS25 and saved Policy 33 (Water resources) of the Gloucestershire WLP and unsaved Policy 34 (Flood risk) of the Gloucestershire WLP.

- 7.169 The Environment Agency has not objected to this application on hydrological grounds and I consider that the proposal is in accordance with PPS25 and saved Policy 33 (Water resources) of the Gloucestershire WLP and unsaved Policy 34 (Flood risk) of the Gloucestershire WLP.
- 7.170 The proposed restoration scheme provides for biodiversity enhancement and does allow a degree of public access over part of the site. Subject to additional planting details and a scheme to provide for the ongoing maintenance and aftercare of the site post-restoration, the proposed restoration and after use is acceptable and accords with the principles of PPS9, Policy 43 (Afteruse) of the Gloucestershire Waste Local Plan and Policy R1 (Reclamation of mineral sites) of the Gloucestershire Minerals Local Plan.
- 7.171 The merits of the proposed development in respect of its location and contribution towards achieving wider environmental and economic benefits of sustainable waste management should be given weight when considering the development
- 7.172 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 outlined below:
- 7.173 Gloucestershire Structure Plan Second Review (Adopted 1999) – saved policies S4, S.6, E.4, WM.2, WM.3, W.1, P.1 and F.1;  
Gloucestershire Waste Local Plan 2002-2012 (Adopted October 2004), saved policies 12, 16, 25, 33, 37, 38, 39, 40, 42, 43 and 45;  
Gloucestershire Minerals Local Plan 1997-2006 (Adopted April 2003), saved policies DC.1, DC.2, DC.5, E4, E10, E11, E14, E16, E17, E18, E19, E20, R1, R2 and R3;  
Gloucestershire Waste Core Strategy (2012-2027) – Publication Version (dated December 2012), policies WCS10, WCS2 and WCS14; and  
Tewkesbury Borough local Plan (Adopted March 2006) policies GRB1, EVT2, EVT3, TPT1, TPT3, TPT5, NCN4, NCN5, NCN6, EMP4, LND4 and EVT5.
- 7.174 Following careful consideration of the application and based on the information provided together with consultation responses, I consider that subject to the attached conditions, and the applicant entering into the S106 agreement within 6 months of the date of this decision, that the proposed development is in accordance with the development plan and there are no justifiable planning reasons for refusal:-

## 8.0 RECOMMENDATION

- 8.1 Therefore it is recommended that planning permission be granted for the reasons set out in this report and summarised at paragraphs 7.151 to 7.174, and subject to the conditions set out in section 8 of this report and the applicant first entering into a legal undertaking (under Section 106 of the Town and Country Planning Act 1990) on or before the 31<sup>st</sup> March 2012, to provide £132,300 towards Stoke Road highway safety improvements and £60,000 towards A435 junction improvements.

**Conditions:**

**Commencement**

1. The development hereby permitted shall commence within 6 months of the date of this permission. Written notification of the date of commencement 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 and because the development is ongoing.

**Duration**

2. The development permitted shall cease on or before the following dates:
  - a. the importation of hazardous waste and the use of the waste treatment facility shall cease on or before the 31 December 2027;
  - b. the Materials Recovery Facility hereby permitted will cease operations on or before the 31<sup>st</sup> December 2028;
  - c. the importation on non-hazardous waste and the landfilling operations shall cease on or before the 31<sup>st</sup> December 2029;
  - d. The extraction of sand and gravel shall cease on or before the 31<sup>st</sup> December 2014;
  - e. all plant, machinery and buildings (except for the plant and equipment for the landfill gas engines and leachate treatment ( illustrated on plan no.GRU004 Revision A dated 30/04/09)) shall be dismantled and removed from the site on or before 31<sup>st</sup> December 2029;
  - f. the site shall be restored by 30<sup>th</sup> June 2030 or within 12 months of the achievement of the pre-settlement levels as illustrated on plan no. GRU005 (dated March 2009), whichever date is the earlier, in accordance with the relevant conditions below; and

- g. the plant and equipment for the landfill gas engines hereby authorised shall be removed from the site within 6 months of when it ceases to be used for electricity generation fuelled by the landfill gas.

**Reason:** To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Policy 42 of the Gloucestershire Waste local Plan, October 2004.

#### **Definition of permission.**

3. This planning permission shall only relate to the site area edged red on drawing number GRU001, Revision A Application area (dated 28/04/09). The landfilling of non-hazardous waste materials shall be restricted to cells 1a, 1b, 2,3,4 5,6,7,8,9a and 9b and hazardous waste restricted to cells A,B,C,D and E as shown on plan GRU011, Revision A (dated 30/04/09) - Phasing Plan.

**Reason:** To define the planning permission so that the development is carried out in accordance with the planning submission and in accordance with Policy 37 of the Gloucestershire Waste local Plan, October 2004.

#### **Approval of Plans and application documents**

4. The development hereby permitted shall be carried out in strict accordance with the submitted planning application 09/0028/TWMAJW and the following approved plans:

Existing site survey GRU001 Rev A dated 28/04/09  
Existing site plan GRU003 Rev A dated 28/04/09  
Proposed operational site plan GRU004 Rev A dated 30/04/09  
Pre-settlement restoration contours Rev 0 GRU005 dated March 2009  
Post-settlement restoration contours Rev 0 GRU006 dated March 2009  
Cross-section 1 GRU007 Rev 0 dated March 2009  
Cross section 2 GRU008 Rev 0 dated March 2009  
Cross section 3 GRU009 Rev 0 dated March 2009  
Cross section 4 GRU010 rev 0 dated March 2009  
Phasing pan GRU011 Rev A dated 30/04/09  
Surface water management plan GRU013 Rev 0 dated April 2009  
Proposed restoration scheme GRU014 Rev 0 dated April 2009  
Proposed MRF layout GRU016 Rev 016/03/09  
MRF/ Workshops Elevations GRU017 Rev 0 dated 16/04/2009  
MRF proposed Weighbridge GRU019 Rev 0 dated 16/04/09  
Existing wheel wash by MRF GRU020 dated 16/04/09  
Existing gates at MRF GRU021 dated 16/04/09  
Existing cycle shelter GRU022 dated 30/04/09  
MRF Fuel islands GRU023 dated 16/04/2009  
Vehicle wash down GRU024 dated 16/04/09  
Existing MRF surface water scheme GRU025 dated 16/03/09  
Waste treatment plant GRU026 dated 16/03/09  
Sand and gravel plant GRU027 (2 sheets) dated 16/03/09  
Mess and weighbridge GRU028 dated 16/03/09



Existing gas compound GRU029 dated 16/03/09  
Wheel wash and replacement gas engine GRU030 dated 16/03/09  
Wingmoor Farmhouse and barn GRU031 dated 16/03/09  
Wingmoor Farm main barn GRU032 dated 16/03/09  
Existing workshop and barns GRU033 dated 16/03/09  
Environmental compound GRU034 dated 16/03/09  
Building for bat roost mitigation GRU035 Rev A dated 030325  
Proposed noise attenuation bund in north west corner of site GRU036 April 09  
Proposed noise attenuation bund in north west corner of site - sections GRU037 April 09

and specifications with any scheme, working programme or other details submitted for the written approval of the Mineral and Waste Planning Authority in pursuance of any condition attached to this consent, except where varied by another condition of this consent.

**Reason:** To ensure that the development is carried as approved and to enable the Mineral and Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

5. The overall throughput of material through the site shall not exceed the following levels:
- a) The total amount of material received into the Materials Recovery Facility shall not exceed a level of 50,000 tonnes of general non-hazardous waste per annum,
  - b) The total amount of clinical waste accepted at the site shall not exceed a level of 500 tonnes per annum,
  - c) Not more than 38,400 tonnes of clay shall be extracted and removed from the site per annum,
  - d) Not more than 10,000 tonnes of sand and gravel shall be removed from the site per annum,
  - e) The total amount of hazardous waste accepted at the site shall not exceed 65,000 tonnes per annum, and 30,000 tonnes of inert waste for use as cover per annum,
  - f) The total amount of non-hazardous waste accepted at the site shall not exceed 250,000 tonnes per annum.

**Reason:** To define the planning permission, and in order that the Minerals Waste Planning Authority can control the throughput of the site, in the interests of highway safety and to ensure that the development is carried out in accordance with the approved plans and in accordance with Policies 37 and 40 of the Gloucestershire Waste Local Plan, October 2004.

### **Restriction of permitted development rights**

6. Notwithstanding the provisions of part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification):
  - (a) No fixed plant or machinery, building structures and erections, or private ways shall be erected, extended, installed or replaced within the site without the prior written approval of the Minerals and Waste Planning Authority.
  - (b) No additional lights or fences shall be installed or erected at the site unless details of them have first been submitted to and approved in writing by the Minerals and Waste Planning Authority.

**Reason:** The site is in the Green Belt and there is a need to secure control over additional plant and machinery, in the interests of the amenities of the area and in accordance with Policy 37 of the Gloucestershire Waste local Plan, October 2004.

### **Buildings Plant and Machinery**

7. Within 6 months of the date of commencement of this permission a programme and timetable for the closure and removal of the office and maintenance functions in the Wingmoor Farm buildings and for the completion of the car parking, vehicle manoeuvring facilities at the MRF, and internal footway shall be submitted for the written approval of the Minerals and Waste Planning Authority. The scheme shall be implemented and completed as approved.

**Reason:** To ensure that redundant buildings and uses are removed from the site within a reasonable timescale and to comply with Policy S6 of the Gloucestershire Structure Plan Second Review (Adopted 1999)

8. The Materials Recycling Facility and its building as shown on plan no GRU004 (dated 30/04/2009), the vehicle service area and associated offices shall be used solely in association with and ancillary to the operation of the Waste management Facility.

**Reason:** the site is within the Green Belt and there is a need for the Mineral and Waste Planning Authority to retain control over the site and in accordance Policy 37 of the Gloucestershire Waste local Plan, October 2004 and Policy S6 of the Gloucestershire Structure Plan Second Review (November 1999)

9. There shall be no importation of sand and gravel to the site.

**Reason:** In the interests of the amenity of the local area and in accordance Policy 37 of the Gloucestershire Waste local Plan, October 2004.

### **Highway Conditions.**

10. The No Left Turn sign at the Western access, within the curtilage of the site shall be maintained for the duration of the permission.

**Reason:** In the interest of highway safety and in accordance with Policy 40 of the Gloucestershire Waste local Plan, October 2004 .

11. The Eastern and Western accesses as indicated on plan no. GRU004 Rev A (Dated 30/04/09) shall be surfaced in bituminous macadam, or other approved material for at least the first 30.0 metres from the edge of the public highway and thereafter similarly maintained.

**Reason:** To prevent loose material being carried onto the highway in the interests of highway safety and in accordance with Policy 40 of the Gloucestershire Waste local Plan, October 2004.

12. Visibility splays to the Western and Eastern accesses illustrated on plan no. GRU004 Rev A (Dated 30/04/09) shall be maintained to provide visibility extending from a point 3.0 metres back from the carriageway edge along the access centre line to a point on the nearside carriageway edge 90.0 metres distant in each direction with the area in advance of the splay lines so defined cleared of all obstructions to visibility and thereafter similarly maintained.

**Reason:** To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety and in accordance Policy 40 of the Gloucestershire Waste local Plan, October 2004.

13. Within 3 months of the date of commencement of this permission the car parking and manoeuvring facilities and internal road and footway layout shall be completed in all respects in accordance with the submitted details plan no. GRU004 Rev A (Dated 30/04/09) Proposed Operational Site Layout, and shall be similarly maintained thereafter for that purpose.

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

14. No loaded lorries shall leave the site un-sheeted except those only carrying stone in excess of 500mm.

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

15. The wheel cleaning facilities installed on the haul road approach from the Western access and the wheel cleaning facilities installed on the haul road approach from the Eastern access adjacent to the MRF shall be maintained and used until the access road to the landfill site is removed and restored upon completion of phases 1b and 9b, as illustrated on plan no. GRU011 – Phasing Plan (dated 30/04/09).

**Reason:** In the interests of highway safety and to prevent mud and dust getting on the highway and in accordance with Policy 40 of the Gloucestershire Waste local Plan, October 2004.

16. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent materials being deposited on the highway.

**Reason:** In the interests of highway safety and to prevent mud and dust getting on the highway and in accordance with Policy 40 of the Gloucestershire Waste local Plan, October 2004.

17. From the date of commencement of this permission the operator(s) shall maintain records of their monthly throughput including mineral production, import of hazardous and non-hazardous waste, clinical waste, inert waste and non-putrescible waste at the MRF and shall make them available to the Mineral and Waste Planning Authority at any time upon request. The records should be kept for a minimum of 12 months.

**Reason:** In order that the Minerals and Waste Planning Authority can monitor the throughput of the site, in the interests of highway safety and in accordance with Policy 40 of the Gloucestershire Waste local Plan, October 2004.

18. Within 6 months of the date of the date of commencement of this permission a scheme for monitoring the weighbridge throughput shall have been submitted to the Minerals and Waste Planning Authority for their written approval. The CCTV weight limit monitoring and enforcement facilities shall then be completed and installed in all respects and in accordance with the approved scheme within 12 months of the date of approval.

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

19. There shall be no general public use of the Materials Recovery Facility.

**Reason:** General public use of the facility would be likely to generate additional traffic and resultant possible hazards or nuisance. Such usage would require further analysis and possible remedial works and in accordance with Policy 40 of the Gloucestershire Waste local Plan, October 2004.

20. Access to and egress from the site, shall only be via the Eastern and western accesses to Stoke Orchard Road as shown in drawing number GRU004 rev A (dated 30/04/09).

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

### **Hours of Operation**

21. The following restrictions shall apply to the operations of the site:
- a) there shall be no acceptance of waste to the Materials Recovery Facility, no transportation of waste, or landfilling operations, or mineral operations (including the manoeuvring, loading, unloading of vehicles, or any primary or ancillary activity associated with the waste management facility or mineral extraction operations), on the Site and with the exception of deliveries to the waste treatment plant no HGVs shall enter or leave the site except between the following hours:  
07:00 – 18:00 Monday to Friday; and  
07:30 – 13:00 Saturday
  - b) operations within the MRF building, including vehicle servicing shall only take place between the following hours:  
06:30 – 21:00 Monday to Friday; and  
07:00 – 14:00 Saturday.
  - c) Access to the waste treatment plant (APC treatment plant) for deliveries is permitted 24 hours a day, 7 days a week.

Except in emergencies (details of which shall be communicated to the Minerals and Waste Planning Authority as soon as possible after the event) and with the exception of operations within the Materials Recycling Facility building, there shall be no waste delivered to the site and no operations at the Site on Sundays, Bank or Public Holidays except for essential maintenance work or in response to any emergencies.

**Reason:** In the interests of amenity of the area and in accordance with Policy P.1 of the Gloucestershire Structure Plan Second Review and Policies 37 and 38 of the Gloucestershire Waste local Plan, October 2004.

### Noise

22. All plant and machinery shall be fitted with and use effective silencers at all times in accordance with the manufacturers recommendations and shall operate only within the permitted hours.

**Reason:** To reduce the impact of the development on the locality in accordance with Policy 37 of the Gloucestershire Waste Local Plan and Policy P.1 of the Gloucestershire Structure Plan Second Review, adopted 1999.

23. Within 6 months of the date of this permission an amenity and site management control scheme to control dust, noise and litter shall be submitted for the written approval of the Minerals and Waste Planning Authority. The scheme shall be based upon the amenity and site management controls including noise attenuating measures detailed in paragraphs 3.82 to 3.95 of the Environmental Statement. The approved scheme shall be implemented in full within 3 months of the date of approval and maintained for the duration of the planning permission.

**Reason:** To protect the amenity of the locality, especially for people living and working nearby and to conform with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

24. Between the hours of 0700 and 1800 hours, the noise levels arising from the development shall not exceed 55 dB [L<sub>Aeq</sub>][one hour], freefield, at the curtilage of any of the noise sensitive properties [known as Home Farm, Wingmoor Lodge, Four Acres, and Haydon].

