



The Planning
Inspectorate

Report to Worcestershire County Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED) SECTION 20

REPORT ON THE EXAMINATION INTO THE WASTE CORE STRATEGY FOR WORCESTERSHIRE LOCAL PLAN

Document submitted for examination on 28 November 2011

Examination hearings held between 13 and 16 March 2012

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ABBREVIATIONS USED IN REPORT AND APPENDIX A

Core Documents (referenced in brackets in the text) are prefixed by the letters SUB, CON, LDS, APP, APD, OSE, EPD or SCG

AA	Appropriate Assessment
C&D	Construction and Demolition (waste)
C&I	Commercial and Industrial (waste)
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MM	Main Modification
MSW	Municipal Solid Waste
Para	paragraph
PPS	Planning Policy Statement
RS	Regional Strategy
RTAB	Regional Technical Advisory Body
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
WCS	Waste Core Strategy

Non-Technical Summary

This report concludes that the Waste Core Strategy for Worcestershire Local Plan provides an appropriate basis for the planning of the County over the next 15 years provided that a number of modifications are made to the Plan. The County Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the County Planning Authority. I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Identify Structure Plan Policy EN3 on Waste to Energy as a policy to be superseded;
- Include policy, and supporting text, on the presumption in favour of sustainable development;
- Seek provision of waste management facilities in a timely manner;
- Ensure technological neutrality;
- Correct the Key Diagram;
- Clarify the compatibility of land uses and waste management facilities;
- Give appropriate protection to environmental assets;
- Require development to positively contribute to local character;
- Accurately reflect national policy on Green Belts;
- Safeguard waste management facilities but only where there is no risk to protected sites; and
- Secure effective control over landfill and disposal.

Introduction

1. This report contains my assessment of the Waste Core Strategy for Worcestershire Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (Para 182) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Waste Core Strategy for Worcestershire Submission Document (SUB 1, June 2011) as amended by the Addendum to the Submission Document (SUB 2, October 2011). The respective documents were the subject of public consultation in March 2010 and October 2011.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with Section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in Appendices A and B. Appendix B is a separate document.
4. The main modifications that go to soundness have been subject to public consultation as have the review of the Sustainability Appraisal and the Habitats Regulations Assessment Screening Decision. I have taken the consultation responses into account in writing this report. No significant new matters were raised.

Assessment of Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by Section 33A of the 2004 Act in relation to the Plan's preparation.
6. The Council undertook formal consultations as set out in its Pre-Submission Consultation Statement (CON 2). The consultation was with a wide range of bodies including businesses, waste operators and other organisations; elected representatives; individuals; other local authorities; parish councils; and adjoining parish councils. In addition, relevant documents were deposited at libraries and "hubs" throughout the county.
7. In terms of other waste planning authorities, liaison mainly took place through the West Midlands Regional Technical Advisory Body for Waste (RTAB), the body that led on the preparation of waste policies in the West Midlands as set out in the West Midlands Regional Spatial Strategy Phase Two Revisions. Despite the demise of the regional governance structure, the RTAB continues to meet and discuss planning issues. Discussion at these meetings has ensured an

approach consistent with the Phase Two Revisions and the plans being developed in and around the region.

8. In addition, the Council attended a series of meetings and seminars organised by the former Government Office for the West Midlands. These facilitated discussion on matters of mutual concern to waste planning authorities and shared interpretations of the content and development of waste core strategies and the emerging Phase Two Revisions of the Regional Strategy. Separate meetings on waste planning issues were also held with Herefordshire Council and with Shropshire, Staffordshire, Warwickshire, and Gloucestershire County Councils. No outstanding issues were identified.
9. With regard to other planning authorities within Worcestershire, relevant issues were discussed with city, borough and district councils at meetings of the Herefordshire and Worcestershire Planning Officers' group and Worcestershire Partnership. Invitations to meet to discuss issues were also accepted by three of the six districts. All of the relevant issues raised at these meetings were resolved through development of the Plan. The discussions on waste matters at the meetings of the Worcestershire Partnership, and its relevant sub-groups, also gave rise to the opportunity to engage with a wide range of other local bodies.
10. Turning to joint activities and other approaches, Worcestershire County Council and the six districts within the county have close working relationships. In particular, these are affected through the Worcestershire Enhanced Two-Tier Programme where a number of projects and work streams are delivered collaboratively or on a shared basis. In this regard, the planning team at Worcestershire County Council has developed shared evidence base documents which have informed development of the Plan. These have included technical research papers on climate change, renewable energy, soils, water and green infrastructure as well as the Worcestershire Infrastructure Study.
11. The RTAB also provides a forum for the waste planning authorities in the West Midlands to share information, best practice and resources. This has led to the joint meetings and the preparation of regional evidence documents which have informed the development of the Waste Core Strategy. In addition, participating authorities have been able to avoid having to approach problems individually.
12. I conclude that the County Council has worked collaboratively with other authorities and bodies and has co-operated effectively through a continuous period of engagement. The County Planning Authority has fulfilled the duty to co-operate with regard to the Waste Core Strategy for Worcestershire.

