



**WEST OF ENGLAND PARTNERSHIP
JOINT WASTE CORE STRATEGY**

HEARING

NOVEMBER 2010

WRITTEN SUBMISSIONS FROM NATURAL ENGLAND

Inspector's questions re Key issues, challenges, vision and strategic objectives

Key issue: Whether the Vision and Strategic Objectives are sufficiently focussed, spatial and locally distinctive; also whether they address adequately matters of self-sufficiency and timely provision

6. Is it intended that the sub-region should be self sufficient and that waste facilities should be provided with the capacity equal to the amount of waste generated and requiring management within the area? If so, should this be reflected in the Vision?
[NE]

Natural England advice to date:-

Response dated 13th Aug 2009 to JWCS – Scope and Policy Doc

Issues related to achieving the vision for 2016 “in particular, the reduction of waste miles and achievement of substantial self sufficiency in the management of waste generated in the sub-region”

“If all of the discrete sites listed in Policy 5 were to become operational, the annual target for waste to be managed through recovery facilities would be exceeded by a considerable margin”

“We would encourage the West of England Partnership (WEP) to consider whether potentially allowing for such a level of provision might risk diverting waste away from the 3Rs and/or encourage the long distance importation of waste that might otherwise be managed closer to source”

“We have particular concerns with regard to Avonmouth/Sevenside area. Evidence suggests that this has the capacity to accommodate a certain amount of recovery facilities but we would be concerned at the potential for cumulative impact upon the local environment should it become a major regional or national focus for such operations”

“We recommend the WEP considers setting a limit on the recovery capacity (tonnes per annum) that should be provided for”

“We recommend the WEP consider amending Policy 5 to precisely align with the findings of the Habitats Regulations Assessment (HRA) i.e. specifying the nature and scale (TPA) of recovery facilities that, on the basis of current evidence, could be accommodated without risking significant adverse effects to a European Site.”

Response dated 26th Feb 2010 - Pre-submission Doc

“Good to see references to monitoring and the recognition this will be a critical tool to understand capacity provision and therefore future capacity needs”... “It is

reasonable to expect that if successfully implemented the Strategy should result in a reduction in waste arising, particularly residual waste”

“We note figures for C&I are based on estimates and have been used to forecast future capacity requirements. As acknowledged in the Strategy, more accurate baseline data needs to be established to enable meaningful monitoring”

“Reducing the WOE’s reliance on exporting waste is essential”

“We suggest the Core Strategy needs to make more explicit the capacity required to better guide the number of individual waste facilities required in each broad location”.. “the waste industry is already bringing sites forward for planning consent within the Avonmouth/Sevenside area that if granted would exceed the requirements of zone A, undermine the ability of the Strategy to ensure a geographic spread to minimise waste miles and put pressure on both the natural environment and transport infrastructure”

“We are broadly satisfied that suggested mitigation provided in Appendix F is likely to be sufficient to ensure no Likely Significant Effect (LSE) on the interests of protected sites and species, subject to site specific assessment, but only so far as the development of sites can be strictly limited to required capacity in each zone.”

Response dated 26th Feb 2010 – Sustainability Appraisal

“We would appreciate clarification of the following points:-

1. The (Sustainability) Appraisal makes references to the Initial Sustainability Appraisal at the ‘Issues and Options’ stage; these are listed on Page 18, at 2.2.3, and include:-
 - *Imports of waste: whether the WoE should only plan to deal with its own waste or should take waste from other areas.*”

“While we can find no specific references within the Core Strategy or accompanying documents that definitively answers this question, we are reasonably satisfied that intention of the JWCS is to provide capacity for management of WoE waste streams arising within the sub-region only, indeed we have found no suggestion that waste will or should be imported from other areas”

“However, given the fundamental importance of this issue, it would be helpful if the Core Strategy contains a fuller explanation of how this question was addressed”

“The Sustainability Appraisal makes reference to capacity on page 60, where it states that the overall options are based on a total treatment capacity of 800,000 ktpa. We suggest this also needs to be made explicit within the Core strategy to provide absolute clarity to UA planners and developers”

“Cumulative effects from ‘in combination’ considered on page 85, 9.4.2 (SA) where it states:

‘A number of sites have the potential to give rise to cumulative effects in combination with existing waste management facilities and other nearby operations. However, it is not expected that sites identified in the JWCS for development will give rise to cumulative effects in combination with other identified sites, as the spatial strategy requires only one site within each broad area to deliver the spatial strategy. Therefore the identified sites are unlikely to be sufficiently near to each other to create cumulative effects. However it is possible that capacity within Avonmouth might be split over two sites (spatial option C) and therefore the possibility of cumulative effects from development of more than one site in the Avonmouth area has been considered’

“While we feel the above statement articulates the Partnership’s intention to meet only required capacity within each zone, this needs to be made clear within the Core Strategy itself”

Natural England current view

It appears to us that the Councils intention is that the sub-region should be self sufficient and that waste facilities should be provided with the capacity equal to the amount of waste generated and requiring management within the area.