**Reason:** In the interests of the local amenity and to comply with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

25. Between the hours of 1800 hours and 0700 hours, the noise levels arising from the development shall not exceed 42dB[L<sub>Aeq</sub>][one hour], freefield at the curtilage of any of the noise sensitive properties [known as Home Farm, Wingmoor Lodge, Four Acres, and Haydon].

**Reason:** In the interests of the local amenity and to comply with Policy 37 of the Gloucestershire Waste Local Plan, October 2004.

26. Without prejudice to the requirements of any other conditions of this consent, the authorised operation shall be so conducted that noise emitted from engineering and restoration operations shall not exceed 70dB(L<sub>Aeq</sub>)(1hr)(freefield) at the curtilage of any of the noise sensitive properties [known as Home Farm, Wingmoor Lodge, Four Acres, and Haydon] when stripping soils and overburden from the site, for a maximum period of eight weeks in any 1 year period between 1<sup>st</sup> January to the 31<sup>st</sup> December of the same year.

**Reason:** To protect the amenities of residents and to comply with Policy 37 of the Gloucestershire Waste Local Plan, October 2004

### **Dust**

27. The operator shall provide, implement and maintain effective dust suppression measures, including damping down of the site accesses, all haul roads and mineral stockpiles during periods of prolonged dry weather in accordance with appropriate mitigation measures proposed in paragraphs 11.96 and 11.97 of chapter 11 (Air Quality) of the Environmental Statement.

**Reason:** To minimise environmental impact and to safeguard the amenities of local residents and to comply with Policy 37 of the Gloucestershire Waste Local Plan, October 2004

28. Any vehicles used for the movement of any material, including soil, overburden or aggregate, shall have exhausts pointed away from the ground and heavy plant shall be fitted with radiator fan deflector plates.

**Reason:** In the interests of amenity, and to minimise any disturbance or nuisance that may be caused by noise or dust to local residents and users of the area, and to accord with Policy E20 of the Gloucestershire Minerals Local Plan (Adopted April 2003)

### **Litter**

29. Litter shall be prevented from leaving the site through the use of litter fences, placing daily cover on wastes, and regular litter picking. During periods where windblown litter cannot be controlled by the mitigation measures in place, the site shall be closed.

**Reason:** To minimise environmental impact and to safeguard the amenities of local residents and to comply with Policy 37 of the Gloucestershire Waste Local Plan, October 2004

### **Lighting**

30. Details of any/all external floodlighting and other illumination proposed at the site shall be submitted for the written approval of the Mineral and Waste Planning Authority within 6 months of the date of this permission. These details shall include: height of the floodlighting posts, intensity of the lights (specified in LUX levels), spread of light including approximate light spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of floodlighting or disturbance through glare (such as shrouding), and the time when such lights will be illuminated. The proposals shall be implemented as approved and maintained as such thereafter for the duration of the use.

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

### **Environmental Protection / Pollution Control**

31. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution of the water environment and to conform with Policy 33 of the Gloucestershire Waste Local Plan, Oct 2004 and Policies P1

and W1 of the Gloucestershire Structure Plan Second Review (Adopted November 1999).

32. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from the Eastern and Western access roads, parking areas and hard standing shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**Reason:** To prevent pollution of the water environment and to conform with Policy 33 of the Gloucestershire Waste Local Plan, Oct 2004 and Policies P1 and W1 of the Gloucestershire Structure Plan Second Review (Adopted November 1999).

33. Within 12 months of the date of commencement of this permission, a scheme for a detailed surface water drainage strategy for the restoration phase(s) of the development based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The scheme shall subsequently be implemented and completed in accordance with the approved details.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion
- time scales for implementation

**Reason:** To ensure the future surface water drainage system minimises the risk of surface water flooding, improves and protects water quality, improves habitat and amenity, and ensures future maintenance of the surface water drainage system and to conform with Policy 33 of the Gloucestershire Waste Local Plan, Oct 2004 and Policy W1 of the Gloucestershire Structure Plan Second Review (Adopted November 1999).

34. Leachate treatment facilities shall not be brought into operation at the site until detail of the plant and buildings, including design, dimensions, materials and maintenance scheme, have been submitted to and approved in writing by the Mineral and Waste Planning Authority.

**Reason:** To minimise environmental impact and to safeguard the amenities of local residents and to comply with Policy 37 of the Gloucestershire Waste Local Plan, October 2004

#### **Protection of the railway line**

35. No operations shall take place within a lateral distance of 25 metres from the railway boundary, and outside that distance no excavation shall take place



that will encroach upon the plane drawn at 1 vertical to 1.5 horizontal downwards from the 25 metre berm.

**Reason:** To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land and to comply with Policy 37 of the Gloucestershire Waste Local Plan, Oct 2004.

36. The exposed face of the working, adjacent to the railway boundary, shall be maintained in a stable condition until backfilling takes place.

**Reason:** To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land and to comply with Policy 37 of the Gloucestershire Waste Local Plan, Oct 2004.

37. Trees planted close to the railway should be located at a distance in excess of their mature height from railway property.

**Reason:** Derailment of trains can occur where trees are blown down across railway tracks and to comply with Policy 37 of the Gloucestershire Waste local Plan, October 2004.

38. The works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway without the prior written approval of the Waste Planning Authority.

**Reason:** To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land and to comply with Policy 37 of the Gloucestershire Waste Local Plan, Oct 2004 and Policies P1 and W1 of the Gloucestershire Structure Plan Second Review (Adopted November 1999).

39. Storm or surface water must not be discharged onto or towards Network rail property.

**Reason:** To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land and to comply with Policy 37 of the Gloucestershire Waste Local Plan, Oct 2004 and Policies P1 and W1 of the Gloucestershire Structure Plan Second Review (Adopted November 1999).

40. Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed within 25 meters of the railway boundary or at any point which could adversely affect the stability of Network Rail infrastructure.

**Reason:** To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land and to comply with Policy 37 of the Gloucestershire Waste Local Plan, Oct 2004 and Policies P1 and W1

of the Gloucestershire Structure Plan Second Review (Adopted November 1999).

41. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over the railway infrastructure. All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

**Reason:** To maintain the safety of the railway operations and to comply with Policy 37 of the Gloucestershire Waste Local Plan, Oct 2004.

42. A suitable trespass-proof fence adjacent to the existing railway boundary shall be provided by the developer when public access to the permissive footpath is allowed.

**Reason:** To prevent public access to the railway and to comply with Policy 37 of the Gloucestershire Waste Local Plan, Oct 2004.

### **Archaeology**

43. No stripping of topsoil shall take place from the remaining sand and gravel reserves area as illustrated on plan GRU004 Rev A, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Minerals and Waste Planning Authority.

**Reason:** To enable sites of archaeological interest to be adequately investigated and recorded and to comply with Policy 29 of the Gloucestershire Waste local Plan, October 2004.

### **Ecology**

44. No demolition of any structures or buildings shall take place until further details to support the Bat Mitigation Strategy have been submitted to and approved in writing by the Minerals and Waste Planning Authority. The further details shall be based on the Bat Survey Report SLR Ref: 404-0013-00040 dated March 2009, Appendix 14.1 of the Environmental Statement dated May 2009, Part B Statutory Consultee Representations November 2009 paragraphs 4.4 to 4.9, Bat Mitigation Details in Part C Appendix 21 dated November 2009 as well as new survey work from the year 2011 onwards. The Scheme should be compiled by a suitably qualified ecologist and include appropriate measures for:

- (a) further survey and assessment of suitable buildings for and occupied by bats prior to them being demolished or retained
- (b) construction of a new bat barn

- (c) access points for bats in new and retained buildings
- (d) provision of bat roosting locations on or close to the site for example by the provision of boxes on trees in suitable locations
- (e) details on how the landscape restoration and management scheme will conserve and enhance bat populations
- (f) personnel responsible for implementation, supervision and monitoring of the scheme (Ecological Clerk of Works)
- (g) a detailed timetable of the measures to be undertaken

The measures shall be implemented in accordance with the approved measures of the Bat Mitigation Scheme and Mitigation Strategies in Appendix 14.1 of the Environmental Statement dated May 2009 and any updated surveys from 2011 onwards carried out for badgers, reptiles and great crested newts unless otherwise approved in writing by the Minerals and Waste Planning Authority.

**Reason:** To ensure that bats and features that they depend on are conserved and enhanced and to comply with Policy 25 of the Gloucestershire Waste local Plan, October 2004.

45. A Landscape Restoration and Management Scheme based on a revised version of Figure GRU014 of the planning application and Appendix 2 part A of the Supporting Statement and incorporating the specific mitigation and enhancement measures as set out in Appendix 14.1 of the Environmental Statement shall be submitted to and approved by the Minerals and Waste Planning Authority within 12 months of the implementation of this consent. The plan shall include:

- (i) A description of the habitat and landscape features to be managed;
- (ii) Aims and objectives of management;
- (iii) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
- (iv) A work schedule (including a 5 yr project register and a long-term after-care work plan);
- (v) Monitoring and remedial/contingency measures;
- (vi) Personnel responsible for implementation of the scheme.

The scheme shall be carried out as approved, unless otherwise approved in writing by the Minerals and Waste Planning Authority.

**Reason:** To conserve and enhance local biodiversity and to comply with Policy 25 of the Gloucestershire Waste local Plan, October 2004.

46. Prior to the construction of the bat relocation building details of the external materials to be used in the construction of the building shall be submitted for the written approval of the Mineral and waste Planning Authority. The details shall be implemented as approved.

**Reason:** To minimise environmental impact and to safeguard the amenities of local residents and to comply with Policy S6 of the Gloucestershire Structure Plan second review (Adopted 1999).

### **Landscape**

47. No trees (as defined in BS5837:2005) that lie within 10 metres of the proposed works (mineral excavation and landfilling area), hereby approved, shall be removed or receive any tree surgery nor shall the proposed works if trees are affected be commenced unless and until an arboricultural report, prepared in accordance with BS 5837, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed details. Any necessary protection and/or any removal of or works to trees shall be carried out in accordance with the agreed details and timescale. Any existing vegetation that dies as a result of the works shall be subject to replacement, the details of which are to be agreed in writing by the planning authority.

**Reason:** This to protect the boundary and site trees without the requirement for a full arboricultural survey that may cause the applicant abortive work and costs given the timescales involved and scope of work, and to comply with Policy 37 of the Gloucestershire Waste local Plan, October 2004.

48. Within 6 months of the date of this permission, a detailed landscape scheme to restore the site to agriculture and nature conservation shall be submitted for the written approval of the Mineral and Waste Planning Authority and thereafter shall be implemented to the agreed timescales. The submitted scheme shall be based on drawing SK/1823/001/100309 and shall include details of:

- a) the aims and objectives of the restoration, enhancement and maintenance of the land for biodiversity and landscape;
- b) a description of the habitat and landscape features to be created and managed including the position, height, types and species of all trees, shrubs and areas to be seeded. All nursery stock shall be local native provenance;
- c) the reinstatement of the area currently occupied by the more westerly of the two central agricultural buildings;
- d) the removal of boundary and internal conifer hedges and their replacement with broad leaf native tree and shrub species indigenous to the area;
- e) details of the size, spacing and protection of hedgerows, planting. The hedgerow should include hedgerow trees as feather standard or larger at roughly 10 cm centres.
- f) the surface water management ponds and aquatic/marginal planting;

- g) the phasing of landscape restoration for the site including the timescale and extent of each phase, ensuring that each phase has been approved in writing prior to the commencement of each subsequent phase.

**Reason:** To ensure the satisfactory and timely restoration of the site as works progress in accordance with Policy 42 of the adopted Gloucestershire Waste Local Plan, October 2004.

### **Landscape Management Plan**

- 49. Within 6 months of the date of this permission, a landscape management plan shall be submitted for the written approval of the Mineral and Waste Planning Authority and thereafter the scheme shall be implemented as approved. The landscape management plan shall include details of:
  - a) the management of the existing tree and shrub belt surrounding the site, of areas already restored and of future restoration phases from completion of the restoration works for a period of 15 years thereafter.
  - b) a schedule of meetings to be held between the site operator and the Waste Planning Authority at 12 months intervals after the date of approval. Meetings shall be held until the completion of works and thereafter 5 yearly until the end of the restoration management period to review progress on phased landscape restoration scheme and agree any remedial works necessary including replacement planting for any species which fails to thrive for a period of 5 years following completion of the restoration scheme. Thereafter tree and shrub planting shall be associated with a commercial horticultural use.

**Reason:** To ensure the successful restoration of the site, so that landscape, visual and biodiversity requirements are met in order to comply with Policy 42 of the approved Gloucestershire Waste Local Plan, October 2004.

- 50. 6 months prior to their installation and no later than 12 months before the completion of restoration works, which ever is the earlier, the applicant shall submit for approval in writing details and locations of all permanent fencing, gates or similar, hard surfacings, and structures or buildings to be retained at the completion of the restoration works to include materials, finishes and colours. For the two retained access points from Stoke Road and of the leachate and gas engine compounds the details should provide for the removal of built features and restoration of the site at the point these and other monitoring equipment is no longer required. The approved scheme should be implemented and completed as approved.

**Reason:** This to ensure an appropriate, rural appearance to the restored site in keeping with the surrounding landscape and to comply with Policy 42 of the Gloucestershire Waste local Plan, October 2004.

- 51. Within 12 months of the commencement of this permission the applicant shall submit for approval in writing details of a scheme of permissive public access

to the site to include details of finishes, timescales for opening up areas to public access and compliance with the Disability Discrimination Act (DDA) provision. It should include details for interpretive material to cover the history of the site and the key wildlife habitat creation and management works. The approved scheme should be implemented and completed as approved.

**Reason:** This to ensure appropriate and early public access to the restored area for the general benefit and health of the public and to comply with Policy 41 of the Gloucestershire Waste local Plan, October 2004

### **Premature cessation of landfilling operations**

52. In the event of a cessation of operations (the date of which should be communicated to the Mineral and Waste Planning Authority within 14 days of such cessation) , for a period exceeding 6 months, at any time before the development is completed, a reinstatement and restoration scheme shall be submitted to the Waste Planning Authority for written approval within 9 months of the cessation. The scheme shall provide revised details of final levels, restoration, capping, landscaping and a timescale for the implementation of the scheme and each element within it. The approved scheme shall be carried out in accordance within the approved timescale

**Reason:** to secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Policy 42 of the Gloucestershire Waste local Plan, October 2004

53. A review of the available void space and rates of infill at the site shall be carried out by the operator, or successor in title, and submitted to the waste planning authority by 1<sup>st</sup> December 2022. If the pre-settlement restoration levels shown on Drawing No. GRU005 (dated March 2009) are unlikely to be met in accordance with dates set out in Condition 2 above a revised scheme to provide for complete restoration of the site by 30<sup>th</sup> June 2030 shall be submitted to and approved in writing. Once such a scheme has been approved, it shall be implemented in full, including if necessary seeking planning permission for the changes to the operations and restoration scheme

**Reason:** to secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Policy 42 of the Gloucestershire Waste local Plan, October 2004

### **Restoration**

54. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery (including the MRF and associated office accommodation), the weighbridge, and wheel wash used in connection with the development hereby permitted shall be removed from the site when they are respectively no longer required for the purpose for which they were installed and in any case not later than 30<sup>th</sup> June 2030 and upon

their removal the land shall be restored in accordance with the agreed restoration scheme

**Reason:** To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply to secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Policy 42 of the Gloucestershire Waste local Plan, October 2004

55. The waste treatment plant associated with the hazardous waste shall be removed from the site on or before the 30<sup>th</sup> June 2028 or upon the cessation of the importation of hazardous waste, whichever is the sooner. The site shall be restored in accordance with the agreed restoration scheme.