Assessment of Legal Compliance

13. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets all these requirements with the sole exception of the matter of superseded policies. This is discussed below; also the topic of community involvement.
14. Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 states that, where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must

state that fact and identify the superseded policy. Through an oversight, there is one policy (Policy EN3 on Waste to Energy from the Worcestershire County Structure Plan, adopted June 2001) which has not been identified. A main modification (**MM1**) is necessary to refer to this policy and ensure legal compliance.

15. With regard to community involvement, some parties found the consultation document to be too lengthy and without a summary in plain English. In addition, the background documents were seen as complicated and lengthy with poor navigation between documents. Consultation took place over Easter and the Royal wedding. The results were not seen to be representative of residents.

16. I appreciate that much of the documentation is lengthy and technical in nature. This is perhaps inevitable given the nature of the subject. However, there has been compliance with the Statement of Community Involvement (SCI). I do not find that the consultation process was flawed. The time periods of consultation met the requirements of the Regulations and the SCI.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS dated November 2011 (LDS 4). This sets out an expected adoption date of Autumn 2012. The Core Strategy's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (CON 1) was adopted in November 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out (APP 11). It was reviewed in March 2012 in the light of proposed modifications to the Core Strategy and again at the time of the advertising of the main modifications. The SA is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment Screening Decision (APP 12, March 2011) and the up-date of 5 April 2012 set out why AA is not necessary.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Core Strategy is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations	The Core Strategy complies with the Act and the Regulations except where indicated and modifications are recommended.

Assessment of Soundness

Preamble

17. The preparation of the Waste Core Strategy for Worcestershire and its examination have taken place at a time of change. For example, it is the Government's clear policy intention to revoke the regional strategies outside London, subject to the outcome of the environmental assessments that are currently being undertaken. In addition, the National Planning Policy Framework was published on 27 March 2012, after the effective close of the hearings.
18. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Specific waste policies are not included in the Framework. Current national planning policy guidance on waste management (PPS 10) remains in place until the National Waste Strategy (2007) is replaced. However, other policies are relevant to the content of the Core Strategy.
19. The Regional Spatial Strategy for the West Midlands (APD 1), incorporating Phase 1 revisions, dates from January 2008. The Council has undertaken a self-assessment of conformity (OSE 1) and concluded that the Waste Core Strategy is in general conformity with the adopted Regional Strategy. I concur with this conclusion.
20. The draft West Midlands Regional Spatial Strategy Phase Two Revision Preferred Option was published in December 2007 (EPD 1). This includes draft policies on waste. The document was subject to an examination in public following which the report of the Panel was published in September 2009 (EPD 2).
21. The Council considers that, for all practical purposes, the draft Phase Two Revision and the Panel Report have superseded the adopted Regional Strategy. Although the adopted Regional Strategy still forms part of the development plan, the aims and principles in the Phase Two Revision, and the data on which the waste management policies are based, provide a sound basis for consideration of the Waste Core Strategy for Worcestershire. For my part, I conclude that some weight should be given to the draft Phase Two Revision of the Regional Strategy.
22. With regard to the National Planning Policy Framework, the implications have been reviewed by the Council in a post-hearing assessment. This assessment was the subject of public consultation. I have taken into account the results of the consultation in compiling my report. No significant issues were raised.
23. Certain specific matters are addressed in the body of my report under the main issues headings. However, there are two matters of preliminary concern. These are the new presumption in favour of sustainable development; and a new soundness requirement, namely that local plans (which includes core strategies) should be positively prepared.
24. With regard to the presumption in favour of sustainable development, the Council is proposing to include, in the Waste Core Strategy for Worcestershire, the Planning Inspectorate's related model condition together with supporting

text based on the wording in the Framework. This would be introduced through a main modification (**MM2**).

25. In terms of the new soundness requirement of positive preparation, the Framework requires that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. In this regard, the need for new waste management capacity has been objectively assessed to calculate the capacity gap and the waste management development needs of the County. All policies, with the exception of Policy WCS 3 (Landfill and Disposal), are positive and enabling. They set out the circumstances where development will be permitted, rather than seeking to restrict growth.

26. I find that the Plan has been positively prepared and is sound in this regard. In addition, with the incorporation of main modification **MM2**, there will be clear statement of the Council's intention to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. As such, there would be accordance with this important new strand of national policy.

Main Issues

27. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified six main issues upon which the soundness of the Plan depends.

28. In identifying the main issues, I am aware that many representors had concerns about a proposed energy from waste facility at the Hartlebury Trading Estate. This was the subject of a project specific public inquiry in November and December 2011 following an application called in for a decision by the Secretary of State. Whilst it is appropriate for me to consider whether the Core Strategy would provide an appropriate context for consideration of a proposal such as the Hartlebury scheme, the examination was not an opportunity to re-run arguments against the called-in planning application.

29. In the event, I have found that the Core Strategy contains a suite of policies suitable for consideration of a development such as the Hartlebury Energy from Waste plant. No related modifications are necessary. The merits of the Hartlebury Energy from Waste proposal do not feature amongst my main issues.

