

SECTION 6 - Chapter B8

Chapter B8 - General

2303/B14	Wellow Residents Association	B8.41
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3202/B25	Pensford plc	B8.50
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2303/B12	Wellow Residents Association	WM.1
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3202/B33	Pensford plc	B8.73
3202/B34	Pensford plc	WM.8

Issue

- i) Whether the Plan lacks an evidence based strategy for waste management and fails to identify sufficient sites for new waste management facilities.

Inspector's Reasoning

- 6.1 A number of objectors are concerned that the Plan lacks a strategy for managing waste within the District over the Plan period and as a result does not identify sites, such as Stowey Quarry, or preferred areas for the development of facilities to manage predicted waste arisings. They cast doubt on whether the plan would provide the facilities required within the District to enable targets, such as those set by the National Waste Strategy and the Landfill Directive (2001), to be met.
- 6.2 The approach proposed in the RDDLP (paragraph B8.43) is essentially criteria based, with only one allocation proposed. The Council claims that its strategy is to maintain the status quo by resisting the development of any major waste management facility which may prejudice implementation or formulation of a sub-regional policy framework (Paragraph B8.55). They state (in response to objections, e.g. 3202/B24) that “maintaining the status quo” is appropriate as a strategy if it can be demonstrated as the BPEO. However, I am not convinced that the Council’s strategy is proven to be the BPEO. The Council’s approach of continued reliance upon landfill sites located outside of the District (Paragraph B8.5), undermines the national strategy of moving waste up the hierarchy and reducing the amount of waste going to landfill, and in my view does not constitute a sustainable waste management strategy.
- 6.3 The fundamental aim of the waste planning authority should be to establish as part of the plan preparation process what the land use needs are, insofar as they can be predicted, and to make proper provision for those needs ideally through the identification and allocation of suitable sites (paragraph 4.13 of Waste Strategy 2000). The primary purpose of the plan-led system is to provide certainty and to ensure that

development which is needed to meet the strategy of the plan comes forward. That aim is more likely to be achieved through a site specific approach whereby the Council actively participate in the process of identifying and evaluating the suitability of alternative options and potential sites. Although the plan allocates one site for waste management facilities (K3), there is no evidence that a fair, open and objective assessment of all options was carried out as part of the plan-making process, as required by national policy.

- 6.4 Paragraph 3.32 of the JRSP refers to the need for the four unitary authorities which make up the former Avon area to bring forward their waste strategies, and Policy 29 provides the strategic context for those strategies. In the report on the South Gloucestershire Minerals and Waste Local Plan the Inspector refers to the need for a collaborative approach to waste management planning in the former Avon area, and B&NES awaits the production of a sub-regional strategy to provide a framework for each of the constituent authorities to achieve consistency between their waste management strategies.
- 6.5 I accept that the identification of sites for waste management facilities takes time and tends to be controversial. Proposing sites such as Stowey Quarry, which is put forward by one objector, at the Modifications stage of this plan would require a robust evidence base, the preparation of which would add considerable delay to the adoption of the plan. I conclude therefore that at this late stage it would be sensible to await the production of a sub-regional strategy, provided that good progress is being made towards its production. In the short term, the criteria based policies, modified as I recommend, would provide a framework for the consideration of waste-related development proposals.
- 6.6 However, whilst I accept that there should be some background information to support and justify the waste policies, I question the amount of detail at the beginning of this section in paragraphs B8.4 to B8.20. The number of figures contained in the text makes the plan appear cluttered and thus difficult to follow. I suggest that the essential information is contained within one table (as recommended below) which enables the reader to compare the situation at present (information Tables 4 and 5 of the revised deposit draft) with the amount of waste predicted to arise in the future (Table 6 and paragraphs B8.14 and B8.15). Where possible, the base date of the information should be updated to complete this table.