**Reason:** To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply to secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Policy 42 of the Gloucestershire Waste local Plan, October 2004

#### **Advice Notes to the Applicant:**

1. The Highways Authority will seek to recover extraordinary maintenance payments for any damage to the Stoke Orchard Road in the vicinity of the site access and unclassified roads as identified in the routing plan, that are attributed to the proposed operations in accordance with the provisions of Section 59 of the Highways Act 1980.
2. If a protected species (such as great crested newt, badger or reptile) is discovered using a feature on site that would be affected by the development or construction work all work at that locality should cease. A suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats & c.) Regulations 2010 and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development.
3. If at any time nesting birds are observed on site, then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife and Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed onto any persons/contractors carrying out the development.

4. In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [ preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

#### **Final drainage scheme for restoration phase**

5. We require that the final drainage scheme post restoration is designed in accordance with PPS 25 (or any future update of this policy). This will entail designing all drainage features including ditches to at least the 1 in 100 year flood event plus the appropriate allowance for climate change. We also advise an assessment of an extreme event and residual risk is included (this could be based on the rainfall that occurred on the 19 and 20 July 2007 that contributed to the significant floods in the area at that time).
6. We recommend including a specific sacrificial area within the final pond designs to minimise future disturbance to these features through future maintenance.

#### **Record Keeping**

7. From the commencement of the development (as notified pursuant to condition 1) to the cessation of the use hereby permitted a copy of the terms of this planning permission including all documents hereby approved and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed at the office on the site and shall be made known to any person(s) given responsibility for the management or control of the waste operations on site.

#### **Network Rail – landfilling with putrescible waste**

8. The control, management and monitoring of landfill gas and leachate must be undertaken in accordance with the Pollution Prevention and Control regulations, and the guidance outlined by the Department of Environment Waste management paper No.27.
9. It would be preferable for deciduous trees and pines not to be planted close to the operational railway to avoid shedding of foliage which can present operational difficulties.
10. For safety reasons, Network Rail needs to be aware of all development adjacent to its property and should be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working, limits of extraction and nature of any waste materials.
11. To prevent contamination of the railway property, all appropriate measures shall be employed to ensure that litter from the site does not enter Network Rail Property.



12. To prevent contamination of railway property If the levels of methane (CH<sub>4</sub>) or carbon dioxide (CO<sub>2</sub>) recorded in monitoring boreholes sited alongside the railway property achieve the trigger levels specified in the Waste Management paper 27 (which are CH<sub>4</sub> 1% by volume in air, and CO<sub>2</sub> 1.5% by volume in air), or the levels as specified in the site licence, Network Rail requires immediate notification of such an occurrence together with copies of the gas monitoring results and details of the measures to be implemented to mitigate the situation.
13. There must be no reduction in the effectiveness of any drain or watercourse belonging to Network rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys.
14. Storm or surface water drainage: Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

### **Central Networks**

15. Any alteration, building or ground works proposed in the vicinity of Central network cables that may or may not directly affect Central Network cables, must be notified in detail to Central Networks.
16. Gloucestershire Geological Trust should be allowed reasonable periodic access to the site for scientific recording

### **BACKGROUND PAPERS:**

Planning Application 09/0028/TWMAJW, accompanying plans, supporting information.

Environmental Impact Assessment and Non-Technical Summary (plus updated survey work May 2011)

Additional information submitted by the applicant and received on 5 November 2009.

Neighbourhood Health Profile by Tewkesbury Primary Care Trust (now Gloucestershire PCT). (Updated in 2009)

Health Impact Assessment.

Dustscan Report

Consultation Responses

Letters of Representations

### **CONTACT OFFICER:**

Case Officer – Sarah Pearse Principal Planning Officer 01452 425617

Gillian Parkinson Legal and Democratic Services. 01452 425212

<b>Application History.</b>	
<b>Consultee</b>	<b>Time taken (weeks)</b>
Tewkesbury Borough Council	4

Cheltenham Borough Council	2
Bishop's Cleeve Parish Council	1
Stoke Orchard Parish Council	2
Uckington Parish Council	35
Swindon Parish Council	4
Elmstone Hardwicke Parish Council	2
Gotherington Parish Council	6
NHS Gloucestershire	1
Environment Agency	15
Railtrack/Network Rail.	5
Natural England	11
Central Networks	1
Health and Safety Executive	8
Gloucestershire Geological Trust	11
County Ecology	1
County Highways	10
Landscape advisor	7
Archaeology	1
<b>Time taken.</b>	<b>123</b>

This table provides the take taken for the relevant consultee to provide their initial response.

# Appendix 1

## **Planning Policy Guidance Note (PPG2) Green Belts**

Planning Policy Guidance 2 (PPG2) outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

Annex C of PPG2 refers to the future of major developed sites in the Green Belt, and states that: *“whether they are redundant or in continuing use, the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it. ... redevelopment should*

*(a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;*

*(b) contribute to the achievement of the objectives for the use of land in Green Belts. “*

Mining operations, and other development

Paragraph 3.11 states that *“minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. Mineral and local planning authorities should include appropriate policies in their development plans. Mineral planning authorities should ensure that planning conditions for mineral working sites within Green Belts achieve suitable environmental standards and restoration. Relevant advice is in MPG2 and MPG7.”*

Paragraph 3.12 states that: *“the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.”*

(Advice on material changes in the use of buildings is given in paragraph 3.8 above).

## **Planning Policy Statement (PPS 5): Planning for the Historic Environment**

Planning Policy Statement 5 (PPS5) sets out the Secretary of State's policy on heritage assets and their settings, and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries under the development plan and control

systems, including the weight to be given to them in planning decisions and the use of planning conditions.

### **Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation**

The Government's objectives in PPS9 seek to:

- **promote sustainable development** by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.
- **conserve, enhance and restore the diversity of England's wildlife and geology** by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.
- **contribute to rural renewal and urban renaissance by:**
  - enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and
  - ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

Of particular relevance are paragraphs 13 and 14 of PPS9:-

#### **Previously Developed Land**

13. The re-use of previously developed land for new development makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However, where such sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.

#### **Biodiversity within Developments**

14. Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.

### **Planning Policy Statement (PPS) 10 – Planning for Sustainable Waste Management**

PPS10 encourages communities to take responsibility for their own waste and to enable waste to be disposed of in one of the nearest appropriate installations. The statement promotes sustainable waste management whereby waste is moved up the waste hierarchy of reduction, reuse, recycling and composting and waste to energy, with waste disposal to landfill as a last resort.

When determining planning applications the PPS is a material consideration which may supersede policies in development plans and waste planning authorities should therefore not place requirements on applicants which are inconsistent with the PPS.

Paragraph 27 states that: *“in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of the processes which are a matter for the pollution control authorities....The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of the land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.”*

Paragraph 29 states that in considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity as referred to in annex E. Paragraph 30 also refers to health indicating that *“Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. [And that] “The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public interest to ensure that the location of proposed development is acceptable and health can be material to such decisions.”*

Paragraph 31 states that: *“ where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies. Rather they should ensure, through drawing from Government advice and research and consultation with the relevant health authorities and agencies, that they have advice on the implications for health, if any, and when determining planning applications consider the locational implications of such advice. In turn the relevant health authorities and agencies will require sufficient understanding of the proposed waste management process to provide considered advice.”*

The requirement for applicants to demonstrate that their proposal represents the Best Practicable Environmental Option (BPEO), that was a former requirement of previous guidance (PPG10) has been removed.

### **Planning Policy Guidance Note (PPG 13): Transport**

The objectives of Planning Policy Guidance 13 objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

### **Planning Policy Statement (PPS 23): Planning and Pollution Control.**

PPS23 sets out the material considerations that should be taken into account determining planning applications for developments that may give rise to pollution. PPS23 notes that the planning and pollution control systems are separate but complementary.

PPS23 states that any air or water consideration is capable of being a material consideration in so far as it affects land use.

The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of the processes or emissions themselves. Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.

PPS23 recommends close liaison with pollution control authorities and that Planning Authorities should ensure that the pollution control authority is satisfied the proposal can be regulated under the pollution control regime. Planning Authorities should also ensure that the cumulative effects of the pollution from a proposal, taking into account the existing sources of pollution, do not make a proposal unacceptable.

### **Planning Policy Guidance Note (PPG 24) Planning and Noise**

Planning Policy Guidance 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

It also advises on the use of conditions to minimise the impact of noise. Six annexes contain noise exposure categories for dwellings, explain noise levels, give detailed guidance on the assessment of noise from different sources, gives examples of planning conditions, specify noise limits, and advise on insulation of buildings against external noise.

Paragraph 23 of Annex 3 relates specifically to noise from landfill waste disposal sites and states: *Conditions attached to waste disposal licences generally set limits on the amount of waste, frequency of deliveries and hours of operation, and prescribe screening requirements. These will have indirect effects on the amount of noise generated, but site licence conditions can also relate specifically to noise control in the interests of protecting local amenity. This will be particularly relevant when dealing with sites where the operator is working with the benefit of an Established Use Certificate (as defined in section 36(2) of the Environmental Protection Act 1990) or a planning permission not subject to a noise condition. Local planning authorities and waste regulation authorities should consult closely at an early stage when considering the need for specific*

*noise controls to be imposed by appropriate conditions in any planning permission or in the subsequent site licence.*

Paragraph 24 states that *the main sources of noise will be from vehicular movement, tipping operations, and site plant. Appropriate planning or licensing conditions might therefore relate to hours of working; the number and/or capacity of vehicles using the site and their points of ingress and egress; and the provision of acoustic screening. Useful information on predicting the noise will be found in BS 5228: Part 1: 1984.*

### **Planning Policy Statement (PPS 25) - Development and Flood Risk**

PPS25 sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of high risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

PPS 25 aims to avoid placing new development, of a type which is incompatible with flooding, in areas at risk of flooding.

PPS 25 states that Landowners have the primary responsibility for assessing the flood risk to and from their property. Site-specific Flood Risk Assessments (FRAs) are generally prepared by prospective developers for specific development sites.

### **Minerals Policy Statement (MPS1): Planning and Minerals**

MPS 1 provides advice and guidance to planning authorities and the minerals industry and it will ensure that the need by society and the economy for minerals is managed in an integrated way against its impact on the environment and communities.

### **Minerals Policy Guidance (MPS 2): Controlling and Mitigating the Environmental Effects of Mineral Extraction in England.**

MPS2 sets out how mineral planning authorities should minimise any significant adverse environmental effects that may arise from mineral extraction by

- Framing policies in development plans
- Considering planning applications, and
- Considering reviews of planning consents under the provisions of the Environment Act 1995.

### **Minerals Planning Guidance (MPG7): Reclamation of Mineral Workings**

MPG 7 deals with policies, consultations and conditions which are relevant to achieving effective reclamation of mineral workings.

RPG 10 interprets the national planning policy framework at the South West regional level and is part of the statutory development plan and therefore must be considered. Policies RE3 and RE4 detail objectives for MPA's to ensure impacts and effects are minimised and those resources are maximised, and the effects of their (minerals) processes are minimised. Policy RE5 sets down regional targets for reducing landfill of industrial waste and gives priority to recovery facilities in or near the Principal Urban Areas in order to achieve sustainable waste management.

## **Regional Planning Guidance for the South West**

### **Policy EN 1: Landscape and Biodiversity**

*“Local authorities and other agencies in their plans, policies and proposals, should:*

- provide for the strong protection and enhancement of the region's internationally and nationally important landscape areas and nature conservation sites;*
- draw up policies for the protection of nature conservation interests of regional and local significance;*
- encourage the maintenance and enhancement of the biodiversity resources of the region, having particular regard to the targets set out in tables 3, 4 and 5;*
- promote the restoration and expansion of depleted and vulnerable biodiversity resources in order to reverse fragmentation and create continuous viable habitats;*
- indicate that the protection and, where possible, enhancement of the landscape and biodiversity should be planned into new development;*
- have regard to the significant landscape joint character areas of the region set out in this RPG (Map 4) and aim to conserve and enhance local character;*
- take measures to protect the character of the countryside and the environmental features that contribute towards that character, including the minimisation of light pollution.”*

### **Policy RE 3: Minerals Planning**

*“Mineral Planning Authorities, mineral operators and other agencies should work together to:*

- identify, in development plans, mineral consultation areas and safeguard mineral resources to ensure that there are sufficient environmentally acceptable sources to maintain an appropriate level of supplies for current and future needs. They should recognise the need to provide for other land uses and have regard to guidance in PPG7 (The Countryside) and PPG9 (Nature Conservation). Schemes, except those of a minor nature, should not be located in, or where they might adversely affect, National Parks, AONBs, or other national or international designated sites such as SPAs, other than in exceptional circumstances and then only where after the most rigorous examination they are demonstrated to be in the public interest;*
- protect against adverse environmental impacts arising from extraction and associated activities;*



- *promote environmentally acceptable means of extraction and transportation of minerals;*
- *promote the use of non-road transport modes for the movement of minerals and mineral products, where economically and technically feasible and identify and safeguard appropriate infrastructure facilities. Where road transportation is the only feasible option available, maximum use should be made of motorway, trunk and principal roads, unless the use of other roads is more acceptable environmentally;*
- *promote environmentally beneficial reclamation, including agricultural uses and afteruse of exhausted mineral workings, with appropriate aftercare.”*

#### **Policy RE 4: Use and Supply of Aggregates**

*“The region’s contribution to the supply of aggregates should be reassessed in an early review of RPG following the publication of revised MPG6. In order to reduce the overall extraction of primary aggregates in the region, Mineral Planning Authorities, mineral operators and other agencies should:*

- *maximise the contribution from secondary and recycled aggregates;*
- *identify and safeguard locations in proximity to centres of demand suitable for the siting of facilities for the recycling, reprocessing and transfer of construction and demolition waste materials;*
- *undertake, in conjunction with the industry, an assessment of the most efficient use of resources in the formulation of development plans and, in the preparation and consideration of planning applications for significant development projects, consider the cost/benefits of alternative sources of aggregate supplies;*
- *seek to promote and encourage the conservation and optimum use of high quality primary aggregates.”*

#### **Policy RE5: Management and Transportation of Waste**

*“In order to achieve sustainable waste management (the Best Practicable Environmental Options) in the region, waste planning, disposal and collection authorities, the Environment Agency and waste management and water companies should cooperate to:*

- *Establish a mix of waste recovery methods e.g. recycling, composting, energy recovery etc, regionally and sub-regionally, that will reduce reliance on landfill and will avoid creating over-reliance on any one method or facility.*
- *Pursue the following regional targets:*

*Recycle or compost at least 30% of household waste by 2010; and, 33% by 2015.*

*Recover value from 45% of municipal waste by 2010; and 67% by 2015.*

*Reduce landfilling of biodegradable municipal waste to 75% of the 1995 production level by 2010; and, 50% by 2013.*

*Reduce landfilling of industrial and commercial waste to 85% of the 1998 level by 2005.*

- Give priority to the provision of waste management facilities that will recover value from waste at or near the PUAs. Those facilities should take account of waste management requirements in the PUA (s) concerned and its neighbouring county areas and should be planned to contribute to the achievement of the regional targets above, in respect of the urban area(s) and its hinterland.*
- Ensure that sub-regional requirements are taken into account in structure and waste local plans and in waste planning decisions. Structure or (where appropriate) waste local plans should propose targets for the provision of value recovery capacity among participating waste planning authorities. Provision at PUAs and at other urban areas should take the waste management requirements of their neighbouring county areas into account.”*

## **Draft Regional Spatial Strategy for the South West**

### **W1 Provision of Waste Sites**

*“Waste Planning Authorities will make provision in their Waste Development Frameworks for a network of strategic and local waste collection, transfer, treatment (including recycling) and disposal sites to provide the capacity to meet the indicative allocations for their area shown in Appendix 2, for 2010, 2013 and 2020.”*

### **Policy W2: Waste Facilities and the Waste Hierarchy**

*“Provision of waste facilities will take account of the following waste hierarchy:*