Issue 1 – Whether the Spatial Portrait, Vision and Objectives are sufficiently focussed, spatial and locally distinctive; also whether they address adequately matters of equivalency, deliverability and timely provision

Issue 2 – Whether there are clear and justifiable arrangements for the re-use, recycling and “other recovery” of waste including provision for facilities of the right type, quantification of the facilities that will be required and regard to the timeliness of provision

Timely provision

30. The first key matter to be considered is that of "timely provision". This was addressed under two of the main issues to be considered at the examination hearings (Issues 1 and 2 above). The concern is one of regard to and consistency with national policies and advice.
31. In this context, Planning Policy Statement 10: Planning for Sustainable Waste Management calls for a step change in the way waste is handled and significant new investment in waste management facilities (Para 1). It is stated (Para 2) that positive planning has an important role in delivering sustainable waste management through, amongst other things, providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.
32. Measures within the Plan for the delivery of appropriate waste management facilities at the right time are lacking in a number of important respects. These are summarised below:
- The question "When will the strategy be delivered?" is considered in Para 2.62 of the Plan. However, there is no specific answer to the question. There is no indication of the intention to develop waste management facilities throughout the life of the strategy or to deliver equivalent self-sufficiency in waste management capacity before 2027 (the end of the Plan period).
 - There is no reflection of the Government's call for a step change in the waste management industry. For example, the Council's desire to deliver at least half of the required capacity by 2015/16, and to sustain provision beyond that date, is un-stated.
 - Although the capacity gap is expressed in a table (Table 3), there is no commitment to meeting the identified deficiency by any particular date or dates.
 - The Plan provides for the objective of enabling equivalent self-sufficiency (Objective WO5) to be reviewed under the annual monitoring arrangements. However, the strategy itself is lacking the drivers that would bring about equivalent self-sufficiency in a timely manner.
33. By way of response, a number of main modifications are proposed:
- Amendments and additions would be made to express the intention to develop waste management facilities throughout the life of the strategy and to deliver equivalent self-sufficiency before 2027 (**MM3**).
 - The reference to the existing Table 3 (Capacity gap and land requirements) would be deleted (**MM4**) and a substitute table inserted (Table 3a: Re-use, recycling and 'other recovery' capacity gap and delivery milestones (tonnes per annum) (**MM5**), effectively setting targets for meeting the capacity gap likely to be subsisting at certain given dates.
 - Objective WO5 would be rewritten to delete reference to Table 3 and to reliance upon monitoring (**MM6**).

- The introduction to the section "Managing waste as a resource" would be re-written (**MM7**), making reference to an additional core strategy policy (Policy WCS NEW: Enabling Waste Management Capacity). Policy WCS NEW and explanatory text would be introduced (**MM8**). The new policy would address the objective of enabling equivalent self-sufficiency and set delivery milestones for meeting the capacity gap at intervals in time.

34. With the above main modifications in place, the Waste Core Strategy for Worcestershire would accord with Government policy on timely provision and related soundness of the Plan would be assured. The Spatial Portrait, Vision and Objectives would address adequately the issue of timely provision and other relevant matters. The arrangements for the re-use, recycling and "other recovery" of waste would also have appropriate regard for the timeliness of provision and other relevant matters.

Technological neutrality

35. A second matter, to be considered in relation to Issue 2, is that of technological neutrality. In this regard, the Companion Guide to Planning Policy Statement 10, at Para 2.10, states that local development documents will not generally prescribe the waste management techniques or technologies that will be used to deal with specific waste streams in the area. The point at issue is Policy WCS 2: Other Recovery. "Other recovery" only covers energy recovery and reprocessing waste into materials that are to be used as fuels. The question of technological neutrality arises.

36. From the Council's perspective, Policy WCS 2 is intended to apply to all proposals for waste management facilities that do not fall within the definition of re-use, recycling or disposal. This includes facilities that enable the reprocessing of materials into fuels or materials other than fuels and which may or may not include energy recovery. The policy is not intended to cover treatment where the purpose of the proposal is disposal without significant recovery of energy or materials such as incineration without energy recovery. These types of proposals would be assessed as disposal under Policy WCS 3.

37. In order to adequately reflect the Council's intentions, and Government guidance, a main modification (**MM9**) is necessary. With the modification in place the Waste Core Strategy for Worcestershire would be consistent with this element of national policy and would be sound in this regard. There would be clear and justifiable arrangement for the re-use, recycling and "other recovery" of waste.

Issue 3 - Whether there is clear and justifiable guidance on the location of new waste management development

Key diagram

38. The spatial strategy of the Waste Core Strategy for Worcestershire is reflected in the Plan's Key Diagram (Figure 14). This illustrates a geographic hierarchy comprised of five levels. The Plan provided support for different types of waste management facilities at different level of the geographic hierarchy.

39. The Key Diagram is intended to be indicative only. It should not be interpreted as showing specific site boundaries. Nevertheless, there is an error in the way

the Hartlebury Trading Estate is shown on the Key Diagram. In accordance with the information in Annex A of the Core Strategy, the Hartlebury Trading Estate should be shown as being within Level 1 of the geographic hierarchy. As it is, the Key Diagram does not show the most appropriate Plan strategy. It shows a distribution that is different from that which is justified by the evidence.