We believe the Councils proposed changes go a considerable way towards clarifying that intention and we support them.

Inspector's questions re Future Capacity Requirements

Key Issue: Whether there is clarity over the amount and type of waste management facilities that are likely to be required and the timing of their provision; also adequacy of coverage within the Core Strategy and justification through a robust and credible evidence base

4. Does more accurate baseline data need to be established for C&I waste? [NE]

Natural England advice to date:

Response dated 26th Feb 2010 to WOE JWCS Pre-submission Doc

“ we note that figures for C&I waste are based on estimates and that these have been used to forecast future capacity requirements. As acknowledged in the Strategy, more accurate data needs to be established to enable meaningful monitoring”

“We agree that reducing the WoE reliance on exporting waste is essential, the current situation where approx half of all municipal and C&I waste is exported out of the sub-region is highly unsustainable”

“The SA explains that no data was available with respect to C&I arisings, including location of arisings, composition or total tonnage, although estimates that this comprises the greater proportion of the total waste arisings within the sub region.”

“While we accept that assumptions had to be made about the amount, composition and location of C&I arisings, we suggest this data is compiled as a matter of priority in order to accurately monitor future management needs.”

Natural England current view

There is a major area of uncertainty is around commercial and industrial (C&I) waste. We accept that assumptions had to be made about likely capacity requirement but agree with the Sustainability Appraisal that accurate data needs to be compiled “as a matter of priority” in order to accurately monitor future management needs. Especially as it is estimated to make up more than half of all waste arising within the plan area.

We recommend that the Inspector advises the inclusion within the Core Strategy of a clear commitment to the collection of accurate data on tonnage, composition and location of C&I waste as a matter of urgency - in order to inform future review of policy and implementation.

Inspector's questions re Waste Prevention

Key issue: Whether the provisions in respect of waste prevention, including the use of Waste Audits, are clear, focussed and spatial; also whether they would help in the achievement of the Strategic Objectives in a direct and effective way

4. Should Waste Audits be required for developments smaller than 0.5? [NE]

Natural England advice to date:

Response dated 13th Aug 2009 to JWCS – Scope and Policy Doc

“Requiring a Site Waste Management Plan (SWMP) and affording this material status is a welcome inclusion within Policy 1”.

Response dated 26th Feb 2010 to WOE JWCS Pre-submission Doc

“We are delighted to note that waste prevention is policy number one, which accords well with the hierarchy principle. The policy and supporting text clearly articulate the importance and enormous benefits associated with promoting waste prevention, such as minimising resources, including land. We also welcome the commitment to partnership working, awareness raising and new requirement for ‘major’ development to include a Waste Audit.”

“However, while the requirement for a Waste Audit is welcome, its success will depend upon the evaluation criteria used. Furthermore, we suggest the proposed 0.5ha threshold may be too high given a significant number of development proposals under 0.5ha are likely to come forward in light of core strategy policies seeking development of brownfield, windfall and infill sites ahead of Greenfield or greenbelt.”

Natural England current view

We have suggested waste audits are considered for smaller developments and, in particular, residential developments of less than 0.5ha because of the likelihood that many such proposals will be submitted in future. Notably, as a result of emerging unitary authority core strategy policies that encourage higher density development of infill and brownfield sites ahead of greenfield or Green Belt sites.

It seems to us that the production of a waste audit for a small development need not be likely to be overly complex or costly, and could form part of a wider energy audit. Exempting such developments from the requirement to

produce a waste audit would be missing a major opportunity for waste prevention.

We believe the Council's suggestion that a figure of up to 10 units might be used instead of 0.5Ha would represent a significant improvement. We offer support for that suggestion and would encourage the Inspector to consider whether the policy could reasonably be extended still further.

Inspector's questions re non-residual waste treatment facilities

Key issue: Whether there is clear and appropriate provision for the development of non-residual waste management facilities.