- Waste should be managed on the site where it arises, wherever possible (waste minimisation), and*
- Waste that is not managed at its point of arising should be managed according to the proximity principle*

*In all areas, identification of sites for facilities will take account of the following:*

- Established and proposed industrial sites, in particular those that have scope for the co-location of complementary activities, such as proposed resource recovery parks, and*

*Other previously developed land, including use of mineral extraction and landfill sites during their period of operation for the location of related waste treatment activities*

*For SSCTs and other named settlements in Section 4, the location of new waste management or disposal facilities should accord with the following sequential approach:*

- Within*
- On the edge of, and/or*
- In close proximity to (ie within 16 kilometres) of the urban area primarily served by the facility*

*For rural areas and smaller towns there should be provision of:*

- A network of local waste management facilities concentrated at, or close to, centres of population identified through Development Policy B, and/or*
- An accessible network of strategic waste facilities Major sources of waste arising in rural areas will be treated locally, unless specialised facilities are required.”*

### **W3 Hazardous Waste**

*“Waste Planning Authorities should recognise the need for the development of capacity for the disposal of Stable Non-Reactive Hazardous Wastes at existing or proposed new landfill facilities (identified in Policy W1) and safeguard capacity for the disposal of other hazardous wastes at existing sites permitted and authorised as hazardous waste landfill sites provided they are environmentally acceptable. Provision should also be made in Waste LDFs for hazardous waste transfer, treatment and disposal facilities.”*

### **RE10 Supply of Aggregates and Other Minerals**

*“Mineral Planning Authorities should seek to make provision for the supply of aggregates and other minerals to meet the South West’s contribution to national requirements. Mineral Planning Authorities and Local Planning Authorities will identify and collaborate in safeguarding mineral resources of economic importance from sterilisation by other forms of development.*

*In order to promote the delivery and bulk transport of minerals by rail and/or water, existing railheads, wharfrage and other handling facilities, will be safeguarded and opportunities for new ones should be identified, where appropriate.”*

### **RE11 Maintaining a Landbank of Aggregates**

*“Mineral Planning Authorities should endeavour to maintain a landbank of at least seven years during the period to 2016. The ability to meet their primary aggregate apportionment, as set out in Table M1, will be tested against environmental factors as Mineral Development Documents are brought forward.”*

### **RE12 Recycled and Secondary Aggregates**

*“Provision will be made for 121 Mt of secondary and recycled aggregates to be utilised over the plan period to 2016. LDDs will identify new sites and safeguard existing sites, to secure an appropriate provision of minerals/aggregates recycling plants in appropriate locations, in accordance with Policy W2.”*

### **ENV3 Protected Landscapes**

*“In Dartmoor and Exmoor National Parks and the 14 Areas of Outstanding Natural Beauty in the region, the conservation and enhancement of their natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. Development will only be provided for where it would:*

- *Conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park or Area of Outstanding Natural Beauty, or*
- *Promote the understanding and enjoyment of the special qualities of the National Park, or*
- *Foster the social or economic well-being of the communities within the National Park or Area of Outstanding Natural Beauty, provided that such development is compatible with the pursuit of National Park or Area of Outstanding Natural Beauty purposes* Consideration will also be given to proposals which promote the understanding and enjoyment of the special qualities of the Areas of Outstanding Natural Beauty. Particular care will be taken to ensure that no development is permitted outside the National Park or Areas of Outstanding Natural Beauty which would damage their natural beauty, character and special qualities or otherwise prejudice the achievement of National Park or Area of Outstanding Natural Beauty purposes”.

## **Gloucestershire Structure Plan Second Review (Adopted 1999)**

### **Policy M.3 Environment**

*“In making provision for the supply of minerals, and taking into account national and regional guidance, the appropriate degree of protection must be afforded to:*  
*(a) Internationally, nationally, regionally and locally important areas of landscape, nature conservation, archaeological interest; and*  
*(b) Important natural resources including agricultural land and the water-based environment.”*

### **Policy M.4**

*“Provision for mineral working must ensure that:*  
*(a) the amenity of local communities and access to the countryside is safeguarded and wherever possible enhanced;*  
*(b) pollution of land, water and air is prevented; and*  
*(c) worked out land is reclaimed to a state suitable for beneficial after-uses.”*

### **Policy M.6 Resources**

*“Potential workable mineral resources will as far as possible be safeguarded from sterilisation by other forms of development. Where appropriate, the extraction of minerals before other more permanent forms of development has taken place, will be encouraged.”*

### **Policy NHE.4**

*“In Areas of Outstanding Natural Beauty the conservation and enhancement of the natural beauty will be given priority over other considerations. Regard will also be had to the economic and social well-being of the AONB. Provision should not be made for major development within the AONB unless it is in the national interest and the lack of alternative sites justifies an exception.”*

### **Policy NHE.5**

*“Provision should not be made for development that would detract from the particular landscape qualities and character of Special Landscape Areas. The broad locations of Special Landscape Areas are as follows:  
the north eastern and north western fringes of the Cotswolds;  
on the southern fringes of the Cotswolds near Cirencester, Tetbury and Fairford;  
the upland western and southern parts of the Forest of Dean District;  
between Gloucester urban area and the Cotswolds, including Robinswood Hill;  
and Chosen Hill in Churchdown.*

*The precise boundaries of, and additions to, the Special Landscape Areas will be identified in local plans.”*

#### **Policy S.4**

*“Development in rural settlements should be limited in scale, and sustain and enhance the character and appearance and the social and economic well-being of local communities. Development within the open countryside will be strictly controlled”*

#### **Policy S.6**

*“In providing for development the following aspects of the environment which contribute to local character and distinctiveness should be safeguarded and wherever possible enhanced:*

- a. the quality of the landscape,*
- b. the setting of the settlements and buildings within the landscape,*
- c. the quality of the built and historic environment,*
- d. the sites and landscapes of archaeological and historic value,*
- e. the distinctive wildlife and habitats,*
- f. the special qualities of rivers, canals and other water courses and features.”*

#### **Policy E.4**

##### *“Rural Commercial and Industrial Development*

*Commercial and industrial development within and adjacent to villages will be appropriate in scale and well integrated with the existing form and framework of settlements, local employment needs, and to local services and infrastructure, especially public transport.*

*Commercial and industrial development in the open countryside will be strictly controlled and restricted to small scale sensitive enterprises which are essential to agriculture or forestry or other rural industries, or which re-use existing buildings in a manner which maintains or enhances the character and appearance of the surroundings. Local Plans will set criteria for the consideration of proposals to extend existing business premises in the countryside.”*

#### **Policy WM.2**

*“Primary\* waste management facilities should be located near to major concentrations of waste arisings, principally the Cheltenham /Gloucester urban area, the Forest of Dean and the Stroud/Cirencester areas. Secondary facilities*

*should be appropriately located in other parts of the County to serve the primary facilities. The following considerations will apply:*

- (a) how proposals contribute towards an integrated waste management system and the provisions of the development plan;*
- (b) the transportation of waste must use a method that has the least environmental impact, including alternatives to road transport, unless shown to be impracticable or not economically feasible;*
- (c) the amenity of local communities and access to the countryside is safeguarded and where possible enhanced;*
- (d) that reclamation and aftercare of the site are to an acceptable standard;*
- (e) there is no adverse impact on internationally, nationally, regionally and locally important areas of landscape, nature conservation, and archaeological interest; and*
- (f) there is no adverse impact on important natural resources including agricultural land and the water– based environment.*

*\* A primary waste management facility is a major site such as a centralised landfill or Energy from Waste (EfW) facility, whilst a secondary facility is one which serves a primary site - a waste transfer station, for example.”*

### **Policy WM.3**

*“Regional Self-sufficiency*

*Development intended to primarily cater for Gloucestershire’s waste will be encouraged in the appropriate locations.”*

### **Policy P.1**

*“Provision will only be made for development where it does not have an unacceptable effect in terms of:*

- (a) the environment and local community in terms air, noise or light pollution;*
- (b) the quality of surface or ground water; or*
- (c) contamination of the land or soil.”*

### **Policy W.1**

*“Provision will only be made for development where:*

- (a) adequate water resources exist or can be provided without causing unacceptable adverse environmental effects, and*
- (b) it will not lead to an unacceptable reduction in the quantity of surface and groundwater; and*
- (c) there is not an unacceptable risk to existing or future supplies, residential amenity, nature conservation or fisheries.*

*Proposals for new water resource schemes will be assessed in the context of the demand management and leakage control measures.”*

### **Policy F.1**

*“Provision will not be made for development where it would be at direct risk from flooding and/or would increase the risk of flooding elsewhere.*

*Local Plans will define areas of flood risk.”*

**Gloucestershire Structure Plan Third Alteration (Unadopted) incorporating Proposed Modifications (July 2004) and Proposed Second Modifications (January 2005).**

**Policy SD.1 Principal Urban Areas**

*“The general geographic extent of the Cheltenham and Gloucester Principal Urban Areas (PUAs) is indicated on the key diagram. The PUAs are defined as follows:*

*Cheltenham PUA: the continuous built up area of Cheltenham Borough, and those parts of the parishes of Bishop’s Cleeve, Woodmancote and Uckington that fall within the continuous built up area.*

*Gloucester PUA: the continuous built up area of Gloucester City, and those parts of the parishes of Innsworth, Longford, Churchdown, Brockworth, Hucclecote, Hardwicke and Upton St. Leonards that fall within the continuous built up area.*

*The precise boundaries of the PUAs will be defined in the relevant District Local Plans.”*

**Policy SD.23 Telecommunications**

*“Information and communications technologies should be encouraged to enhance the County’s economy and help reduce social exclusion.*

*Provision should be made for telecommunication development that is sensitively designed so as to minimise its impact on the environment.*

*Where appropriate operators should seek to share telecommunication masts and sites so as to reduce visual intrusion. The use of existing buildings and structures should be considered for telecommunication equipment where this does not have an adverse environmental impact.”*

**Policy MR.10 Water Resources**

*“Development should only be permitted where adequate ground or surface water resources can be maintained or can be provided without causing unacceptable adverse effects on the environment or amenity.”*

**Gloucestershire Waste Local Plan 2002 – 2012 (Adopted October 2004)**

**POLICY 1 – BEST PRACTICABLE ENVIRONMENTAL OPTION**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL BE PERMITTED ONLY WHERE IT IS SHOWN BY BEST PRACTICABLE ENVIRONMENTAL OPTION ANALYSIS TO MAKE A POSITIVE CONTRIBUTION TO AN INTEGRATED AND SUSTAINABLE WASTE MANAGEMENT SYSTEM FOR GLOUCESTERSHIRE”*

**POLICY 3 - PROXIMITY PRINCIPLE**

*“AS A GENERAL PRINCIPLE WASTE SHOULD BE DEALT WITH AS NEAR AS IS PRACTICABLE TO THE PLACE WHERE IT IS GENERATED. THIS PRINCIPLE IS SUBJECT TO ENVIRONMENTAL, SOCIAL, ECONOMIC AND TRANSPORT CONSIDERATIONS, WHICH ARE APPROPRIATE TO THE WASTE MANAGEMENT FACILITIES AND PROCESSES BEING PROPOSED AND WHICH WOULD CONTRIBUTE TO THE ANALYSIS OF THE BPEO FOR THE FACILITY.”*

#### **POLICY 4 – WASTE MANAGEMENT FACILITIES FOR STRATEGIC SITES**

*“STRATEGIC WASTE MANAGEMENT FACILITIES, PROCESSING MORE THAN 50,000 TONNES PER ANNUM, ON SITES ILLUSTRATED IN SCHEDULE 1 OF THE PLAN, WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED:*

- THAT THE FACILITY IS ESSENTIAL TO SUPPORT SUSTAINABLE WASTE MANAGEMENT SUBJECT TO THE DEMONSTRATION OF BPEO FOR THAT WASTE STREAM; AND*
- THAT THE FACILITY MEETS THE RELEVANT POLICIES AND CRITERIA OF THIS AND OTHER PARTS OF THE DEVELOPMENT PLAN.”*

#### **POLICY 5 – WASTE MANAGEMENT FACILITIES FOR LOCAL SITES**

*“LOCAL WASTE MANAGEMENT FACILITIES, PROCESSING LESS THAN 50,000 TONNES PER ANNUM, ON SITES ILLUSTRATED IN SCHEDULE 2 OF THE PLAN WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED-*

- THAT THE FACILITY IS ESSENTIAL TO SUPPORT SUSTAINABLE WASTE MANAGEMENT SUBJECT TO THE DEMONSTRATION OF BPEO FOR THAT WASTE STREAM; AND*
- THAT THE FACILITY MEETS THE RELEVANT POLICIES AND CRITERIA OF THIS AND OTHER PARTS OF THE DEVELOPMENT PLAN.”*

#### **POLICY 7 - SAFEGUARDING SITES FOR WASTE MANAGEMENT FACILITIES**

*“EXISTING SITES IN PERMANENT WASTE MANAGEMENT USE (INCLUDING SEWAGE AND WATER TREATMENT WORKS) AND PROPOSED SITES FOR WASTE MANAGEMENT USE WILL BE SAFEGUARDED BY LOCAL PLANNING AUTHORITIES, WHERE THEY MAKE A CONTRIBUTION TO A SUSTAINABLE WASTE MANAGEMENT SYSTEM IN ACCORDANCE WITH BPEO FOR GLOUCESTERSHIRE. THE WASTE PLANNING AUTHORITY WILL NORMALLY OPPOSE PROPOSALS FOR DEVELOPMENT WITHIN OR IN PROXIMITY TO THESE SITES WHERE THE PROPOSED DEVELOPMENT WOULD PREVENT OR PREJUDICE THE USE OF THE SITE FOR AN APPROPRIATE WASTE MANAGEMENT DEVELOPMENT.”*

#### **POLICY 12 – INERT RECOVERY & RECYCLING**

*“FACILITIES FOR THE RECOVERY AND RECYCLING OF INERT WASTE MATERIALS WILL BE PERMITTED IN APPROPRIATE LOCATIONS. DEVELOPMENTS MAY BE ACCEPTABLE ON EXISTING WASTE MANAGEMENT SITES AND MINERAL WORKINGS WHERE IT CAN BE*



*DEMONSTRATED THAT THE USE WILL NOT UNDULY PREJUDICE THE AGREED RESTORATION TIMESCALE FOR THE SITE. TEMPORARY DEVELOPMENTS MAY BE ACCEPTABLE WHERE THE MATERIAL IS RECYCLED AND RE-USED ON SITE.”*

#### **POLICY 13 – MATERIALS RECOVERY & WASTE TRANSFER FACILITIES**

*“PROPOSALS FOR MATERIALS RECOVERY AND WASTE TRANSFER FACILITIES WILL BE PERMITTED IN APPROPRIATE LOCATIONS WHERE IT CAN BE DEMONSTRATED THAT THE DEVELOPMENT WILL ASSIST THE EFFICIENT COLLECTION AND RECOVERY OF WASTE MATERIALS.”*

#### **POLICY 16 – SPECIAL WASTE FACILITIES**

*“FACILITIES FOR THE ADDITIONAL HANDLING, TREATING, PROCESSING OR DISPOSAL OF SPECIAL WASTES WILL BE PERMITTED IF IT CAN BE DEMONSTRATED-*

- THAT IT WOULD FORM PART OF A SUSTAINABLE WASTE MANAGEMENT SYSTEM; AND*
- THAT IT WOULD MEET THE RELEVANT POLICIES AND CRITERIA OF THE DEVELOPMENT PLAN.”*

#### **POLICY 25 - CONSERVATION OUTSIDE DESIGNATED SITES**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE ADVERSE IMPACTS ON FEATURES, WHICH ARE OF MAJOR IMPORTANCE FOR WILD FLORA AND FAUNA, NATURAL AND CULTURAL HERITAGE CAN BE PREVENTED OR MITIGATED.”*

#### **POLICY 33 - WATER RESOURCES – POLLUTION CONTROL**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE THERE WOULD BE NO UNACCEPTABLE RISK OF CONTAMINATION TO SURFACE WATERCOURSES, BODIES OF WATER OR GROUNDWATER RESOURCES.”*

#### **POLICY 34 - WATER RESOURCES – FLOOD CONTROL**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE THERE WOULD BE NO UNACCEPTABLE RISK OF DEVELOPMENT IMPEDING THE FLOW OF SURFACE OR GROUNDWATER, REDUCING FLOOD STORAGE CAPACITY OR INCREASING THE RATE OF SURFACE WATER RUN-OFF, WHICH WOULD RESULT IN FLOODING NEAR THE SITE OR ELSEWHERE”*

#### **POLICY 37 – PROXIMITY TO OTHER LAND USES**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL BE DETERMINED TAKING INTO ACCOUNT SUCH MATTERS AS THE EFFECT ON THE ENVIRONMENT, OCCUPANTS’ AND USERS’ AMENITY AND HEALTH, THE COUNTRYSIDE, THE TRADITIONAL LANDSCAPE CHARACTER OF GLOUCESTERSHIRE,*

THE LOCAL HIGHWAY NETWORK, ANY HAZARDOUS INSTALLATION OR SUBSTANCE AND ANY ADVERSE CUMULATIVE EFFECT IN COMBINATION WITH OTHER DEVELOPMENT IN THE AREA. WHERE APPROPRIATE, SUITABLE AMELIORATIVE MEASURES SHALL BE INCORPORATED IN THE PROPOSALS TO MITIGATE, ATTENUATE AND CONTROL NOISE, DUST, LITTER, ODOUR, LANDFILL GAS, VERMIN, LEACHATE AND FLUE EMISSIONS.”