Recommendations:

- R6.1 Modify the plan by deleting paragraphs B8.4 to B8.20 (retain heading).
- R6.2 Summarise in the following table the relevant information contained in the aforementioned paragraphs:

Current situation (2005*)				Predicted situation (to 2011*)	
Waste Type	Waste arising	Re-used and recovered	Landfilled	Waste Arising	Percentage increase
Council collected					
Commercial and industrial					
Construction and demolition					
Clinical and special					
TOTAL					

Chapter B8 - Paragraph B8.4

Supporting Statements

3257/C164	Somer Valley Friends of the Earth	B8.4/A
3257/C165	Somer Valley Friends of the Earth	B8.4/B
3257/C166	Somer Valley Friends of the Earth	B8.4/C
3257/C167	Somer Valley Friends of the Earth	B8.4/D
3257/C168	Somer Valley Friends of the Earth	B8.4/E

Chapter B8 - Paragraph B8.26 and Paragraphs B8.35-B8.41

3202/B22	Pensford plc	B8.26
3202/B23	Pensford plc	B8.35
3257/C169	Somer Valley Friends of the Earth	B8.35/A
3298/C46	Cam Valley Wildlife Group	B8.35/A
566/C19	Clutton Parish Council	B8.35/B
3257/C170	Somer Valley Friends of the Earth	B8.35/B
2303/B15	Wellow Residents Association	B8.40

Changes have been made in the RDDLP in response to objections 3202/B22 & B23 so these have been met.

Issues

- i) Whether the current and potential ecological value of Stowey Quarry should be acknowledged in paragraph B8.35.
- ii) Whether a criteria based approach to the provision of recycling facilities should be adopted.

Inspector's Reasoning

Issue i)

6.7 Any proposals brought forward for the extraction of minerals or the disposal of waste at this site would fall to be considered against policies on nature conservation, such as NE.12. In addition, further consideration is afforded to Stowey Quarry and its potential nature conservation value under paragraph C4.76 of the plan. Thus I consider a change in respect of this issue to be unnecessary.

Issue i)

6.8 The provision of recycling facilities is covered by Policies WM.8 and WM.9.

Recommendation: no change

Chapter B8 - Paragraphs B8.50 and B8.52

3257/C171	Somer Valley Friends of the Earth	B8.50/B
1427/B68	Environment Agency	B8
1427/B69	Environment Agency	B8.52
3269/B7	Ms I Lerpiniere	B8.52

Supporting Statements

3116/C5	Bath & North East Somerset Allotment Association	B8.50/B
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Issues

- i) Should the concept of zero waste be defined and is it a practical option?
- ii) Is the recycling target in paragraph B8.51 appropriate?
- iii) Should the words "and re-use of" be deleted.
- iv) Would access to the site at Broadmead Lane, Keynsham be affected by flooding?
- v) Whether the Plan should clarify whether incineration is proposed at Broadmead Lane, Keynsham (site K3).

Inspector's Reasoning

Issue i)

- 6.9 The RDDLP defines the concept of “zero waste” production in response to this objection, and it is clear that it is a long term goal, not one which the Council expects to achieve in the lifetime of this plan. As a result I find no reason to recommend any change to this paragraph.

Issue ii)

- 6.10 The plan sets out the targets of the Waste Management and Recycling Plan in paragraph B8.51 which the EA considers to be aspirational, and likely to result in an upsurge in applications for licenses which the Agency may not be able to respond to. However, those targets are now clearly out of date and should be either revised or deleted from the plan.

Issue iii)

- 6.11 This objection is met by PIC/B/47 which deletes the words “and re-use of waste”. However, in order for the sentence to be grammatically correct the word “waste” should be re-instated.

Issue iv)

- 6.12 I note that the Council have acknowledged advice by the Environment Agency concerning the potential for flooding at the access to the Broadmead Lane site. As the representation does not appear to be an objection but offers a possible modification to improve the position, I make no further comment.

Issue v)

- 6.13 The Council confirms in B&NES 87 (paragraph 2.6) that the treatment options under consideration in order to achieve the vision of zero waste do not include mass burn incineration. In any event, any such facility would be subject to the Integrated Pollution Prevention Control regime administered by the EA and all releases to air would have to meet the limits specified by the EA. It would not therefore be appropriate to seek to control such a use through the Local Plan.