40. The inclusion of the Hartlebury Trading Estate within Level 1 of the geographic hierarchy would be corrected under a related main modification (**MM10**). With this modification in place, the Plan would be sound in this regard. In addition, the presentation of the diagram would be improved and other boundaries would be refined such that they accord with geographic landmarks or boundaries. There would be clear and justifiable guidance on the location of new waste management facilities.
41. In this regard, the Kidderminster zone has been extended south up to the A4025; the Worcester zone has been slightly reduced such that it follows the southern ring road; the Bromsgrove zone has been extended slightly to the north up to M5 junction 4; the Droitwich Spa zone has been reduced where the Kidderminster zone has been altered; the Evesham zone has been extended slightly to the north up to the A46; the Bewdley zone has been reshaped to follow the boundary of the A456; the Pershore zone has been reduced to remove the area indicated to the south of the River Avon; and the Upton on Severn zone has been slightly reduced to remove the area indicated to the east of the River Severn.

Previously developed land

42. I next turn to the matter of previously developed land. In this regard, one of the core planning principles in the National Planning Policy Framework (Para 17) is to encourage the effective use of land by reusing land that has been previously developed (brownfield land) providing that it is not of high environmental value. Within the Waste Core Strategy for Worcestershire, the related policy is Policy WCS 4: Compatible land uses.
43. Policy WCS 4 contains a table (Table 4) that lists various types of land use and shows potential compatibility with developments such as enclosed or unenclosed waste management facilities. Previously developed land is not listed as one of the land use types. However, the Council argues that previously developed land is included within some of the other listed uses. Examples include industrial land, contaminated or derelict employment land and redundant agricultural or forestry buildings or their curtilage. Sites where there could be co-location with producers or end users are also listed.
44. I acknowledge that many of the land uses listed in Table 4 would include previously developed land. At the same time, specific reference to previously developed land would exclude, by definition, agricultural and forestry buildings and land developed from mineral excavation or waste or waste disposal by landfill (where provision has been made for restoration through development management procedures).
45. In such circumstances, specific reference to previously developed land would be inappropriate. However, given the emphasis on industrial sites and co-location

opportunities in national policy (for example, PPS 10 at Para 20), the description of the land uses listed in Policy WCS 4 should be clearer and less specific. A policy change is proposed under a main modification (**MM11**). Under this modification, there would be reference to "existing or allocated industrial land"; also to "co-location with producers, end users or other complementary activities". In this regard, there would be consistency with national policy and the Plan would be sound. The guidance on the location of new waste management facilities would be clear and justified.

Issue 4 - Whether there are clear and appropriate development management policies that would govern waste management development at that, amongst other things, do not reiterate or reformulate national policy

Conservation of the historic environment and heritage assets

46. The Addendum to the Submission Document (SUB 2) contains a number of amendments designed to reflect changes to the Habitats Regulations Assessment (HRA). However, the amendments have not taken full account of implications for the conservation of the historic environment and heritage assets, notably in the wording of Policy WCS 7: Environmental assets. In particular:

- The amendments could be confusing with respect to environmental assets not covered by the HRA.
- The amendments have resulted in the deletion of specific policy reference to heritage assets and their settings.
- The terminology in the policy and explanatory text does not fully accord with the National Planning Policy Framework (was Planning Policy Statement 5: Planning for the Historic Environment).

47. In addition, Policy WCS 7 itself lacks clarity. There is inadequate distinction between international nature conservation sites and international heritage sites. Clarification of terminology is also needed in order to comply with the Conservation of Habitats and Species Regulations 2010.

48. Following agreement of a Statement of Common Ground (SCG 2) between English Heritage, Natural England and Worcestershire County Council, a main modification is proposed (**MM12**). Under the modification, appropriate protection would be given to all the environmental assets listed in Table 7 of the Submission Document (SUB 1). Weakened protection of environmental assets not considered in the HRA, including heritage assets, would be avoided. With the modification in place, the Plan would be consistent with national policy and would be sound. There would be clear and appropriate development management policies in place.

Good design

49. Policy WCS 9 concerns the sustainable design and operation of facilities. It addresses matters such as re-use of existing buildings, reducing water demand and deriving energy from on-site renewable or low carbon sources. However, it does not touch on aesthetic matters. In turn, Policy WCS 10 deals with local

characteristics including consideration of the built environment; but neither policy gives good design the emphasis that is suggested by Government policy.

50. In Planning Policy Statement 10, there is a short section under the heading of "Good design" (Paras 35 and 36). Paragraph 36 states that waste management facilities in themselves should be well-designed so that they contribute positively to the character and quality of the area in which they are located. In order to better reflect national policy and give emphasis to good design, a main modification to Policy WCS 10 is proposed (**MM13**). The modification would ensure soundness through a requirement to contribute positively to the character and quality of the local area. Development management policies would be clear and appropriate.

Green Belt

51. Policy WCS 10(z) relates to development in Green Belts. As written, waste management facilities would be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals, do not constitute inappropriate development in areas designated as Green Belt or where very special circumstances are demonstrated which justify such inappropriate development.

52. In my opinion, this wording is unsound. It is not consistent with national policy (National Planning Policy Framework Paras 79 to 92) nor are the provisions justified by reference to the evidence base (case law). For example, developments which are inappropriate in Green Belts, or are not inappropriate, are set out in Paras 89 and 90 of the Framework. Matters such as design, layout and landscaping are not directly relevant to the question of whether or not a proposal represents inappropriate development.

53. To ensure soundness a main modification is proposed (**MM14**). The modified policy would be simplified and would refer to permitting development that is not inappropriate or where very special circumstances exist. The related development management policy would be clear and appropriate.