#### **POLICY 38 - HOURS OF OPERATION**

“THE WASTE PLANNING AUTHORITY WILL WHERE APPROPRIATE IMPOSE A CONDITION RESTRICTING HOURS OF OPERATION ON WASTE MANAGEMENT FACILITIES TO PROTECT AMENITY”.

#### **POLICY 39 – TRANSPORT**

“PROPOSALS FOR THE DEVELOPMENT OF WASTE MANAGEMENT FACILITIES WILL BE REQUIRED TO SHOW THAT, WHERE PRACTICABLE, FULL CONSIDERATION IS GIVEN TO THE TRANSPORT OF WASTE, BY:

- RAIL;
- WATER; AND
- THROUGH PIPELINES;

A TRANSPORT ASSESSMENT WILL BE REQUIRED TO ADDRESS THE TRAFFIC IMPACT AND THE ACCESSIBILITY OF THE PROPOSED DEVELOPMENT. THE SCOPE OF THE TRANSPORT ASSESSMENT MUST BE AGREED BEFOREHAND WITH THE WPA.”

#### **POLICY 40 – TRAFFIC**

“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE THE SITE ACCESS AND THE ADJACENT HIGHWAY NETWORK CAN SAFELY ACCOMMODATE THE TRAFFIC ASSOCIATED WITH THE DEVELOPMENT, OR WHERE THE REQUIRED HIGHWAY IMPROVEMENTS WOULD NOT CAUSE UNACCEPTABLE HARM TO THE LOCAL ENVIRONMENT. A TRANSPORT ASSESSMENT WILL BE REQUIRED TO ADDRESS THE TRAFFIC GENERATION OF THE PROPOSED DEVELOPMENT AND ITS IMPACT ON THE LOCAL ROAD NETWORK.”

#### **POLICY 42 - REINSTATEMENT**

“IN CONSIDERING PROPOSALS FOR TEMPORARY WASTE DEVELOPMENT, THE WASTE PLANNING AUTHORITY REQUIRES REINSTATEMENT MEASURES FOR THE LAND INCLUDING APPROPRIATE AFTERCARE TO SECURE ACCEPTABLE AND SUSTAINABLE AFTER-USE BY A SET DATE. IN THE CASE OF RESTORATION TO AGRICULTURE, THE LAND SHOULD BE RETURNED TO A QUALITY EQUIVALENT TO OR BETTER THAN EXISTED BEFORE DEVELOPMENT COMMENCED. A GOOD ENVIRONMENTAL STANDARD WILL BE EXPECTED THAT WILL REFLECT THE CHARACTER OF THE LAND AS A VALUABLE RESOURCE. DETAILS OF REINSTATEMENT REQUIREMENTS WILL BE DETERMINED BY THE

*CIRCUMSTANCES PREVAILING AT THE TIME OF THE PLANNING DECISION AND WHEN ANY LATER APPLICATIONS FOR REVIEW ARE CONSIDERED.”*

#### **POLICY 43 – AFTER USE**

*“THE WASTE PLANNING AUTHORITY WILL ENCOURAGE AFTER-USES ON WASTE MANAGEMENT SITES WHICH WILL:*

- BENEFIT THE LOCAL COMMUNITY,*
- DIVERSIFY THE LOCAL ECONOMY,*
- IMPROVE AMENITIES,*
- ENHANCE BIODIVERSITY AND WILDLIFE HABITATS, LANDSCAPE FEATURES, THE LOCAL ENVIRONMENT, OR OTHER SITES OF GEOLOGICAL OR SCIENTIFIC INTEREST, OR*
- PROVIDE WOODLAND AREAS, WHERE THIS DOES NOT CONFLICT WITH OTHER POLICIES, AND THE BIODIVERSITY ACTION PLAN.”*

#### **POLICY 44 - AIRPORT SAFEGUARDING**

*“PROPOSALS FOR WASTE DEVELOPMENT WITHIN THE SAFEGUARDING AREAS OF AIRPORTS AND AIRFIELDS WILL ONLY BE PERMITTED WHERE IT CAN BE ADEQUATELY DEMONSTRATED THAT THE DEVELOPMENT AND THE NATURE OF THE WASTE MATERIALS INVOLVED WILL NOT CONSTITUTE A HAZARD TO AIR TRAFFIC.”*

#### **POLICY 45 – PLANNING OBLIGATIONS**

*“THE WASTE PLANNING AUTHORITY WILL SEEK TO ENTER INTO PLANNING OBLIGATIONS WITH WASTE OPERATORS TO MITIGATE THE IMPACTS OF WASTE AND WASTE DEVELOPMENT. THE FOLLOWING MAY BE CONSIDERED APPROPRIATE MATTERS FOR INCLUSION IN A PLANNING OBLIGATION WHERE RELATED TO THE DEVELOPMENT PROPOSAL:*

- HIGHWAYS AND ACCESS IMPROVEMENT AND HIGHWAY MAINTENANCE,*
- TRAFFIC WEIGHT RESTRICTIONS,*
- ENVIRONMENTAL PROTECTION AND ENHANCEMENT [INCLUDING LANDSCAPING, HABITAT AND SPECIES PROTECTION AND CREATION],*
- PROTECTION AND/OR REPLACEMENT OF LOCAL, REGIONAL AND NATIONAL SITES OF ACKNOWLEDGED IMPORTANCE,*
- REPLACEMENT OF IMPORTANT ENVIRONMENTAL AND LANDSCAPE FEATURES,*
- PROTECTION OF LOCAL AMENITY,*
- WASTE AWARENESS AND PUBLICITY CAMPAIGNS FOR THE LOCAL COMMUNITY,*
- LOCAL WASTE MINIMISATION PROJECTS,*
- REPLACEMENT OF LOCAL COMMUNITY FACILITIES, FOR EXAMPLE OPEN SPACE, SPORTS AND RECREATION FACILITIES,*
- PROTECTION OF OTHER NATURAL RESOURCES, FOR EXAMPLE, THE WATER ENVIRONMENT,*
- RESTORATION AND LONG-TERM MANAGEMENT OF SITE,*

• AFTER-USE DEVELOPMENT, AND • MONITORING.”

## **Gloucestershire Minerals Local Plan (MLP) 1997 – 2006 - Adopted April 2003.**

### **Policy E4**

*“Proposed mineral development will not be permitted where it would involve significant alteration or cause damage to nationally important archaeological remains (whether scheduled or not) or would have a significant impact on the setting of visible remains; unless the effects can be adequately mitigated.”*

### **Policy E8**

*“Proposals for minerals development which are likely to have a significant adverse effect on the following locally and regionally important areas must, where appropriate, make provision to safeguard or satisfactorily mitigate those impacts and, where possible, enhance their attributes in the long-term:*

- 1. Special Landscape Areas;*
- 2. Local Nature Reserves;*
- 3. Key Wildlife Sites;*
- 4. Wildlife Corridors;*
- 5. Regionally Important Geological/Geomorphological Sites (RIGS);*
- 6. Ancient Semi Natural Woodland;*
- 7. Locally Important Archaeological Sites and Settings, and other features of the historic environment;*
- 8. Locally Important Parks & Gardens”*

### **Policy E9**

*“Proposed mineral development will only be permitted within the Green Belt, where it is carried out to the highest environmental standards, is restored to a beneficial after-use and is in accordance with all other relevant policies of this Plan. In the case of minerals development which would be inappropriate in the Green Belt there will be a requirement to demonstrate that very special circumstances exist to justify it.”*

### **Policy E10**

*“In determining proposals for mineral development, the MPA will be guided by the contribution to local biodiversity and where appropriate will seek long-term overall enhancement to local biodiversity through restoration or by other means i.e. by the attachment of conditions or negotiation of planning obligations.”*

### **Policy E11**

*“Mineral development which is likely to have a significant negative quantitative and/or qualitative impact on the water environment, will not be permitted unless appropriate measures can be imposed to mitigate any harmful effects.”*

### **Policy E13**

*“Where mineral working is to be permitted, an appropriate buffer zone must be retained between the mineral working and adjacent significant watercourses to preserve the integrity of the water corridor in terms of conservation and landscape. The size and landscape treatment of the buffer zone will depend on the characteristics of the area and details of the proposals.”*

#### **Policy E14**

*“In order to safeguard sensitive land-uses, proposed mineral development will not be permitted within an appropriately defined buffer zone. The following matters will be taken into account when delineating the buffer zone at the application stage of development:*

- 1. topography of the site and surrounding areas,*
- 2. natural and manmade features, which may reduce the impact of development, for example landscape features, roads, railway lines etc.*
- 3. the proximity of the proposed development to sensitive land-uses,*
- 4. duration and direction of the proposed working, and*
- 5. location of Plant and other ancillary development.”*

#### **Policy E16**

*“The contribution or impact that proposals for mineral development are likely to make to the social and economic well-being or otherwise of local communities will be a material consideration in assessing their suitability.”*

#### **Policy E17**

*“Mineral development, which affects defined public rights of way, will only be permitted if provision is made for an appropriate diversion unless, in exceptional circumstances, the Mineral Planning Authority considers that such a diversion is not required. Wherever possible long-term reinstatement or suitable replacement of public rights of way will be secured. In addition, the Mineral Planning Authority will not permit proposals, which are likely to materially affect National Trails.”*

#### **Policy E18**

*“Where appropriate, proposals for mineral development should consider the scope to provide opportunities for:*

- 1. the creation of new public rights of way and/or open space, or*
- 2. the improvement of public access, or*
- 3. the reconstruction, restoration and/or safeguarding of protected lines of affected canals.”*

#### **Policy E19**

*“Proposed mineral development will not be permitted where the method of transporting minerals will give rise to an unacceptable impact on the local environment. Mineral operators must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of*

*transporting minerals from extraction/production sites to markets, that are practically achievable, are used.”*

## **Policy E20**

*“Mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the condition of the local highway network are such that the traffic movements likely to be generated by the development would not result in unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment. In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures which may be provided in association with the development.”*

## **Policy R1**

*“Proposals for mineral development will only be permitted if they are accompanied by a reclamation scheme that provides for the following matters to be taken into account:*

- 1. the site will be operated to ensure that the proposed reclamation scheme will be successful,*
- 2. waste materials arising from the extraction of minerals on site are utilised to restore the site,*
- 3. the restoration is completed at the earliest opportunity and, where practicable, progressive restoration is carried out,*
- 4. other measures to minimise the disturbance to adjacent land-uses are included,*
- 5. harm arising from traffic generated by the reclamation is minimised,*
- 6. the surrounding topography is considered to ensure that the site is sensitively reclaimed in keeping with the character of the local area,*
- 7. where appropriate, measures to protect local, regional and national sites of acknowledged importance are included, and*
- 8. the reclamation of the site provides for environmental and landscape enhancement as guided by Policy R2 of this Plan.”*

## **Policy R2**

*“Mineral operators will be required to facilitate realistic proposals for after-use as part of the reclamation scheme. Proposals will, where appropriate:*

- 1. enhance the local character of the area,*
- 2. benefit the local community,*
- 3. support and diversify the local economy,*
- 4. improve the local environment by providing increased public access to the countryside and recreation and creating public open space,*
- 5. support and enhance national, regional and local biodiversity,*
- 6. restore best and most versatile agricultural land back to grade,*
- 7. be innovative.*

*All after-use proposals must be acceptable in terms of traffic impact, both on the highway and on local communities.”*

### **Policy R3**

*“Worked out mineral sites will be reclaimed at the earliest opportunity to an approved beneficial after-use, and wherever practicable progressive restoration will be required.”*

### **Policy R4**

*“Reclamation proposals, which will significantly enhance the environment of worked-out mineral sites that have not been reclaimed to a standard satisfactory to the Minerals Planning Authority will be permitted, where the proposal accords with all other relevant policies of this Plan.”*

### **Policy DC1**

*“Mineral development will only be permitted where the applicant has demonstrated, to the satisfaction of the MPA in consultation with other relevant pollution control agencies, that any potentially adverse environmental and/or pollution effects are capable of satisfactory control and/or mitigation, or elimination.”*

### **Policy DC2**

*“Ancillary development to proposed or permitted mineral development must satisfy the following requirements that:*

- 1. it is directly related to the extraction of the mineral,*
- 2. its design, size and location should, as far as practicable, be in keeping with the character of the surrounding area,*
- 3. it does not have a significantly adverse impact on the amenity of adjacent land-uses,*
- 4. its life should be limited to that of the mineral working and where appropriate, is dismantled in accordance with the restoration proposal,*
- 5. where appropriate it should allow for the processing of secondary (waste) minerals, and*
- 6. it is in accordance with other policies contained in this Plan.”*

### **Policy DC4**

*“Mineral development or reclamation proposals for worked out mineral sites, which may pose a hazard to any civilian or military aerodromes will not be permitted.”*

### **Policy DC5**

*“The Mineral Planning Authority will seek to enter into planning obligations with mineral operators to mitigate the negative impacts of mineral development which cannot be satisfactorily resolved by conditions attached to planning permissions. The following may be considered appropriate matters, if they fall within the tests of Circular 1/97, for inclusion in a planning obligation where related to the proposal:*

- 1. highways and access improvement (including maintenance),*

2. traffic restrictions,
3. environmental enhancement [including landscaping, habitat and species protection and creation],
4. protection and/or replacement of locally, regionally and nationally important sites of acknowledged importance,
5. replacement of important environmental and landscape features,
6. protection of local amenity,
7. replacement of local community facilities, for example open space, sports and recreation facilities,
8. protection of other natural resources, for example, the water environment,
9. long-term management and restoration of site, after use and monitoring, and/or
10. revocation and consolidation of planning permission.”

### **Policy SE 1**

*“Proposals for the processing or recycling of secondary (waste) minerals, either using such minerals present on the site, or imported to the site, will be permitted where it is environmentally acceptable in accordance with the other policies in this Plan and provided that the long-term beneficial restoration of the site is not prejudiced.”*

### **Policy SE3**

*“The Mineral Planning Authority will object to any development proposals within, or adjacent to, areas of potential mineral resource which would unnecessarily prevent, or prejudice, potential future mineral extraction unless it is satisfied that the land affected:*

1. does not contain potentially workable mineral deposits,
2. there is an overriding need for the development,
3. the mineral cannot practically be extracted in advance, and
4. the extraction of the mineral is not in accordance with all other policies within this Plan.”