Recommendation:

- R6.3 Incorporate PIC/B/47 but reinstate the word “waste”.

Chapter B8 - Policy WM.1 and Paragraphs B8.55-B8.58

3257/B7	Somer Valley Friends of the Earth	WM.1
3124/B1	Environmental Services Association	B8.55
3124/B2	Environmental Services Association	B8.58

Supporting Statements

2303/B13	Wellow Residents Association	B8.55
3257/C172	Somer Valley Friends of the Earth	B8.57/A
3116/C6	Bath & North East Somerset Allotment Association	B8.57/B
3257/C173	Somer Valley Friends of the Earth	B8.57/B
3116/C7	Bath & North East Somerset Allotment Association	B8.57/C
3257/C174	Somer Valley Friends of the Earth	B8.57/C
1427/B70	Environment Agency	WM.1
120/C133	Ms Helen Woodley	WM.1/A
3257/C175	Somer Valley Friends of the Earth	WM.1/A

Issues

- i) Whether the plan should place onus on the applicant to demonstrate best practicable environmental option (BPEO).
- ii) Should the term “unacceptable impact” be defined?
- iii) Whether the Policy should adopt the precautionary principle in terms of incineration due to uncertainty surroundings its impacts.
- iv) Whether the second sentence of paragraph B8.55 contradicts Policy WM.1.

Inspector's Reasoning

Issue i)

6.14 The former DTLR Guidance referred to by the Council in its response to this objection (Guidance on Policies for Waste Management Planning, 2002) advises that BPEO should be carried out for each waste stream. However, BPEO assessments should inform the overall strategy of the plan rather than affect individual development control decisions. National guidance in the form of the (now superseded) PPG10 (Paragraph 8) did not require or suggest that each location should have its own individual BPEO assessment. Furthermore, the 2002 Guidance states at paragraph 4.6 that it is difficult to demonstrate BPEO on a case by case basis because of, amongst other things, uncertainties about the source of waste; and paragraph 4.7 goes on to state that it is difficult to implement a policy which includes the consideration of BPEO. In these circumstances I consider it would be appropriate for the Plan to delete references to BPEO in Policy WM.1 together with the requirement for developers to address BPEO in the reasoned justification.

6.15 Since the close of the Inquiry, the role of BPEO no longer appears in Government policy on waste management (PPS10), and therefore my recommendation accords with the changes taking place in national policy.

Issue ii)

6.16 It would be impractical to give a definition of the term “unacceptable”, since this will depend on individual circumstances.

Issue iii)

- 6.17 Any proposal coming forward for a waste management facility, which would include an incinerator, would be subject to Policy WM.1. In the RDDLP Policy WM.1 makes reference to the precautionary principle, and I have continued with this in my recommended change to the policy.

Issue iv)

- 6.18 In the absence of a sub-regional strategy, the plan relies on a criteria based approach to the provision of waste management facilities, as set out in Policy WM.1. I agree with the objector that the second paragraph of B8.55 suggests that major proposals should be resisted, and this contradicts the criteria based approach represented in Policy WM.1. What is relevant is that the proposed facility should not prejudice movement up the waste hierarchy, and this is sought by my recommended criteria (ii). I therefore recommend that the second sentence of paragraph B8.55 be deleted.

Recommendations:

- R6.4 Modify Policy WM.1 by deleting all the existing text and substituting:

“Development of waste management facilities will only be permitted where they:

- (i) have regard for regional self-sufficiency, the proximity principle and the precautionary principle, and do not prejudice the management of waste via more sustainable methods;
- (ii) and do not have an unacceptable adverse impact on the environment or local amenities.”

- R6.5 Modify paragraph B8.58 by deleting the last sentence.

- R6.6 Modify paragraph B8.55 by deleting the second sentence.

Chapter B8 - Policy WM.2

1427/B71 Environment Agency
3124/B3 Environmental Services Association

WM.2
WM.2

This policy is deleted from the RDDLP, so there are no issues to address.