Issue 5 - Whether there is clear and effective provision for the safeguarding of existing waste management facilities

Environmental and amenity criteria

54. The key provision under Policy WCS 13 is that existing waste management facilities would be safeguarded from non-waste related uses. The provision is unqualified and, as such, there is a danger that there could be a risk to sites protected at the European or national level or where local environmental or amenity considerations should apply.

55. In order to conform to national and international policy, particularly regarding the importance of the need to protect European and nationally designated sites, a main modification is proposed (**MM15**). There would be reference to safeguarding existing waste management facilities but only in circumstances where they meet local environmental and amenity considerations, conform to the pollution control regime and do not pose a risk to sites protected at the European or national level. The provision for safeguarding would be clear and effective.

Issue 6 - Whether there are clear and justifiable arrangements for landfilling hazardous, non-hazardous and inert waste including quantification of the facilities that will be required, guidance on opportunities for their location and regard to the timeliness of provision

Landfill and disposal

56. Policy WCS 3 sets out the Council's main policy on controlling landfill and disposal. The emphasis is on landfill. There is implied support for landfill as a disposal option. However, in accordance with the waste hierarchy, all forms of disposal should be seen as the method of last resort.

57. The most appropriate way of redressing the balance and adding clarity is to ensure that disposal facilities other than landfill are the subject of locational criteria. This is the purpose of main modification 16 (**MM16**) through which consistency with national policy would be achieved. The geographic hierarchy would thus be applied to disposal other than landfill.

58. Under the same modification, the policy would be amended to make clear that landfill facilities would only be permitted in locations which are clearly demonstrated to be geologically suitable. This provision would be consistent with the Government's concern to give protection to water resources (PPS 10, Annex E). At the same time, the modification would make clear that the policy provisions in respect of landfill would also apply to landraising. The arrangements would be clear and justifiable.

Overall Conclusion and Recommendation

59. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

60. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in Appendix A and B the Waste Core Strategy for Worcestershire Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Andrew S Freeman

INEPECTOR

This report is accompanied by Appendix A below containing Main Modifications. The modified Key Diagram (MM10 refers) is illustrated in Appendix B (separate).

Appendix A – Main Modifications

This schedule lists my recommended modification to the Waste Core Strategy for Worcestershire (*Submission Document* incorporating the *Addendum to the Submission Document*).

Black text indicates the existing wording. Additions are shown in **purple** and deletions in **purple strikethrough**. Other instructions are set out in purple italic.

The page numbers and paragraph numbering below refer to the submission local plan and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	103	Appendix 2	<p>Appendix 2: Superseded Saved Structure Plan Policies</p> <p>The following policies in the Worcestershire County Structure Plan, adopted June 2001, were "saved" by the Secretary of State for Communities and Local Government on 7th September 2007 in exercise of the power confirmed by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 and are hereby supereeded superseded:</p> <p style="text-align: center;">WD1 Waste Hierarchy</p> <p style="text-align: center;">WD2 Location of Waste Handling and Treatment Facilities</p> <p style="text-align: center;">WD 3 Waste Management Facilities</p> <p style="text-align: center;">WD4 Landfill</p> <p style="text-align: center;">EN3 Waste to Energy</p> <p>The effect is to remove policies WD1, WD2, WD3, and WD4, and EN3 from the Worcestershire County Structure Plan and therefore the Development Plan.</p>
MM2	34	New policy and supporting text following Section 2	<p>X3. Presumption in favour of Sustainable Development</p> <p>X3.1 The National Planning Policy Framework includes a presumption in favour of sustainable development but does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in the National Planning Policy Framework so far as it is relevant.</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>The Waste Core Strategy accords with the policies in the National Planning Policy Framework and Policy WCS ADDITIONAL sets out how the presumption in favour of sustainable development will be applied locally.</p> <div style="border: 1px solid black; padding: 10px;"> <p>Policy WCS ADDITIONAL: Presumption in favour of sustainable development</p> <p>a) When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the county.</p> <p>b) Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>c) Where there are no policies in the Development Plan which are relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> i. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework and national waste planning policy <small>NEW FOOTNOTE: Currently Planning Policy Statement 10: Planning for Sustainable Waste Management</small> taken as a whole; or ii. specific policies in the National Planning Policy Framework or national waste planning policy indicate that development should be restricted. </div> <p>Explanatory text</p> <p>X3.2 The National Planning Policy Framework sets out the Government's view of what sustainable development in England means in practice for the planning system. The policies in the Waste Core Strategy guide how the presumption in favour of sustainable development will be applied locally.</p> <p>X3.3 The Council will work proactively with developers</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>throughout the process to enable the delivery of proposals which secure development that improves the economic, social and environmental conditions in the county. The Council offers a pre-application advice service to assist with this at an early stage and developers are encouraged to use this service.</p> <p>X3.4 Pre-application advice can:</p> <ul style="list-style-type: none"> • help issues to be resolved at an early stage through the provision of advice in a timely manner, • avoid unnecessary delays and costs by making sure that the right information is provided, particularly where there is a need for formal assessments such as an Environmental Impact Assessment, Habitats Regulations Assessment or Flood Risk Assessment, and • provide the Council with the opportunity to highlight other consents which may be required and statutory consultees which developers should liaise with at an early stage.
MM3	32	Para 2.62	<p>2.62 Existing waste management facilities will be safeguarded and new facilities will be developed throughout the life of the strategy to fill the capacity gap and deliver equivalent self-sufficiency in waste management capacity in the county before 2027.</p> <p>2.62 a There will be an early step change in the waste management industry in Worcestershire, with at least half of the increased waste management capacity required to meet the capacity gap by the end of the plan period being delivered by 2015/16.</p> <p>2.62 b The drive for increased capacity will be sustained in the medium term to deliver equivalent self-sufficiency by 2020/21. Further capacity will be developed to ensure equivalent self-sufficiency is maintained up to 2025/26 and beyond.</p> <p>2.62 c Throughout the life of the strategy and beyond, waste management capacity will be developed in accordance with the waste hierarchy and the waste management sector in the county will be able to meet demand in the local economy. This will be in line with the delivery milestones set out in Table 3a.</p>
MM4	32	Para 2.63	<p>2.63 Table 3 shows the minimum capacity gap and approximate land requirements⁴⁵ necessary to deliver the strategy at 5 year intervals. Progress will be monitored in the AMR.</p>
MM5	32	Table 3	<p>Table 3: Capacity gap and land requirements (all waste</p>