### **Policy SE4**

*“Proposals for mineral extraction prior to other types of development that may otherwise sterilise potential mineral resources will be permitted only where, it would not prejudice the development of the land and would take place within a reasonable timescale in relation to the proposed non-mineral development.”*

### **Policy NE2**

*“Proposals for the working of clay will be permitted where its use for a specific purpose outweighs any adverse environmental, local amenity, or other impacts that the development would be likely to have, and would not prejudice the other policies of this Plan.”*

### **Policy A1**

*“Subject to the assessment of the environmental, social and economic impact of mineral working, the Mineral Planning Authority will endeavour to maintain a*



*landbank that reflects the local apportionment of the Regional Guidelines.\*The local apportionment during the Plan period is represented on an average annual basis as a provision of:*

- 1. 3.17 mt per annum of Crushed Rock [limestone]*
- 2. 1.29 mt per annum of Sand and Gravel”*

## **Policy A2**

*“The Mineral Planning Authority will endeavour to maintain a landbank of reserves for the winning and working of aggregate minerals throughout and at the end of the Plan period in accordance with National and Regional Guidance. This landbank will be:*

- 1. at least 7 years for Crushed Rock [limestone]; and*
- 2. at least 7 years for Sand and Gravel.”*

## **Gloucestershire Waste Local Plan 2002 – 2012 (Adopted October 2004)**

### **POLICY 1 – BEST PRACTICABLE ENVIRONMENTAL OPTION**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL BE PERMITTED ONLY WHERE IT IS SHOWN BY BEST PRACTICABLE ENVIRONMENTAL OPTION ANALYSIS TO MAKE A POSITIVE CONTRIBUTION TO AN INTEGRATED AND SUSTAINABLE WASTE MANAGEMENT SYSTEM FOR GLOUCESTERSHIRE.”*

### **POLICY 3 - PROXIMITY PRINCIPLE**

*“AS A GENERAL PRINCIPLE WASTE SHOULD BE DEALT WITH AS NEAR AS IS PRACTICABLE TO THE PLACE WHERE IT IS GENERATED. THIS PRINCIPLE IS SUBJECT TO ENVIRONMENTAL, SOCIAL, ECONOMIC AND TRANSPORT CONSIDERATIONS, WHICH ARE APPROPRIATE TO THE WASTE MANAGEMENT FACILITIES AND PROCESSES BEING PROPOSED AND WHICH WOULD CONTRIBUTE TO THE ANALYSIS OF THE BPEO FOR THE FACILITY.”*

### **POLICY 4 - WASTE MANAGEMENT FACILITIES FOR STRATEGIC SITES**

*“STRATEGIC WASTE MANAGEMENT FACILITIES, PROCESSING MORE THAN 50,000 TONNES PER ANNUM, ON SITES ILLUSTRATED IN SCHEDULE 1 OF THE PLAN, WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED:*

- THAT THE FACILITY IS ESSENTIAL TO SUPPORT SUSTAINABLE WASTE MANAGEMENT SUBJECT TO THE DEMONSTRATION OF BPEO FOR THAT WASTE STREAM; AND*
- THAT THE FACILITY MEETS THE RELEVANT POLICIES AND CRITERIA OF THIS AND OTHER PARTS OF THE DEVELOPMENT PLAN.”*

### **POLICY 5 – WASTE MANAGEMENT FACILITIES FOR LOCAL SITES**

*“LOCAL WASTE MANAGEMENT FACILITIES, PROCESSING LESS THAN 50,000 TONNES PER ANNUM, ON SITES ILLUSTRATED IN SCHEDULE 2 OF THE PLAN WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED*

- THAT THE FACILITY IS ESSENTIAL TO SUPPORT SUSTAINABLE WASTE MANAGEMENT SUBJECT TO THE DEMONSTRATION OF BPEO FOR THAT WASTE STREAM; AND
- THAT THE FACILITY MEETS THE RELEVANT POLICIES AND CRITERIA OF THIS AND OTHER PARTS OF THE DEVELOPMENT PLAN. POLICY 5 – WASTE MANAGEMENT FACILITIES FOR LOCAL SITES LOCAL WASTE MANAGEMENT FACILITIES, PROCESSING LESS THAN 50,000 TONNES PER ANNUM, ON SITES ILLUSTRATED IN SCHEDULE 2 OF THE PLAN WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED
- THAT THE FACILITY IS ESSENTIAL TO SUPPORT SUSTAINABLE WASTE MANAGEMENT SUBJECT TO THE DEMONSTRATION OF BPEO FOR THAT WASTE STREAM; AND
- THAT THE FACILITY MEETS THE RELEVANT POLICIES AND CRITERIA OF THIS AND OTHER PARTS OF THE DEVELOPMENT PLAN.”

#### **POLICY 7 - SAFEGUARDING SITES FOR WASTE MANAGEMENT FACILITIES**

*“EXISTING SITES IN PERMANENT WASTE MANAGEMENT USE (INCLUDING SEWAGE AND WATER TREATMENT WORKS) AND PROPOSED SITES FOR WASTE MANAGEMENT USE WILL BE SAFEGUARDED BY LOCAL PLANNING AUTHORITIES, WHERE THEY MAKE A CONTRIBUTION TO A SUSTAINABLE WASTE MANAGEMENT SYSTEM IN ACCORDANCE WITH BPEO FOR GLOUCESTERSHIRE. THE WASTE PLANNING AUTHORITY WILL NORMALLY OPPOSE PROPOSALS FOR DEVELOPMENT WITHIN OR IN PROXIMITY TO THESE SITES WHERE THE PROPOSED DEVELOPMENT WOULD PREVENT OR PREJUDICE THE USE OF THE SITE FOR AN APPROPRIATE WASTE MANAGEMENT DEVELOPMENT.”*

#### **POLICY 12 – INERT RECOVERY & RECYCLING**

*“FACILITIES FOR THE RECOVERY AND RECYCLING OF INERT WASTE MATERIALS WILL BE PERMITTED IN APPROPRIATE LOCATIONS. DEVELOPMENTS MAY BE ACCEPTABLE ON EXISTING WASTE MANAGEMENT SITES AND MINERAL WORKINGS WHERE IT CAN BE DEMONSTRATED THAT THE USE WILL NOT UNDULY PREJUDICE THE AGREED RESTORATION TIMESCALE FOR THE SITE. TEMPORARY DEVELOPMENTS MAY BE ACCEPTABLE WHERE THE MATERIAL IS RECYCLED AND RE-USED ON SITE.”*

#### **POLICY 13 – MATERIALS RECOVERY & WASTE TRANSFER FACILITIES**

*“PROPOSALS FOR MATERIALS RECOVERY AND WASTE TRANSFER FACILITIES WILL BE PERMITTED IN APPROPRIATE LOCATIONS WHERE IT CAN BE DEMONSTRATED THAT THE DEVELOPMENT WILL ASSIST THE EFFICIENT COLLECTION AND RECOVERY OF WASTE MATERIALS.”*

#### **POLICY 16 – SPECIAL WASTE FACILITIES**

*“FACILITIES FOR THE ADDITIONAL HANDLING, TREATING, PROCESSING OR DISPOSAL OF SPECIAL WASTES WILL BE PERMITTED IF IT CAN BE DEMONSTRATED-*

*□ THAT IT WOULD FORM PART OF A SUSTAINABLE WASTE MANAGEMENT SYSTEM; AND*

*□ THAT IT WOULD MEET THE RELEVANT POLICIES AND CRITERIA OF THE DEVELOPMENT PLAN.”*

#### **POLICY 24 – LOCALLY DESIGNATED SITES FOR NATURE CONSERVATION**

*“PLANNING PERMISSION WILL NOT BE GRANTED FOR WASTE DEVELOPMENT WHICH WOULD HAVE A COMPROMISING ADVERSE IMPACT NOT CAPABLE OF MITIGATION, ON THE NATURAL FEATURES AND BIODIVERSITY OF THE FOLLOWING LOCAL NATURE CONSERVATION DESIGNATIONS:*

*LOCAL NATURE RESERVES:*

- KEY WILDLIFE SITES*
- WILDLIFE CORRIDORS*
- ANCIENT SEMI NATURAL WOODLANDS*
- REGIONALLY IMPORTANT GEOLGICAL/GEOMORPHOLOGICAL SITES (RIGS)”*

#### **POLICY 25 - CONSERVATION OUTSIDE DESIGNATED SITES**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE ADVERSE IMPACTS ON FEATURES, WHICH ARE OF MAJOR IMPORTANCE FOR WILD FLORA AND FAUNA, NATURAL AND CULTURAL HERITAGE CAN BE PREVENTED OR MITIGATED.”*

#### **POLICY 33 - WATER RESOURCES – POLLUTION CONTROL**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE THERE WOULD BE NO UNACCEPTABLE RISK OF CONTAMINATION TO SURFACE WATERCOURSES, BODIES OF WATER OR GROUNDWATER RESOURCES.”*

#### **POLICY 34 - WATER RESOURCES – FLOOD CONTROL**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE THERE WOULD BE NO UNACCEPTABLE RISK OF DEVELOPMENT IMPEDING THE FLOW OF SURFACE OR GROUNDWATER, REDUCING FLOOD STORAGE CAPACITY OR INCREASING THE RATE OF SURFACE WATER RUNOFF, WHICH WOULD RESULT IN FLOODING NEAR THE SITE OR ELSEWHERE.”*

#### **POLICY 35 – GREEN BELT**

*“IN THE GREEN BELT, WASTE MANAGEMENT DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT CAN BE DEMONSTRATED TO BE THE BEST PRACTICABLE ENVIRONMENTAL OPTION AND DOES NOT CONFLICT WITH THE PURPOSES OF GREEN BELT DESIGNATION IN THE FOLLOWING INSTANCES:*

*A - THE CONSTRUCTION OF A WASTE MANAGEMENT FACILITY WILL ONLY BE PERMITTED WHERE IT COMPRISES AN ESSENTIAL FACILITY WHICH IS GENUINELY REQUIRED AND WHOSE FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS AND WHERE WASTE MANAGEMENT OPERATIONS OF A TEMPORARY NATURE INCLUDE THE LIKELY DURATION OF THE WASTE MANAGEMENT OPERATION.*

*B - THE RE-USE OF A BUILDING FOR WASTE MANAGEMENT PURPOSES WILL BE PERMITTED PROVIDED:*

*(I) IT DOES NOT HAVE A MATERIALLY GREATER IMPACT THAN THE PRESENT USE ON THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN IT;*

*(II) THE BUILDING IS OF PERMANENT AND SUBSTANTIAL CONSTRUCTION AND IS CAPABLE OF CONVERSION WITHOUT MAJOR OR COMPLETE RECONSTRUCTION; AND*

*(III) THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS.”*

#### **POLICY 36 - WASTE MINIMISATION**

*“PROPOSALS FOR DEVELOPMENT REQUIRING PLANNING PERMISSION SHALL INCLUDE A SCHEME FOR SUSTAINABLE MANAGEMENT OF THE WASTE GENERATED BY THE DEVELOPMENT DURING CONSTRUCTION AND DURING SUBSEQUENT OCCUPATION. THE SCHEME SHALL INCLUDE MEASURES TO:*

*I. MINIMISE, RE-USE AND RECYCLE WASTE; AND*

*II. MINIMISE THE USE OF RAW MATERIALS; AND*

*III. MINIMISE THE POLLUTION POTENTIAL OF UNAVOIDABLE WASTE; AND*

*IV. DISPOSE OF UNAVOIDABLE WASTE IN AN ENVIRONMENTALLY ACCEPTABLE MANNER;*

*INITIATIVES TO REDUCE WASTE GENERATION WILL BE ENCOURAGED THROUGHOUT THE COUNTY.”*

#### **POLICY 37 – PROXIMITY TO OTHER LAND USES**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL BE DETERMINED TAKING INTO ACCOUNT SUCH MATTERS AS THE EFFECT ON THE ENVIRONMENT, OCCUPANTS’ AND USERS’ AMENITY AND HEALTH, THE COUNTRYSIDE, THE TRADITIONAL LANDSCAPE CHARACTER OF GLOUCESTERSHIRE, THE LOCAL HIGHWAY NETWORK, ANY HAZARDOUS INSTALLATION OR SUBSTANCE AND ANY ADVERSE CUMULATIVE EFFECT IN COMBINATION WITH OTHER DEVELOPMENT IN THE AREA. WHERE APPROPRIATE, SUITABLE AMELIORATIVE MEASURES SHALL BE INCORPORATED IN THE*

*PROPOSALS TO MITIGATE, ATTENUATE AND CONTROL NOISE, DUST, LITTER, ODOUR, LANDFILL GAS, VERMIN, LEACHATE AND FLUE EMISSIONS.”*

#### **POLICY 38 - HOURS OF OPERATION**

*“THE WASTE PLANNING AUTHORITY WILL WHERE APPROPRIATE IMPOSE A CONDITION RESTRICTING HOURS OF OPERATION ON WASTE MANAGEMENT FACILITIES TO PROTECT AMENITY.”*

#### **POLICY 39 – TRANSPORT**

*“PROPOSALS FOR THE DEVELOPMENT OF WASTE MANAGEMENT FACILITIES WILL BE REQUIRED TO SHOW THAT, WHERE PRACTICABLE, FULL CONSIDERATION IS GIVEN TO THE TRANSPORT OF WASTE, BY:*

- RAIL;*
- WATER; AND*
- THROUGH PIPELINES;*

*A TRANSPORT ASSESSMENT WILL BE REQUIRED TO ADDRESS THE TRAFFIC IMPACT AND THE ACCESSIBILITY OF THE PROPOSED DEVELOPMENT. THE SCOPE OF THE TRANSPORT ASSESSMENT MUST BE AGREED BEFOREHAND WITH THE WPA.”*

#### **POLICY 40 – TRAFFIC**

*“PROPOSALS FOR WASTE DEVELOPMENT WILL ONLY BE PERMITTED WHERE THE SITE ACCESS AND THE ADJACENT HIGHWAY NETWORK CAN SAFELY ACCOMMODATE THE TRAFFIC ASSOCIATED WITH THE DEVELOPMENT, OR WHERE THE REQUIRED HIGHWAY IMPROVEMENTS WOULD NOT CAUSE UNACCEPTABLE HARM TO THE LOCAL ENVIRONMENT. A TRANSPORT ASSESSMENT WILL BE REQUIRED TO ADDRESS THE TRAFFIC GENERATION OF THE PROPOSED DEVELOPMENT AND ITS IMPACT ON THE LOCAL ROAD NETWORK.”*

#### **POLICY 41 – PUBLIC RIGHTS OF WAY**

*“PROPOSALS FOR WASTE DEVELOPMENT SHOULD INCLUDE, WHERE APPROPRIATE, PROPOSALS TO CREATE NEW PUBLIC RIGHTS OF WAY AND SHOULD SAFEGUARD EXISTING PUBLIC RIGHTS OF WAY BY INCORPORATING MEASURES TO SEGREGATE OR DIVERT THEM, PRIOR TO COMMENCING DEVELOPMENT. WHERE NEW PUBLIC RIGHTS OF WAY ARE CREATED, OPERATORS WILL BE ASKED TO ENTER INTO A MAINTENANCE AGREEMENT. THIS WILL PLACE A RESPONSIBILITY ON THE CURRENT AND ANY FUTURE LANDOWNER TO MANAGE THESE RIGHTS OF WAY.”*

#### **POLICY 42 – REINSTATEMENT**

*“IN CONSIDERING PROPOSALS FOR TEMPORARY WASTE DEVELOPMENT, THE WASTE PLANNING AUTHORITY REQUIRES REINSTATEMENT MEASURES FOR THE LAND INCLUDING APPROPRIATE*

AFTERCARE TO SECURE ACCEPTABLE AND SUSTAINABLE AFTER-USE BY A SET DATE. IN THE CASE OF RESTORATION TO AGRICULTURE, THE LAND SHOULD BE RETURNED TO A QUALITY EQUIVALENT TO OR BETTER THAN EXISTED BEFORE DEVELOPMENT COMMENCED. A GOOD ENVIRONMENTAL STANDARD WILL BE EXPECTED THAT WILL REFLECT THE CHARACTER OF THE LAND AS A VALUABLE RESOURCE. DETAILS OF REINSTATEMENT REQUIREMENTS WILL BE DETERMINED BY THE CIRCUMSTANCES PREVAILING AT THE TIME OF THE PLANNING DECISION AND WHEN ANY LATER APPLICATIONS FOR REVIEW ARE CONSIDERED.”