Recommendation: no change

Chapter B8 - Paragraph B8.59A/A, Policy WM.3 and Paragraph B8.63

3202/B29	Pensford plc	B8.63
601/B14	House Builders Federation	WM.3
1427/B72	Environment Agency	WM.3
3098/B27	George Wimpey Strategic Land	WM.3
3099/B26	Barratt Bristol Limited(Mr A T P Joliffe)	WM.3
3257/C178	Somer Valley Friends of the Earth	WM.3/C

Supporting Statements

120/C132	Ms Helen Woodley	B8.59A/A
3116/C77	Bath & North East Somerset Allotment Association	WM.3/A
3257/C176	Somer Valley Friends of the Earth	WM.3/A
3116/C78	Bath & North East Somerset Allotment Association	WM.3/B
3257/C177	Somer Valley Friends of the Earth	WM.3/B
3116/C79	Bath & North East Somerset Allotment Association	WM.3/C

Issues

- i) Whether the retention of waste within a site represents the best practicable environmental option.
- ii) Whether the threshold of ten dwellings is too low and inflexible.
- iii) Should proposals be linked with the Waste Management Licensing regime?

Inspector's Reasoning

Issue i)

6.19 The objector argues that the retention of waste arising on a construction site on the site itself may not be the best practicable environmental option. Clearly the process of using the same lorry that has delivered aggregate to a construction site to return construction waste to the quarry where part of it is used as a landfill site can reduce vehicle trips, but where wastes can be used on the construction site this would save on the space used in landfill. However, paragraph B8.63 is sufficiently flexible to allow for waste to be removed from the site, where that is the most appropriate method of disposal. Thus, I consider a change in respect of this issue to be unnecessary.

Issue ii)

6.20 Whilst the principle of minimising waste from new development is generally supported, some objectors argue that the thresholds for application of this policy are too low and unjustified whereas others argue that the policy should apply to all development. The Council refers to the support given in the 2002 Guidance on Policies for Waste Management Planning for the principle of a waste audit. However, that is concerned with development which is expected to generate significant volumes of waste. The policy example (12.5) given in the Guidance does not set a threshold at which an audit would be required, and I agree with a number

of housebuilders that the setting of a threshold as in Policy WM.3 is too prescriptive and potentially inflexible. The Council provide little justification for the thresholds set in Policy WM.3 other than that they consider them to be “reasonable”. However, there could be situations in which development falling just below the threshold could produce more waste than one slightly over the threshold, but the Policy would not apply. Whilst I consider it helpful for the reasoned justification to give a guide as to the types and scale of development to which this Policy may apply, I have insufficient evidence before me to be able to recommend such guidelines. The Council may therefore wish to consider providing a guide as to when developers may be required to submit a waste audit, but the policy itself should be sufficiently flexible to enable decisions regarding its application to be determined on a case by case basis. My recommended modification is therefore based on the example given in the 2002 Guidance.

Issue iii)

6.21 The Council has noted this comment. I need not respond further.

Recommendations:

R6.7 Modify paragraph B8.62 by deleting second sentence and inserting:

“Where a development is expected to generate significant volumes of waste through the development process by reason of (*examples, eg demolition, site clearance etc to be filled in by the council*), applicants for planning permission will be required to submit a waste audit with their planning applications.”

R6.8 Modify Policy WM.3 by deleting the existing wording and substituting:

“Development proposals which are expected to generate significant volumes of waste through the development process itself will be required to submit, as part of the application detail, a waste audit to include the following:

1. the type and volume of waste that the development will generate; and
2. the steps to be taken to ensure the maximum amount of waste arising from the development process is incorporated within the new development; and
3. the steps to be taken to manage the waste that cannot be incorporated within the new development and, if disposed of elsewhere, the distance the waste will be transported.

The way in which the waste arisings identified in the waste audit are to be dealt with will be considered in the context of regional self-sufficiency, the proximity principle and the precautionary principle, and any prejudice to the management of waste via more sustainable methods.”