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			<p>streams)</p> <table border="1"> <thead> <tr> <th></th> <th>2010/11</th> <th>2015/16</th> <th>2020/21</th> <th>2025/26</th> </tr> </thead> <tbody> <tr> <td>Capacity gap (total)</td> <td>631,500</td> <td>654,000</td> <td>728,000</td> <td>782,000</td> </tr> <tr> <td>Re-use and recycling</td> <td>391,000</td> <td>400,500</td> <td>460,000</td> <td>498,500</td> </tr> <tr> <td>'Other recovery'</td> <td>240,500</td> <td>253,500</td> <td>268,000</td> <td>283,500</td> </tr> <tr> <td>Sorting and transfer</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Landfill and disposal</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Land requirements (total)</td> <td>25 ha</td> <td>25 ha</td> <td>29 ha</td> <td>30 ha</td> </tr> <tr> <td>Re-use and recycling</td> <td>17 ha</td> <td>17 ha</td> <td>20 ha</td> <td>21 ha</td> </tr> <tr> <td>'Other recovery'</td> <td>8 ha</td> <td>8 ha</td> <td>9 ha</td> <td>9 ha</td> </tr> <tr> <td>Sorting and transfer</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Landfill and disposal</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table> <p>Note: Further details and projections beyond the life of the strategy are given in Appendix 4.</p> <p>Table 3a: Re-use, recycling and 'other recovery' capacity gap and delivery milestones (tonnes per annum)</p> <table border="1"> <thead> <tr> <th></th> <th>2010/11</th> <th>2015/16</th> <th>2020/21</th> <th>2025/26</th> </tr> </thead> <tbody> <tr> <td>Total Capacity gap</td> <td>631,500</td> <td>654,000</td> <td>728,000</td> <td>782,000</td> </tr> <tr> <td>Delivery milestones</td> <td>-</td> <td>391,000</td> <td>728,000</td> <td>782,000</td> </tr> </tbody> </table> <p>Note: this is illustrated in Figure 14a.</p>		2010/11	2015/16	2020/21	2025/26	Capacity gap (total)	631,500	654,000	728,000	782,000	Re-use and recycling	391,000	400,500	460,000	498,500	'Other recovery'	240,500	253,500	268,000	283,500	Sorting and transfer	0	0	0	0	Landfill and disposal	0	0	0	0						Land requirements (total)	25 ha	25 ha	29 ha	30 ha	Re-use and recycling	17 ha	17 ha	20 ha	21 ha	'Other recovery'	8 ha	8 ha	9 ha	9 ha	Sorting and transfer	0	0	0	0	Landfill and disposal	0	0	0	0		2010/11	2015/16	2020/21	2025/26	Total Capacity gap	631,500	654,000	728,000	782,000	Delivery milestones	-	391,000	728,000	782,000
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MM6	33	Objective WO5	<p>WO5 To enable equivalent self-sufficiency in Waste Management in the County by addressing the "Capacity Gap" over the plan period life of the strategy to 2027 and safeguarding existing waste management facilities from incompatible development. Current projections of the capacity gap over the life of the strategy are identified in Table 3. Capacity gap and land requirements. These will be reviewed in the Annual Monitoring Report.</p>																																																																											
MM7	34	Para 3.1	<p>3.1 Implementing the waste hierarchy is the basis for delivering sustainable waste management in Worcestershire. Policies WCS NEW, 1, 2 and 3 seek to deliver this objective, enabling sufficient capacity for the management of waste as a resource. Policies WCS 1, 2</p>																																																																											