#### **POLICY 43 – AFTER USE**

“THE WASTE PLANNING AUTHORITY WILL ENCOURAGE AFTER-USES ON WASTE MANAGEMENT SITES WHICH WILL:

- BENEFIT THE LOCAL COMMUNITY,
  - DIVERSIFY THE LOCAL ECONOMY,
  - IMPROVE AMENITIES,
  - ENHANCE BIODIVERSITY AND WILDLIFE HABITATS, LANDSCAPE FEATURES, THE LOCAL ENVIRONMENT, OR OTHER SITES OF GEOLOGICAL OR SCIENTIFIC INTEREST, OR
  - PROVIDE WOODLAND AREAS,
- WHERE THIS DOES NOT CONFLICT WITH OTHER POLICIES, AND THE BIODIVERSITY ACTION PLAN.”

#### **POLICY 44 - AIRPORT SAFEGUARDING**

“PROPOSALS FOR WASTE DEVELOPMENT WITHIN THE SAFEGUARDING AREAS OF AIRPORTS AND AIRFIELDS WILL ONLY BE PERMITTED WHERE IT CAN BE ADEQUATELY DEMONSTRATED THAT THE DEVELOPMENT AND THE NATURE OF THE WASTE MATERIALS INVOLVED WILL NOT CONSTITUTE A HAZARD TO AIR TRAFFIC.”

#### **POLICY 45 – PLANNING OBLIGATIONS**

“THE WASTE PLANNING AUTHORITY WILL SEEK TO ENTER INTO PLANNING OBLIGATIONS WITH WASTE OPERATORS TO MITIGATE THE IMPACTS OF WASTE AND WASTE DEVELOPMENT. THE FOLLOWING MAY BE CONSIDERED APPROPRIATE MATTERS FOR INCLUSION IN A PLANNING OBLIGATION WHERE RELATED TO THE DEVELOPMENT PROPOSAL:

- HIGHWAYS AND ACCESS IMPROVEMENT AND HIGHWAY MAINTENANCE,
- TRAFFIC WEIGHT RESTRICTIONS,
- ENVIRONMENTAL PROTECTION AND ENHANCEMENT [INCLUDING LANDSCAPING, HABITAT AND SPECIES PROTECTION AND CREATION],
- PROTECTION AND/OR REPLACEMENT OF LOCAL, REGIONAL AND NATIONAL SITES OF ACKNOWLEDGED IMPORTANCE,
- REPLACEMENT OF IMPORTANT ENVIRONMENTAL AND LANDSCAPE FEATURES,
- PROTECTION OF LOCAL AMENITY,

- WASTE AWARENESS AND PUBLICITY CAMPAIGNS FOR THE LOCAL COMMUNITY,
- LOCAL WASTE MINIMISATION PROJECTS,
- REPLACEMENT OF LOCAL COMMUNITY FACILITIES, FOR EXAMPLE OPEN SPACE, SPORTS AND RECREATION FACILITIES,
- PROTECTION OF OTHER NATURAL RESOURCES, FOR EXAMPLE, THE WATER ENVIRONMENT,
- RESTORATION AND LONG-TERM MANAGEMENT OF SITE,
- AFTER-USE DEVELOPMENT, AND
- MONITORING.”

**Gloucestershire Waste Core Strategy (2012-2027) – Publication Version, dated December 2010 (Focused changes are currently under consideration August 2011)**

### **Core Policy WCS2 – Recycling & Composting /Anaerobic Digestion (including Bulking and Transfer)**

*“In order to achieve the Gloucestershire local authorities' household recycling and composting target of at least 60% by 2020, the Council will support in principle, proposals relating to the development of new and expanded recycling and composting **anaerobic digestion, bulking and transfer** facilities including businesses that process recyclates and re-use waste.*

*Planning permission will be granted subject to the following criteria being met:*

- 1. It can be demonstrated that the impact on the environment and neighbouring land uses is acceptable. Proposals for composting/**AD** generally must be at least 250m from sensitive land uses such as housing unless it can be demonstrated that it can operate in closer proximity without adverse impact.*
- 2. The highway access is suitable for the proposed vehicle movements.*
- 3. The proposal contributes towards providing a sustainable waste management system for Gloucestershire.*
- 4. If the proposal is of a 'strategic' scale (>50,000 tonnes/year) it is located in the area defined as 'Zone C' (see Key Diagram).*

*Particular support will be given to proposals that:*

- Are located within or close to an urban area; and/or*
- Involve the re-use of previously developed land, **vacant or underutilised employment land** and/or redundant rural buildings including farm diversification opportunities; and/or*
- Involve co-location with an existing operation of a similar or complimentary nature; and/or*
- Incorporate alternatives to the transport of waste by road (rail, water etc.), and/or*
- Are well located to allow employees to reach the site by foot, cycle or public transport.*

*Proposals for the development of markets for recycled materials, in particular initiatives to assist small to medium-sized businesses to re-use/recycle their*

discarded waste materials will be supported and encouraged through partnership working including the Gloucestershire Waste Partnership.”

It is acknowledged that in the case of composting **or anaerobic digestion** it may prove difficult to locate within an urban area due to a 250m buffer generally being required for issues relating to bioaerosols. **This should not however apply to recycling and bulking/transfer facilities.**

#### **Core Policy WCS4 – Other Recovery (including energy recovery)**

*“In order to divert waste from landfill, in particular biodegradable waste, in the period to 2027, the WPA will make provision for the following residual waste recovery capacity:*

- MSW 150,000 tonnes/year<sub>1</sub>*
- C&I 143,000 – 193,000 tonnes/year<sub>2</sub>*

*All 'strategic' residual waste recovery facilities (>50,000 tonnes/year) will be located in the central area of Gloucestershire, close to the main urban areas along the M5 corridor including Gloucester and Cheltenham. This area is designated 'Zone C' and is shown on the Key Diagram.*

*Within 'Zone C' the following sites are allocated for residual waste recovery:*

- 1. Wingmoor Farm East (primarily C&I, but with MSW potential)*
- 2. Wingmoor Farm West – Sites A & B (primarily MSW, but with C&I potential)*
- 3. Javelin Park (primarily MSW, but with C&I potential)*
- 4. Land at Moreton Valence (primarily C&I, but with MSW potential)*

*These strategic sites are illustrated on the Key Diagram. Detailed site boundaries and key development criteria are set out in the Strategic Site Schedules at Appendix 5.*

*Planning permission for 'strategic' residual waste facilities will only be granted outside the allocated sites where it can be demonstrated that the strategic sites are unavailable and that there is a clear justification that proposals will meet the identified recovery capacity and not compromise any other policies contained in this strategy.*

*Planning permission will not be granted for strategic scale residual waste recovery facilities (>50,000 tonnes/year) outside Zone C. 'Non-strategic' residual waste recovery facilities (<50,000 tonnes/year) will be permitted both within and outside Zone C where the facility forms part of a sustainable waste management system and would be subject to the following criteria:*

- The proposal is located on an industrial estate or permitted/allocated employment land permitted or allocated for B2 general industrial use; and/or*
- The proposal is located on previously developed land; and/or*
- The proposal involves the development of an existing waste management facility or mineral site; and*
- The facility would meet the relevant policies and criteria of the development plan.”*



*1 This is an approximate requirement based on the latest available waste flow forecast produced by the Waste Disposal Authority and is based on achieving a 60% recycling rate by 2020.*

*2 A proportion of this capacity requirement may also be met from other forms of waste recovery including recycling and composting”.*

### **Core Policy WCS10 – Green Belt**

*“Proposals for waste related development within the Gloucester – Cheltenham Green Belt that do not involve the re-use of an existing building will be permitted where it can be demonstrated that there are ‘very special circumstances’ including:*

- The site is allocated in the WCS; or*
- The proposal would contribute towards a sustainable waste management system for Gloucestershire; and*
- There is a particular, identified need for the facility to be located where it is proposed (e.g. proximity to main waste arisings, relationship to an existing waste management facility); and*
- The proposal would not conflict with the five main purposes of the Green Belt designation; and*
- The proposal would be consistent with other relevant development plan policies.*

*Where the proposal involves the re-use of an existing building:*

- It must not have a materially greater impact than the existing building on the openness of the Green Belt and the purpose of including land within it; and*
- The building must be of permanent and substantial construction and be capable of conversion without major or complete reconstruction; and*
- The form, bulk and design of the buildings is in keeping with its surroundings; and*
- The proposal would be consistent with other relevant development plan policies.*

*In accordance with Core Policy WCS13 poor design will be rejected.*

*The WPA will work in partnership with the local authorities of Gloucester, Cheltenham and Tewkesbury in relation to potential Green Belt revisions arising through the Joint Core Strategy or other relevant Development Plan Documents (DPD) to ensure that any such revision takes full account of existing and proposed waste management facilities including where appropriate the designation of ‘inset’ sites within the Green Belt”.*

### **WCS10 – Green Belt**

*“Proposals for waste related development within the Gloucester – Cheltenham Green Belt that do not involve the re-use of an existing building will be permitted where it can be demonstrated that there are ‘very special circumstances’ including:*

- *The site is allocated in the WCS; or*
- *The proposal would contribute towards a sustainable waste management system for Gloucestershire; and*
- *There is a particular, identified need for the facility to be located where it is proposed (e.g. proximity to main waste arisings, relationship to an existing waste management facility); and*
- *The proposal would not conflict with the five main purposes of the Green Belt designation; and*
- *The proposal would be consistent with other relevant development plan policies.*

*Where the proposal involves the re-use of an existing building:*

- *It must not have a materially greater impact than the existing building on the openness of the Green Belt and the purpose of including land within it; and*
- *The building must be of permanent and substantial construction and be capable of conversion without major or complete reconstruction; and*
- *The form, bulk and design of the buildings is in keeping with its surroundings; and*
- *The proposal would be consistent with other relevant development plan policies.”*

#### ***Gloucestershire Minerals Core Strategy - Preferred Options (January 2008)***

### **Sand & Gravel Provision Preferred Options**

#### **MPO4a**

*“Preferred option MPO4a seeks to ensure sufficient provision is made to meet the remaining local apportionment of sand & gravel for Gloucestershire (presently 2006 to 2016). ). It also supports maintaining a 7-year landbank for sand & gravel at the end of the guideline period at 2016. Based on the assessment carried out in the Technical Paper MCS-A, option MPO4a may result in additional areas for future mineral working having to be identified.”*

#### **MPO4b**

*“Preferred option MPO4b looks to adopt a similar methodology to that of option MPO4a, by seeking to ensure sufficient provision is made to meet the local apportionment for Gloucestershire. However, it supports a longer landbank provision through to 2026, which is 10 years beyond the end of the guideline period. The aim of option MPO4b is to synchronise the local policy for sand & gravel provision with that of the spatial vision of the MCS and the emerging RSS.”*

#### **MPO4c**

*“Preferred Option MPO4c proposes a more strategic / sub-regional approach to sand & gravel provision. It offers more proactive support for resolving the projected shortfall in the sand & gravel provision across the region. Beyond the local requirements observed in options MPO4a and MPO4b, this option proposes a potential additional commitment for Gloucestershire. It is*

*based upon maintaining appropriate, steady and consistent supplies of sand & gravel right across the strategic resource area of the Upper Thames Valley. This may result in Gloucestershire subsuming some of the local provision requirements for the neighbouring areas of Wiltshire and Swindon."*

## **Clay Preferred Option**

### **MPO6**

*"Preferred Option MPO6 proposes two criteria-based policies – one for brick clays; and one for other engineering purposes.*

*The brick clay policy will consider the acceptability of future clay extraction in relation to local brickworks and the exportation of clay minerals to strategic brickwork sites that may lie outside of the county. It will also consider the acceptability of mineral importation and on-site stockpiling.*

*The other engineering policy will consider the acceptability of future clay extraction in the context of need, local environmental capacity; public amenity; transportation, restoration potential; and opportunities to reuse materials back on-site."*

## **Tewkesbury Borough Local Plan (Adopted March 2006)**

### **POLICY GRB1**

**"IN THE GREEN BELT, PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT OTHER THAN:**

**a) THE CONSTRUCTION OF NEW BUILDINGS FOR THE FOLLOWING PURPOSES:**

- i) NECESSARY FOR THE EFFICIENT USE OF AGRICULTURE OR FORESTRY;**
- ii) ESSENTIAL FACILITIES FOR OUTDOOR SPORT AND OUTDOOR RECREATION, FOR CEMETERIES AND OR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND WHICH DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND WITHIN IT; AND**
- iii) LIMITED EXTENSION, ALTERATION OR REPLACEMENT OF DWELLINGS PROVIDED THAT ANY EXTENSION OR ALTERATION DOES NOT RESULT IN DISPROPORTIONATE ADDITIONS OVER AND ABOVE THE SIZE OF THE ORIGINAL BUILDING AND THAT ANY REPLACEMENT IS NOT MATERIALLY LARGER THAN THE DWELLING IT REPLACES.**

**b) THE RE-USE OF BUILDINGS PROVIDED:**

- i) IT DOES NOT HAVE A MATERIALLY GREATER IMPACT THAN THE PRESENT USE ON THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN IT;**
- ii) THE PROPOSAL DOES NOT INCLUDE ANY EXTENSION TO THE BUILDING OR THE ASSOCIATED USE OF LAND SURROUNDING THE**

BUILDING WHICH WOULD CONFLICT WITH THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN IT;  
iii) THE BUILDING IS OF PERMANENT AND SUBSTANTIAL CONSTRUCTION AND IS CAPABLE OF CONVERSION WITHOUT MAJOR OR COMPLETE RECONSTRUCTION; AND  
iv) THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH THE SURROUNDINGS

c) THE CARRYING OUT OF AN ENGINEERING OR OTHER OPERATION OR THE MAKING OF A MATERIAL CHANGE IN THE USE OF LAND PROVIDED THAT IT MAINTAINS THE OPENNESS OF THE GREEN BELT AND DOES NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT.”

#### **POLICY EMP4**

“WITHIN THE RURAL AREAS NEW SMALL SCALE EMPLOYMENT USES APPROPRIATE TO THEIR LOCAL CONTEXT WILL BE PERMITTED PROVIDED THAT THEY ARE EITHER DIRECTLY RELATED TO THE ESSENTIAL NEEDS OF AGRICULTURE, FORESTRY OR OTHER RURAL INDUSTRIES, WHERE IT CAN BE DEMONSTRATED THAT THERE ARE SPECIFIC REASONS WHY A RURAL LOCATION IS NECESSARY, OR MAKE USE OF SITES WITH EXISTING BUILDINGS OR STRUCTURES. IN ALL CASES PROPOSALS MUST:

(A) BE CAPABLE OF SAFE AND CONVENIENT ACCESS BY ROAD WITHOUT DETRIMENT TO THE LOCAL HIGHWAY NETWORK,

(B) BE WELL RELATED TO LOCAL RESIDENTIAL AREAS IN SUCH A WAY TO ALLOW ACCESS BY WALKING, CYCLING OR PUBLIC TRANSPORT.