Chapter B8 - Policy WM.4 and Paragraph B8.65

3202/B30	Pensford plc	B8.65
3097/B14	Mr M Swinton	WM.4
3098/B28	George Wimpey Strategic Land	WM.4
3099/B27	Barratt Bristol Limited(Mr A T P Joliffe)	WM.4
3126/B30	Bath Friends of the Earth	WM.4

Supporting Statements

3116/C73	Bath & North East Somerset Allotment Association	WM.4/A
3116/C74	Bath & North East Somerset Allotment Association	WM.4/B
3116/C75	Bath & North East Somerset Allotment Association	WM.4/C
3116/C76	Bath & North East Somerset Allotment Association	WM.4/D

Issues

- i) Should paragraph B8.65 define the term “recovery” and state how the Council will encourage the recovery of waste materials and at what sites?
- ii) Whether the requirement for communal facilities for the separation and storage of waste is practical.
- iii) Is it appropriate to specify the sizes of development to which this Policy would apply.

Inspector's Reasoning

Issue i)

6.22 Paragraph B8.65 sets out the three categories of recovery and therefore I consider that the term is adequately defined. It is through the implementation of the plan policies that the Council seeks to encourage the recovery of waste. No further clarification is required in this paragraph.

Issue ii)

6.23 Whilst I appreciate that the provision of communal facilities could give rise to noise and disturbance, such issues can be resolved at the application stage through appropriate design and layout. No change in respect of this objection is necessary.

Issue iii)

6.24 Whilst the principle of making provision for recycling facilities is widely supported, some objectors are concerned that the thresholds are unjustified whilst others support the application of this policy to all development which may give rise to waste. However, the principles of self sufficiency and proximity indicate a need to ensure that waste is treated closer to its source, such that waste management facilities are provided at a local scale. Such facilities may take the form of neighbourhood recycling centres in housing developments or provision for

separation and storage of waste for collection or composting within individual or groups of properties. In view of the small scale at which waste management facilities could usefully be provided, I support the Council's approach of setting thresholds in Policy WM.4. Furthermore, I consider that the scale of the thresholds is appropriate since a requirement attached to smaller schemes could be impractical.

Recommendation: no change

Chapter B8 - Policy WM.5

3124/B4

Environmental Services Association

WM.5

Issue

- i) Is it a reasonable requirement for facilities to be located close to the source of waste and reprocesses (criterion iii)?

Inspector's Reasoning

6.25 It accords with the proximity principle for waste to be treated as close to its place of production as possible. However, it may not be practicable for a facility to be close to the market to be served. By including the words "wherever possible" in criterion iii) in the RDDLP, this situation is acknowledged.

Recommendation: no change

Chapter B8 - Policy WM.6

3202/B32

Pensford plc

WM.6

Issue

- i) Whether giving priority to the completion of landfill sites over the recycling and recovery of waste is contrary to Government policy.

Inspector's Reasoning

6.26 Whilst I understand the reasons given by the Council for Policy WM.6 and the associated paragraph B8.72, I agree with the objector that it does not reflect the waste hierarchy which is central to the Government's approach to planning for waste management. The re-use and recovery of waste is given a priority over its disposal to landfill. A policy which could have the effect of sending waste capable of being recovered to landfill in order to achieve the reclamation of a site removes the priority accorded in Government policy to re-use and recovery. Clearly there are environmental issues involved in a reclamation operation, but a balance

would need to be sought for each site such that reclamation can be achieved without increasing the proportion of waste which is used for landfill. It seems to me that such a balance can only be achieved on a case by case basis having regard to the submitted environmental assessment. I therefore recommend that the policy and its associated paragraph be modified to avoid any potential for conflict with the priorities accorded by Government policy.

Recommendations:

R6.9 Modify paragraph B8.72 by deleting the final sentence.

R6.10 Modify Policy WM.6 as follows:

Delete after “permitted” and insert

“where:

- i) the development will not conflict with or unreasonably delay reclamation and restoration of the site;
- ii) the site is close to the markets to be supplied with the recovered material.”