4. Does the CS need to make explicit the capacity of waste management facilities that will be required within each zone? [NE]

Natural England advice to date:

Response dated 13th Aug 2009 to JWCS – Scope and Policy Doc

“We have particular concerns with regard to the Avonmouth/Sevenside area. Evidence suggest that it has the capacity to accommodate a certain amount of recovery facilities, but we would be concerned at the potential for cumulative impacts upon the local environment should it become a major regional or national focus for such operations.”

“We recommend the WEP considers setting a limit on the recovery capacity (tpa) that should be provided for.”

“This might be adjusted up or down in light of monitoring data to reflect local need and any future changes in Government policy. Clearly it would still be important to ensure a geographical spread of consented facilities in order to reflect the proximity principle.”

Response dated 26th Feb 2010 to WOE JWCS Pre-submission Doc

“We suggest the CS needs to make more explicit the capacity required to better guide the number of individual waste facilities required in each broad location. The waste industry is already bringing sites forward for planning consent within the Avonmouth/Sevenside area that if granted would exceed the requirements of zone A, undermine the ability of the Strategy to ensure a geographical spread to minimise waste miles and put pressure on both the natural environment and transport infrastructure.”

“We are broadly satisfied that suggested mitigation provided in Appendix F is likely to be sufficient to ensure no LSE on the interests of protected sites and species, subject to site specific assessment, but only so far as the development of sites can be strictly limited to required capacity in each zone.”

“We strongly recommend further guidance is provided to ensure current and future proposals are considered within the sub-regional context that directs local authorities to take into account the location of existing or proposed facilities in relation to such an application, and the extent to which capacity has been met within a zone. Without such a policy how can a ‘plan, monitor and manages’ approach (described at paragraph 6.8.8 be meaningfully applied?”

“our main concern relates to zone A, which includes Avonmouth and Severnside. Thermal waste facilities at this location have implications for the special interests of the Severn Estuary SAC, SPA, Ramsar and SSSI, including potential air and water contamination and disturbance of birds.”

“The number of strategically suitable sites included within zone A should provide a positive opportunity to consider the merits and demerits of each site and thereby help to ensure the best option if taken forward. However, currently there is a risk of more than one thermal waste facility being granted consent which could impact on the interests of a protected area and associated species, exceed capacity required and, potentially result in the importation of waste from outside the sub-region.”

“We recommend the WEP consider amending Policy 5 to precisely align with the finding of the HRA i.e. specifying the nature and scale (TPA) of recovery facilities that, on the basis of current evidence, could be accommodated without risking significant adverse effects to a European Site.”

Natural England current view

It seems to us that the Core Strategy does clearly set out the indicative capacity of waste management facilities that it is assumed will be required within each zone.

Considerably more strategic sites for the treatment of residual waste have been identified than would be required to meet the indicative capacity figures. We remain concerned at the possibility that consented capacity could rise significantly above the indicative figures and inadvertently encourage a trend towards waste recovery developments that import of waste from outside the Plan area.

We invite the Inspector to consider whether there are sufficient policy safeguards built into the Core Strategy to avoid such a scenario.

The Councils have stated that the Core Strategy will be monitored and permitted and operational capacity of residual waste treatment facilities within the Plan areas will be considered when assessing development proposals. That is most welcome but it is unclear to us how this commitment will be translated in practice without a stronger policy steer from the Core Strategy.

Inspector's questions re Development Management (1)

Key issue: whether there are clear and appropriate DM policies that, amongst other things, accord with and do not repeat or reformulate national policy

2. Is further guidance needed in order to ensure that decisions are made in the context of the sub-region? [NE]

Natural England advice to date:

Response dated 13th Aug 2009 to JWCS – Scope and Policy Doc

“we recommend the WEP consider there is a mechanism for issuing interim guidance so as to help ensure that development management decisions taken before the adoption of the final JWCS contribute towards the realisation of the Vision for 2026.”

Response dated 26th Feb 2010 to WOE JWCS Pre-submission Doc

“we are satisfied with the proposed strategic objectives, especially the emphasis on the waste hierarchy; ensuring facilities do not harm the environment and seeking positive benefits where possible.”

“However we have some concerns about how well the proposed development management policy will work as decisions on proposals will be split between four individual UAs, and suggest further guidance is required to ensure DM decisions are made within the context of the sub-region.”