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			<p>and 3 They also direct the right development to the right places in accordance with the spatial strategy.</p> <p>3.1a Enabling equivalent self-sufficiency in waste management in Worcestershire is one of the objectives of the Waste Core Strategy (Objective WO5). Policy WCS NEW sets out the delivery milestones that should be achieved in order to meet the targets set out in Objective WO3, to address the capacity gap and to achieve equivalent self-sufficiency by the end of the life of the Strategy.</p>
MM8	34	Following Para 3.4	<p>Policy WCS NEW: Enabling Waste Management Capacity</p> <p>In order to achieve the aims of the Waste Core Strategy and enable appropriate waste management development:</p> <p>a) proposals for waste management facilities will be permitted where they contribute towards the following delivery milestones to achieve equivalent self-sufficiency <small>NEW FOOTNOTE: All capacity requirements are cumulative and are in addition to the existing capacity set out in Table 1 (Spatial Portrait).</small></p> <p>i) By 2015/16: At least 391,000 tonnes per annum additional re-use and recycling or 'other recovery' capacity comprising of:</p> <ul style="list-style-type: none"> • Re-use and recycling capacity to manage at least: 176,500 tonnes per annum of municipal and commercial and industrial waste, 52,500 tonnes per annum of construction and demolition waste, 20,250 tonnes per annum of hazardous waste. • 'Other recovery' capacity to manage the remainder: 138,500 tonnes per annum for municipal and commercial and industrial waste, 3,250 tonnes per annum for hazardous waste. <p>ii) By 2020/21: At least 728,000 tonnes</p>

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			<p>per annum additional re-use and recycling or 'other recovery' capacity comprising of:</p> <ul style="list-style-type: none"> • Re-use and recycling capacity to manage at least: 314,500 tonnes per annum for municipal and commercial and industrial waste, 105,000 tonnes per annum for construction and demolition waste, 40,500 tonnes per annum for hazardous waste. • 'Other recovery' capacity to manage the remainder: 261,500 tonnes per annum for municipal and commercial and industrial waste, 6,500 tonnes per annum for hazardous waste <p>iii) By 2025/26: 782,000 tonnes per annum additional re-use and recycling or 'other recovery' capacity comprising of:</p> <ul style="list-style-type: none"> • Re-use and recycling capacity to manage at least: 353,000 tonnes per annum for municipal and commercial and industrial waste, 105,000 tonnes per annum for construction and demolition waste, 40,500 tonnes per annum for hazardous waste. • 'Other recovery' capacity to manage the remainder: 277,000 tonnes per annum for municipal and commercial and industrial waste, 6,500 tonnes per annum for hazardous waste. <p>iv) No additional sorting and transfer capacity is required to achieve equivalent self-sufficiency, therefore no delivery milestones have been identified.</p> <p>v) No additional landfill or disposal capacity is required to achieve equivalent</p>

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			<p>self-sufficiency, therefore no delivery milestones have been identified.</p> <p>The delivery milestones will be monitored in the Annual Monitoring Report throughout the life of the strategy. The 'other recovery' milestones will be reviewed as appropriate to reflect any changes in capacity requirements which may result from the provision of re-use and recycling facilities in excess of the minimum requirements for those facilities set out in the policy. This will also allow flexibility to increase the role of re-use, recycling or 'other recovery' in diverting waste from landfill.</p> <p>b) where equivalent self-sufficiency has been achieved:</p> <p>i) proposals for additional re-use and recycling capacity will be permitted where they benefit the local community or sub-regional economy in accordance with Policy WCS 12.</p> <p>ii) proposals for additional 'other recovery' capacity will be permitted where it is demonstrated that they:</p> <ul style="list-style-type: none"> • do not compromise the achievement of equivalent self-sufficiency for re-use and recycling; and • benefit the local community or sub regional economy in accordance with Policy WCS 12. <p>iii) Proposals for sorting and transfer capacity will be permitted where it is demonstrated that they:</p> <ul style="list-style-type: none"> • enable waste to be managed at the highest appropriate level of the waste hierarchy; and • benefit the local community or sub regional economy in accordance with Policy WCS 12. <p>iv) Proposals for landfill and disposal capacity are not encouraged and will not be permitted unless they meet the criteria set out in Policy WCS 3.</p>

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			<p data-bbox="619 349 898 383">Explanatory text</p> <p data-bbox="619 421 1362 490"><u>Capacity required to achieve equivalent self-sufficiency</u></p> <p data-bbox="619 528 1401 562"><i>Re-use, recycling and 'other recovery' capacity</i></p> <p data-bbox="619 600 1501 1043">3.4a In order to achieve equivalent self-sufficiency and to ensure that the targets set in Objective W03 are met, it is estimated that Worcestershire will require 1,075,200 tonnes per annum of re-use, recycling or 'other recovery' capacity by 2025. There is currently <small>NEW FOOTNOTE: As set out in background document "Arisings and capacity"</small> 318,450 tonnes per annum capacity which means that 781,750 tonnes per annum of additional capacity <small>NEW FOOTNOTE: Requirements for additional capacity have been calculated based on the assumption that composting at Hill and Moor will become inoperable from 2020 as the landfill operations progress (see background document "Arisings and capacity")</small>. This allows flexibility to ensure that adequate provision is made but will be monitored through the Annual Monitoring Report.</p> <p data-bbox="619 1059 1358 1093">will be required over the life of the strategy.</p> <p data-bbox="619 1131 1497 1592">3.4b Policy WCS NEW sets delivery milestones for re-use, recycling and 'other recovery' at five year intervals. These are broken down into re-use and recycling capacity and 'other recovery' capacity. These delivery milestones will enable delivery of the Waste Strategy for England 2007 targets for 2020. Early delivery of facilities to help meet these milestones is encouraged. This will enable the development of a strong and prosperous waste management industry as part of the green economy in Worcestershire, as well as helping to contribute towards the Waste Strategy for England 2007 targets for 2015.</p> <p data-bbox="619 1630 1497 2049">3.4 c The re-use and recycling component identified is the minimum contribution that re-use and recycling capacity should make to the achievement of the overall delivery milestones. It is based on the re-use and recycling capacity which will be required to achieve the targets set out in Objective W03. However to enable the management of waste at the highest appropriate level of the geographic hierarchy, no limit is placed on the contribution that re-use and recycling can play in delivering the 782,000 tonnes of re-use, recycling and other recovery capacity that is required to achieve</p>