Chapter B8 - Policy WM.7 and Paragraph B8.73

1427/B73 Environment Agency

WM.7

Issue

- i) Whether the Plan should note that the Environment Agency will object to facilities proposed within Zone 1 of Groundwater Protection Zone.

Inspector's Reasoning

6.27 The importance of the Groundwater Protection Zones is acknowledged in the plan at Policy NE.13 for example, and I see no reason to make an additional reference to it in this section.

Recommendation: no change

Chapter B8 - Policy WM.8 and Paragraph B8.77

1427/B74 Environment Agency
2698/B2 Avon Friends of the Earth

B8.77
WM.8

Supporting Statements

3116/C72	Bath & North East Somerset Allotment Association	WM.8/A
3116/C71	Bath & North East Somerset Allotment Association	WM.8/B
3116/C70	Bath & North East Somerset Allotment Association	WM.8/C

Objection 2698/B2 is met though an amendment to Policy WM.8 in the RDDLP.

Issue

- i) Whether composting facilities should be restricted from being developed within 250m of housing.

Inspector's Reasoning

6.28 Paragraph B8.77 acknowledges that composting facilities have the potential to cause nuisance to adjacent land users by way of odour and vermin if not properly managed. However, there are policies within the Plan, e.g. Policy ES.10, which afford protection against such nuisance, and schemes can be considered on a case by case basis. To place a 250m exclusion zone around housing would be unnecessarily restrictive.

Recommendation: no change

Chapter B8 - Policy WM.9

2303/B11	Wellow Residents Association	WM.9
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Issue

- i) Whether the Policy should incorporate transparent criteria taking into account environmental objectives.

Inspector's Reasoning

6.29 There are numerous policies, for example in the Natural Environment section, which contain criteria to meet the environmental objectives of the plan. Any proposals coming forward for community composting facilities will fall to be assessed against these other policies where appropriate and I see no need for Policy WM.9 to contain any more detail.

Recommendation: no change

Chapter B8 - Policy WM.10 and Paragraphs B8.82-B8.84

3257/C179	Somer Valley Friends of the Earth	B8.83/A
721/B33	Government Office for the South West	B8.84
3257/C180	Somer Valley Friends of the Earth	B8.84/A
600/B2	Mr & Mrs A Jones	WM.10
3126/B29	Bath Friends of the Earth	WM.10
3257/B2	Somer Valley Friends of the Earth	WM.10

Supporting Statements

3126/D48 Bath Friends of the Earth
2226/B5 ETSU

PIC/B/52 (B8.82)
WM.10

Issues

- i) Whether the plan requires any further policy or text relating to development of a waste incineration facility.
- ii) Should the policy contain additional criteria relating to potential for effects from air pollution.

Inspector's Reasoning

Issue i)

- 6.30 A policy which prevented any development of a waste incineration facility would be contrary to national policy which does not completely rule out the option of incineration facilities, particularly that which would result in energy recovery. National policy does, however, place the option of “energy recovery” towards the bottom of the waste hierarchy, and any development proposal coming forward for such a facility would, amongst other things, be required to demonstrate that it would not prejudice the management of waste via more sustainable methods which is covered by Policy WM.1.
- 6.31 With regard to how proposals for mass-burn incineration may be assessed, I do not agree that Policy WM.10 would cover only processes such as gasification and pyrolysis, energy can also be recovered from incineration in the form of heat which can generate electricity. Whilst I appreciate that there is no firm evidence to rule out completely the possibility of a facility for the mass disposal of waste with no energy recovery, I am satisfied that the criteria in Policy WM.10 can be justified by national guidance which places incineration with energy recovery above that without energy recovery. Although applications should be assessed against policies in the plan, if a proposal came forward and material considerations provided justification for mass-disposal over energy recovery the proposal could be determined through normal development control policies, including Policy WM.1. Any proposal would have to demonstrate that it would not prejudice more sustainable waste management methods further up the waste hierarchy. It would also be subject to other legislative regimes, notably pollution control.
- 6.32 Whilst I consider there to be no need for a material change to Policy WM.10, in the interests of clarity and to reduce any confusion with regard to the application of this policy I recommend that the reference to “energy provision” be included in the criteria rather than in the first sentence of the policy.