(C) BE, BY MEANS OF GOOD DESIGN, SITING AND APPROPRIATE LANDSCAPING, SATISFACTORILY ASSIMILATED INTO THE COUNTRYSIDE, AND

(D) NOT LEAD TO ANY SIGNIFICANT ADVERSE EFFECT ON NEARBY RESIDENTIAL OR OTHER USES BY WAY OF NOISE, VIBRATION, POLLUTION, TRAFFIC GENERATION OR OTHER DISTURBANCE.

THE TREATMENT OF EXISTING BUILDINGS ON THE SITE WILL BE ASSESSED IN ACCORDANCE WITH POLICIES AGR6 AND AGR7. ONCE ESTABLISHED, PROPOSALS RELATING TO NEW RURAL BUSINESS CENTRES WILL BE ASSESSED IN RELATION TO POLICY EMP3.”

#### **POLICY TPT1**

“DEVELOPMENT WILL BE PERMITTED WHERE:

(a) PROVISION IS MADE FOR SAFE AND CONVENIENT ACCESS TO THE DEVELOPMENT BY PEDESTRIANS AND CYCLISTS;

(b) AN APPROPRIATE LEVEL OF PUBLIC TRANSPORT SERVICE AND INFRASTRUCTURE IS AVAILABLE, OR CAN BE MADE AVAILABLE;

(c) THE TRAFFIC GENERATED BY AND/OR ATTRACTED TO THE DEVELOPMENT, TOGETHER WITH THAT ARISING FROM OTHER EXISTING OR PLANNED DEVELOPMENT, WOULD NOT IMPAIR THE SAFETY OR SATISFACTORY OPERATION OF THE HIGHWAY NETWORK, AND  
(d) HIGHWAY ACCESS CAN BE PROVIDED TO AN APPROPRIATE STANDARD WHICH WOULD NOT ADVERSELY AFFECT THE SAFETY OR SATISFACTORY OPERATION OF THE HIGHWAY NETWORK, NOR CAUSE AN UNACCEPTABLE LOSS OF AMENITY TO USERS OF ADJACENT LAND.”

### **POLICY TPT3**

“THE MAIN PEDESTRIAN NETWORKS WILL BE PROTECTED, AND WILL BE ENHANCED WHERE OPPORTUNITIES ARISE THROUGH THE DESIGN OF DEVELOPMENT PROPOSALS ALONG THESE ROUTES.”

### **POLICY TPT5**

“THE BOROUGH COUNCIL WILL SEEK TO SECURE THE IMPLEMENTATION OF THE FOLLOWING SCHEMES FOR THE ENHANCEMENT OF THE CYCLEWAY NETWORK WITHIN THE BOROUGH:

- THE COMPLETION OF INTER-URBAN CYCLE ROUTES BETWEEN GLOUCESTER AND CHELTENHAM ALONG THE B4063, AND TEWKESBURY TO BROCKWORTH VIA BISHOPS CLEEVE AND CHELTENHAM
- THE PROVISION OF THE NATIONAL CYCLE NETWORK LINKS BETWEEN TEWKESBURY AND GLOUCESTER, TEWKESBURY AND EVESHAM AND GLOUCESTER TO EVESHAM VIA CHURCHDOWN, CHELTENHAM AND BISHOPS CLEEVE; ALSO THE GLOUCESTER TO FOREST OF DEAN LINK.

THE BOROUGH COUNCIL WILL ALSO SUPPORT THE PROVISION OF INTRA CENTRE CYCLE NETWORKS WITHIN ITS AREA IN TEWKESBURY / ASHCHURCH, BISHOPS CLEEVE / WOODMANCOTE, THE CHELTENHAM FRINGE, BROCKWORTH / HUCCLECOTE / SHURDINGTON AND CHURCHDOWN / LONGFORD / INNSWORTH.

THE DESIGN OF ALL DEVELOPMENT, INCLUDING ASSOCIATED HIGHWAY WORKS, SHOULD MAKE APPROPRIATE PROVISION FOR CYCLISTS BY THE INTRODUCTION OF, FOR EXAMPLE: CYCLEWAYS, SECURE CYCLE PARKING FACILITIES AND CYCLE-FRIENDLY JUNCTION LAYOUTS.”

### **POLICY EVT2**

“THE BOROUGH COUNCIL WILL SEEK TO MINIMISE LIGHT POLLUTION RESULTING FROM NEW DEVELOPMENT PROPOSALS. DETAILS OF ANY EXTERNAL LIGHTING SCHEME REQUIRED AS PART OF ANY DEVELOPMENT SHOULD BE SUBMITTED AS PART OF THE PLANNING APPLICATION. APPLICANTS WILL BE EXPECTED TO DEMONSTRATE THAT THE SCHEME PROPOSED IS THE MINIMUM NEEDED FOR SECURITY AND OPERATIONAL PURPOSES AND THAT IT MINIMISES POTENTIAL POLLUTION CAUSED BY GLARE AND SPILLAGE.”

### **POLICY EVT3**

*“DEVELOPMENTS LIKELY TO GENERATE LEVELS OF NOISE WHICH ARE UNACCEPTABLE EITHER IN VOLUME OR FREQUENCY OF OCCURRENCE SHOULD, WHERE APPROPRIATE, BE SITED AWAY FROM PEOPLE SO AS TO AVOID ANY NOISE DISTURBANCE AND NEW DEVELOPMENT SHOULD ITSELF BE SITED AWAY FROM SOURCES OF NOISE. APPROPRIATE STEPS MUST BE TAKEN DURING CONSTRUCTION AND OPERATION OR OCCUPATION OF THE COMPLETED DEVELOPMENT TO REDUCE LEVELS OF NOISE POLLUTION. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHERE NOISE WOULD CAUSE HARM AND IT CANNOT BE AMELIORATED”*

#### **POLICY EVT5**

*“WITHIN AREAS WITH A HIGH FLOOD RISK, AND LOW TO MEDIUM FLOOD RISK, AS IDENTIFIED ON THE PROPOSALS MAP, AND OUTSIDE THESE AREAS IF REQUIRED BY THE ENVIRONMENT AGENCY, PROPOSALS FOR DEVELOPMENT MUST BE ACCOMPANIED BY A FLOOD RISK ASSESSMENT (FRA) IN ACCORDANCE WITH PPG25, ANNEX F. DEVELOPMENT WILL BE PERMITTED PROVIDED THAT THE PROPOSED DEVELOPMENT HAS BEEN DEMONSTRATED TO MEET ALL OF THE FOLLOWING CRITERIA IN RESPECT OF FLOOD PROTECTION:*

- 1. THERE ARE NO OTHER APPROPRIATE SITES FOR THE DEVELOPMENT IN A LOWER RISK ZONE,*
- 2. IT WILL NOT ITSELF BE AT UNACCEPTABLE RISK FROM FLOODING,*
- 3. IT WILL NOT INCREASE THE RISK OF FLOODING TO THIRD PARTIES WITHIN THE FLOODPLAIN OR IN ADJOINING AREAS BY REDUCING FLOOD STORAGE CAPACITY, INCREASING THE DEPTH OF FLOOD FLOWS, ADVERSELY AFFECTING FLOW VELOCITIES OR DIVERTING FLOOD FLOWS,*
- 4. THE RISK TO HUMAN LIFE AND PROPERTY IS ACCEPTABLE,*
- 5. A MINIMUM ACCESS STRIP OF 8M ON THE BANKS OF MAIN RIVERS AND ON ORDINARY WATERCOURSES IS PROVIDED,*
- 6. ANY EXISTING FLOOD DEFENCES AND OTHER EXISTING OR POTENTIAL FLOOD ALLEVIATION MEASURES ARE ADEQUATELY SAFEGUARDED,*
- 7. IT WOULD NOT RESULT IN EXTENSIVE CULVERTING,*
- 8. WHERE ADDITIONAL FLOOD DEFENCES, OTHER MITIGATION WORKS OR WARNING MEASURES ARE REQUIRED THEY MUST BE FULLY FUNDED BY THE DEVELOPER INCLUDING ADEQUATE PROVISION FOR ONGOING MAINTENANCE THROUGH A DEDICATED COMMUTED SUM FOR 30 YEARS,*
- 9. THE PROPOSAL DOES NOT INVOLVE SIGNIFICANT AND UNSUSTAINABLE ADDITIONAL FLOOD DEFENCES IN UNDEVELOPED OR SPARSELY DEVELOPED AREAS OR WITHIN THE FUNCTIONAL FLOODPLAIN.”*

#### **POLICY LND2**

*“THE EXTENT OF THE SPECIAL LANDSCAPE AREA IS SHOWN ON THE PROPOSALS MAP. IN THE ASSESSMENT OF PROPOSALS FOR DEVELOPMENT SPECIAL ATTENTION WILL BE ACCORDED TO THE PROTECTION AND ENHANCEMENT OF THE LANDSCAPE CHARACTER OF THE SPECIAL LANDSCAPE AREA WHICH ARE OF LOCAL SIGNIFICANCE. WITHIN THIS AREA PROPOSALS MUST DEMONSTRATE THAT THEY DO NOT ADVERSELY AFFECT THE QUALITY OF THE NATURAL AND BUILT ENVIRONMENT, ITS VISUAL ATTRACTIVENESS, WILDLIFE AND ECOLOGY, OR DETRACT FROM THE QUIET ENJOYMENT OF THE COUNTRYSIDE”*

#### **POLICY LND4**

*“IN CONSIDERING PROPOSALS FOR DEVELOPMENT IN RURAL AREAS OTHER THAN THE AREA OF OUTSTANDING NATURAL BEAUTY, SPECIAL LANDSCAPE AREA, AND LANDSCAPE PROTECTION ZONE, REGARD WILL BE GIVEN TO THE NEED TO PROTECT THE CHARACTER AND APPEARANCE OF THE RURAL LANDSCAPE.”*

#### **POLICY NCN4**

*“DEVELOPMENT PROPOSALS WHICH WOULD ADVERSELY AFFECT SPECIES PROTECTED BY THE WILDLIFE AND COUNTRYSIDE ACT 1981 AS AMENDED, THE BADGERS ACT 1992 AND THE EC HABITAT AND SPECIES DIRECTIVE, WILL NOT BE PERMITTED UNLESS PROPER PROVISION IS MADE TO SAFEGUARD BOTH THEM AND THEIR HABITAT THROUGH THE USE OF APPROPRIATE PLANNING CONDITIONS AND/OR LEGAL AGREEMENTS.”*

#### **POLICY NCN5**

*“THE BOROUGH COUNCIL WILL SEEK TO PROTECT AND ENHANCE BIODIVERSITY WHEN CONSIDERING DEVELOPMENT PROPOSALS. IN PARTICULAR, THE FOLLOWING NATURAL HABITATS AND FEATURES WILL BE PROTECTED, WHERE POSSIBLE, FROM LOSS OR SIGNIFICANT DETRIMENTAL ALTERATION: ANCIENT SEMI-NATURAL WOODLANDS, SEMI-NATURAL GRASSLANDS, MARSHES, WATER COURSES, ORCHARDS, PONDS, PARKLANDS, HEDGEROWS, LINEAR TREE/SHELTER BELTS AND TREES. WHERE DEVELOPMENT UNAVOIDABLY NECESSITATES THE REMOVAL OF SUCH FEATURES, REPLACEMENT FEATURES OF EQUIVALENT VALUE SHOULD BE PROVIDED”*

#### **POLICY NCN6**

*“THE CREATION AND RESTORATION OF PONDS EITHER AS PART OF DEVELOPMENT PROPOSALS OR IN LAND MANAGEMENT/ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WHERE THESE CONTRIBUTE POSITIVELY TO THE QUALITY OF THE LANDSCAPE AND ENHANCE ITS NATURE CONSERVATION VALUE. IN ASSESSING SUCH PROPOSALS ATTENTION WILL ALSO BE PAID TO SAFETY CONSIDERATIONS.”*

**Cheltenham Borough Local Plan Second Review 1991 – 2011 Adopted by Council 29 June 2006**

**POLICY CO 2: DEVELOPMENT WITHIN OR AFFECTING THE AONB**

*“Development which would harm the natural beauty of the landscape within the AONB will not be permitted.*

*Major developments will not be permitted within the AONB except in exceptional circumstances”(note 3).*

Note 1 The boundary of the AONB within the Borough is shown on the Proposals Map.

Note 2 See also policies CP 3 (sustainable environment), CO 3 (rebuilding or replacement of buildings in the AONB), CO 4 (extension of buildings in the AONB), CO 12 (farm diversification projects), CO 13 (conversion of rural buildings), RC 11 (recreation and sport in the countryside) and RC 12 (golf courses).

Note 3 In assessing exceptional circumstances regard will be had to:

(i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

(iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

**POLICY CO 6 - DEVELOPMENT IN THE GREEN BELT**

*“Within the Green Belt, except in very special circumstances, there will be a presumption against the construction of new buildings for purposes other than:*

*(a) agriculture and forestry (note 1); or*

*(b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it; or*

*(c) limited rebuilding, replacement, or extension of existing dwellings, subject to policies CO 7 and CO 8; or*

*(d) limited residential infilling (note 3) in within existing and previously undeveloped gaps in built up frontages along The Reddings, Shaw Green Lane and Bowbridge Lane, if there is no adverse impact on the openness of the Green Belt (note 4).*

*(e) development in accordance with policy CO 8 (note 5).*

*Engineering or other operations or any material change of use will not be permitted unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in it.”*

Note 1 Unless permitted development rights have been withdrawn - see also policy CO 13 (conversion of rural buildings).

Note 2 See also policies RC 11 (recreation and sport in the countryside) and RC 12 (golf courses).

Note 3 In this context, “infilling” means the construction of a new building or buildings between two existing buildings.

Note 4 This precludes the demolition of existing housing and its replacement by a greater number of dwellings. Any replacement would be assessed in relation to policy CO 7 (rebuilding or replacement of dwellings in the Green Belt), with consequent restrictions on size and siting.

Note 5 CO 9 (development at Cheltenham Racecourse).

Note 6 Where planning permission is granted for the development of a building in the Green belt, the Council may seek to impose a condition requiring removal of the building upon cessation of the original use.



**Cotswold District Local Plan 2001-2011 adopted on 25 April 2006.**

**POLICY 7: COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY**

*“In the consideration of proposals for development of land within or affecting the Cotswolds AONB, shown on the Proposals Map and Insets, the conservation and enhancement of the natural beauty of the landscape and countryside will be given priority over other considerations.*

*In the consideration of proposals within the AONB, regard will be had to the economic and social well-being of the area and its communities.*

*Major development will not be permitted within the AONB unless:*

- (a) it is in the public interest including in terms of any national considerations and the impact of permitting it, or refusing it, on the*
- (b) local economy; and the lack of alternative sites outside the AONB and of means of meeting the need in some other way justifies an exception being made”*

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Agenda Item 6 Planning application no: 09/0028/TWMAJW

Corrections/ Amendments:

Conditions:

1. Page 115 Condition 5f should read....

The total amount of non-hazardous waste accepted at the site shall not exceed **150,000** tonnes per annum.

2. Page 117 Condition 13 conflicts with condition 7 and can be deleted.

3. Page 118 Condition 18 should be replaced with the following which is clearer.

18 Within 6 months of the date of the date of commencement of this permission a scheme for CCTV monitoring within the curtilage of the site for enforcement of the access restrictions to and from the western access shall have been submitted to the Minerals and Waste Planning Authority for their written approval. This scheme shall include the provision and maintenance of no left turn signs within the curtilage of the site. The CCTV weight limit monitoring and enforcement shall then be completed in all respects and in accordance with the approved scheme within 12 months of the date of approval.

4. Page 120 Condition 25

The word exceed is missing before 42dB, should read...

Between the hours of 1800 hours and 0700 hours, the noise levels arising from the development shall not **exceed** 42dB.....

5. Page 126 Condition 48.

Please substitute plan number GRU014 (Dated April 2009) for SK/1823/100309

6. Page 128

The title **Review of Restoration progress** should be inserted above condition 53.