“we therefore recommend the WEP consider whether there is a mechanism for issuing interim guidance to ensure DM decisions taken prior to publication do not provide for more than local needs and thereby undermine the strategy.”

“it is good to see that the Joint Residual Municipal Waste Management Strategy and the UAs individual waste management strategies have been taken into account in the preparation of the JWCS. Effective coordination will be needed to deliver all these related strategies and we are largely satisfied that the JWCS can provide the necessary overarching policy and spatial framework, subject to further clarification of required capacity.”

“a number of waste proposals on sites listed in this policy (5) have been submitted or are pending...we strongly recommend further guidance is provided to ensure these and future proposals are considered within the sub-regional context that directs local authorities to take into account the location of existing or proposed facilities in relation to such an application, and the extent to which capacity has been met within a zone. Without such a policy how can a ‘plan, monitor and manage’ approach be meaningfully applied?”

“We are satisfied this policy (8) should help to ensure opportunities for such residual waste that cannot be recycled, recovered or processed, are disposed where there are opportunities for it to contribute to positive outcomes.”

“however its success will depend upon effective systems within the WoE and between authorities that are able to bring together such operation and waste disposal needs. In addition, careful consideration will be needed to ensure proposals really are ‘essential’ to ensure this waste disposal option is only used as a final solution.”

Natural England current view

Our key concern is a practical one. Implementation of the Core Strategy will be split across four authorities in terms of decisions on proposals. Current policies do not make clear the need for development management decisions to be consistent. Or take into account the location and nature of existing and proposed waste facilities and the extent to which indicative capacity has been met within a zone.

It seems to us that further guidance could help to ensure that that decisions are made in the context of the sub-region.

Inspector's question re development management (2)

Key issue: whether there are clear and appropriate DM policies that, amongst other things, accord with and do not repeat or reformulate national policy

7. In Policy 12, should there be a reference to enhancement opportunities? [NE]

Natural England advice to date:

Response dated 13th August 2009 to Revised Detailed Site Assessment Report – Final Report (Version 2)

“The site assessment process has, quite naturally, focused on potential constraints to waste development. We are also keen that future waste developments should be strongly encouraged to include positive environmental enhancements in keeping with the Government’s objectives for planning (as expressed in PPS9).”

“positive measures might include the creation, or restoration of accessible natural green spaces on or off site. We would be delighted if the WEP were to consider building on the Site Assessment work so far, by exploring significant environmental enhancement opportunities associated with each site that is likely to come forward for inclusion in the JWCS.”

Response dated 13th Aug 2009 to JWCS – Scope and Policy Doc

“the list of general considerations covers an admirably wide range of issues but is focused on the prevention of harm. We would also recommend the WEP considers the addition of a requirement, or strong exhortation, that application should also include positive environmental enhancements.”

“this would be in keeping with the Government’s objectives for planning (PPS9) which includes the promotion of sustainable development and the conservation, enhancement and restoration of the diversity of England’s wildlife and geology. Positive measures might include the creation, or restoration, of accessible natural green space on or off site.”

Response dated 26th Feb 2010 to WOE JWCS Pre-submission Doc

“we are pleased to note the list of designated areas and sites, including flood zones (in policy 11). We particularly welcome the references to BAP habitats and species as collectively these make an enormous contribution to the wider green infrastructure network. Loss of such habitat and sites can increase fragmentation and thereby ecological vulnerability, including to the impacts of climate change.”

“However, we are disappointed the policy (12) only refers to *appropriate mitigation able to minimise or avoid any material adverse impact and to compensate for any loss* but makes no reference to seeking enhancement.”

“in our view this fails to recognise current UK legislation relating to the natural environment now places great emphasis on ecological enhancement, in response to a greater understanding of landscape and ecological function, and of the need to take a whole system approach rather than purely focusing on the individual elements of ecological systems most under threat.”

“Recent Government guidance also places strong emphasis on the enhancement of biodiversity as well as its protection, and gives very clear guidance on the importance of biodiversity enhancement in special planning (including PPS1 & PPS9)

Natural England current view

The Councils proposed changes to Policy 12 make clear and proper distinction between mitigation and enhancement. They place a requirement upon development to demonstrate, inter alia, that, where appropriate, enhancement would be achieved.

We would prefer to see the deletion of “where appropriate” since that term is open to wide interpretation. None the less, we believe the proposed amendments accord well with the requirements of PPS1 and PPS9 regarding environmental enhancement and we support them.