- 6.33 The rewording to Policy WM.10 that I recommend below would cover all applications for thermal treatment, thereby rendering Policy WM.11 unnecessary. I recommend deletion of Policy WM.11.
- 6.34 I state in my recommendations under the sub-heading “General” that this section of the Plan would benefit from some editing. The reasoned justification should contain only an explanation of the policies and proposals in the plan (PPG12 Paragraph 24), for example how the policies will be applied in decision-making. The Waste Chapter contains excessive background detail which is unnecessary and renders the plan difficult to follow and unclear. Whilst it is important for the public to be involved in decision-making and information should be provided to aid their involvement, it is more appropriate for information of this kind to be made available to the public through other media, for example during the preparation stages of the local plan or the municipal waste strategy. The information on mass-burn incineration falls within this category and should not be re-instated.

Issue ii)

- 6.35 Policies in Chapter B6 of the Plan provide protection against a range of pollutants, and the issue of exhaust gases would also be subject to pollution control. There is no need to add further criteria to Policy WM.10

Recommendations:

R6.11 Modify Policy WM.10 as follows:

Delete “with energy recovery” from first sentence.

Insert new criterion:

“i. provision is made for energy recovery;”

R6.12 Modify the plan by deleting Policy WM.11.

Chapter B8 - Policy WM.12 and Paragraphs B8.89 and B8.90

3202/B35	Pensford plc	B8.90
1427/B75	Environment Agency	WM.12
1427/B218	Environment Agency	B8.89
2698/B1	Avon Friends of the Earth	WM.12
3291/B3	Waste Recycling Group (WRG)	WM.12

Objection 3202/B35 is met in the RDDLP.

Issues

- i) In Policy WM.12, how will the planning authority assess compliance with criterion (vii); should reference be made to the Environment

Agency's draft landfill location policy; and should there be an additional criterion to safeguard the environment?

- ii) Whether bio-mechanical waste treatment should be more preferable than options for energy recovery from waste.

Inspector's Reasoning

Issue i)

- 6.36 The availability of fill material is a matter that may be addressed as part of the environmental assessment of a planning application, and is clearly relevant to the length of time required for a planning permission to be granted.
- 6.37 With regard to the EA's draft landfill location policy, it is a matter of best practice not to refer to draft guidance that may change.
- 6.38 There are a number of policies in the plan which would apply in the course of development control and which would serve to protect the environment. There is no need to add to the extensive criteria in Policy WM.12.

Issue ii)

- 6.39 Biomechanical waste treatment is defined in Waste Strategy 2000 (Part 2, Paragraph 5.82) as a generic term for a range of processes designed to recover valuable components from unsorted municipal solid waste. This would include standard waste separation operations, composting and other processes such as anaerobic digestion. These processes are higher up the waste hierarchy and therefore should be considered as a more preferable option than energy recovery. This is explicitly stated in Policy WM.1 against which any proposal for waste management facilities would fall to be addressed. Thus, I see no need for a change to this policy in respect of this issue.

Recommendation: no change

Chapter B8 - Policy WM.13 and Paragraphs B8.91 and B8.92

1427/B76	Environment Agency	WM.13
1427/B79	Environment Agency	B8.92

Supporting Statement

1427/B77	Environment Agency	B8.91
1427/B78	Environment Agency	B8.91
120/C131	Ms Helen Woodley	B8.92/A
1427/C201	Environment Agency	B8.92/A
3257/C181	Somer Valley Friends of the Earth	B8.92/A

Issue

- i) Whether the policy should require safeguards to protect against flooding and pollution to ground and surface water.

Inspector's Reasoning

6.40 Whilst I accept that the raising of land levels would be likely to impact upon the drainage regime of a site and surrounding land and could result in pollution to ground and surface water, there are a number of policies in the plan which would address these issues, for example NE.13 and NE.14. I see no value in duplicating this protection in Policy WM.13.

Recommendation: no change

Chapter B8 - Paragraphs B8.96 and B8.97

3214/B1	Mrs C Watson	B8.96
1427/B80	Environment Agency	B8.97
2303/B10	Wellow Residents Association	B8.97

Issues

- i) Whether paragraph B8.96 should state that high quality planning applications may require fewer conditions.
- ii) Should the Plan make reference to the role and requirements of the Waste Management Licence?
- iii) Whether these paragraphs should support a criteria based policy to meet environmental objectives.

Inspector's Reasoning

Issue i)

6.41 Paragraph B8.96 largely repeats Government policy in relation to conditions, and in their response to this objection, the Council states that even with a high quality application, conditions would be imposed. The fifth sentence of the paragraph is therefore misleading. I consider that this paragraph adds no value to the plan and should be deleted.

Issue ii)

6.42 The Waste Management Licence is the responsibility of the pollution control authority. The Local Plan should not seek to duplicate other legislative responsibilities which are not relevant to planning considerations.

Issue iii)

6.43 Paragraphs B8.95 – B8.97 are intended to provide information on the contents of planning applications. There are a number of policies in this and other Chapters of the plan which provide the criteria against which environmental issues may be addressed.

Recommendation:

R7.13 Modify the plan by deleting paragraph B8.96.

Chapter B8 - Paragraphs B8.102-B8.106

114/B9	Mr A Wait	B8.102
1427/B81	Environment Agency	B8.102
1427/B82	Environment Agency	B8.103
114/C11	Mr A Wait	B8.106/A
2582/C3	Mr R Wait	B8.106/A
2584/C3	Mrs H A Wait	B8.106/A
3116/C69	Bath & North East Somerset Allotment Association	B8.106/B
3257/C182	Somer Valley Friends of the Earth	B8.106/B

Supporting Statement

3126/D49 Bath Friends of the Earth PIC/B/53 (B8.106)

Objection 1427/B82 is met through an amendment in the RDDLP.

Issues

- i) Whether there should be any form of waste disposal requiring combustion at the Broadmead Lane, Keynsham site (K3).
- ii) Whether the proposal at Broadmead Lane (K3) would lead to unacceptable impacts from traffic and pollution.
- iii) Should it be stated that an IPPC permit is required as well as planning permission before a scheme can operate?
- iv) Whether the paragraph should clarify that no waste will be disposed of on land used for growing food unless the Allotments Association has been consulted.

Inspector's Reasoning

Issue i)

6.44 The objectors have concerns regarding the health implications of any form of waste disposal through combustion. However, paragraph B8.106 lists the key features of any development at the site and this does not make reference to incineration. The option of energy recovery, which may include some combustion, cannot be ruled out completely as this would be

contrary to national policy. However, in view of the fact that this option is so low down in the waste hierarchy, any application would fall to be assessed against Policy WM.1 and would have to demonstrate that it would not prejudice management of waste via more sustainable means. Any application for a waste management facility on the site would be accompanied by a detailed assessment of the potential for adverse impacts from traffic and pollution. The use would also be subject to pollution control. Thus, I consider a change in response to these objections to be unnecessary.

Issue ii)

6.45 Although the text to this part of the plan sets out the proposals for a waste management facility at Broadmead Lane, planning permission would still be required and detailed assessments of potential levels of traffic and pollution would need to be carried out in support of the scheme. The extent of any pollution would depend on the types of processes and wastes to be managed on the site, but any scheme would be subject to pollution control.

6.46 The site is also between a river and railway and the Council confirms that any planning application would have to consider alternative modes of transport in accordance with Policy M9. However, this statement contradicts the second bullet point under paragraph B8.106, which I therefore recommend should be deleted.

Issue iii)

6.47 It would add further unnecessary detail to the plan to refer more fully to the need for an IPPC permit.

Issue iv)

6.48 Clearly any material that remains after processing would need to be disposed of at a suitably licensed disposal facility therefore it is unnecessary to make any changes in response to this objection.

Recommendation:

R7.14 Modify Paragraph B8.106 by deleting the second bullet point.