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			<p>equivalent self-sufficiency by the end of the life of the strategy.</p> <p>3.4d The 'other recovery' component also reflects the targets set out in Objective WO3. These targets have been calculated based on the assumption that:</p> <ul style="list-style-type: none"> • The re-use and recycling targets set out in Objective WO3 are a minimum, • a maximum of 25% of each of C&I, C&D and hazardous waste and 22% of MSW will be landfilled or disposed of, and • the remainder will be managed through 'other recovery'. <p>The 'other recovery' milestones are intended to ensure that adequate capacity exists to divert waste from landfill and disposal. The re-use and recycling capacity milestones act as a minimum to prevent 'other recovery' capacity from crowding out re-use and recycling. However, 'other recovery' facilities play an important role in bridging the gap between recycling and disposal through the management of residual waste which cannot be recycled.</p> <p>3.4e The delivery milestones will be monitored throughout the life of the strategy and progress reported in the Annual Monitoring Report. The 'other recovery' milestones will be reviewed as appropriate to reflect any changes in capacity requirements which may result from the provision of re-use and recycling facilities in excess of the minimum requirements for those facilities set out in the policy. This will also allow flexibility to increase the role of re-use, recycling or 'other recovery' in diverting waste from landfill and disposal.</p> <p>3.4f The delivery milestones are intended to be read as a whole to enable the required capacity by 2025/2026 and early delivery is encouraged. Facilities which manage more than one waste stream will be encouraged where appropriate. There are likely to be natural synergies between MSW and C&I waste in particular, but any facilities which capitalise upon any synergies between other waste streams will also be supported.</p> <p>[New paragraph after 3.4f] The re-use and recycling of C&D waste in-situ is encouraged, as mobile plant play an integral role in moving waste up the waste hierarchy and reducing waste miles. However, due to the temporary nature</p>

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			<p>of this type of activity and the capacity it provides, the milestones only consider the level of capacity provision required from static plant <small>NEW FOOTNOTE: Capacity gap for C&D waste calculated on the basis of provision for 25% of C&D waste arisings to be managed at static plant .</small></p> <p><i>Sorting and transfer capacity</i></p> <p>3.4g Based on projections of waste arisings and current capacity, no capacity gap has been identified for sorting and transfer for any waste stream. Any proposals will be considered under part b of Policy WCS NEW.</p> <p><i>Landfill and disposal capacity</i></p> <p>3.4h Based on projections of waste arisings and current capacity, no capacity gap has been identified for landfill and disposal for any waste stream. Any proposals will be considered under part b of Policy WCS NEW.</p> <p><u>Proposals for new capacity where equivalent self-sufficiency has been achieved</u></p> <p><i>Re-use, recycling and 'other recovery' capacity</i></p> <p>3.4i The long-term aim of Objective W03 is for all waste to be treated as a resource and for 'zero-waste' to be landfilled or disposed of. In order to enable this to be achieved additional re-use and recycling or 'other recovery' capacity will be required beyond that identified in the delivery milestones in Policy WCS NEW. The calculation of these milestones is based on the assumption that 25% of waste will continue to be landfilled or disposed of, however the Council does not wish to encourage the disposal of waste to landfill.</p> <p>3.4j Diversion of waste from landfill and disposal should be at the highest appropriate level of the waste management hierarchy, therefore proposals for re-use and recycling capacity which exceed equivalent self-sufficiency will be encouraged where it is demonstrated that they benefit the local community or sub-regional economy in accordance with Policy WCS 12.</p> <p>3.4k 'Other recovery' facilities can play an important role in the diversion of residual waste</p>

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			<p>from landfill and disposal and will be encouraged where it can be demonstrated that they do not crowd out recycling and that they benefit the local community or sub-regional economy in accordance with Policy WCS 12.</p> <p><i>Sorting and transfer capacity</i></p> <p>3.4l Sorting and transfer facilities enable the management of waste at the highest appropriate level of the waste hierarchy, through sorting materials for recycling or 'other recovery' or bulking them for transfer to recycling facilities. They can form an integral part of the management chain allowing for movement of waste to more centralised treatment facilities.</p> <p>3.4m It is not clear what levels of sorting and transfer capacity are optimal to support the waste management industry and the capacity gap has been calculated based on provision of sorting and transfer facilities for at least 30% of the waste arising in Worcestershire. This is in line with the regional average, but will be monitored through the life of the Strategy.</p> <p>3.4n For these reasons sorting and transfer capacity that will contribute towards the achievement of the objectives of the Waste Core Strategy will be encouraged.</p> <p><i>Landfill or disposal capacity</i></p> <p>3.4o The Waste Core Strategy, in line with national policy, aims to drive waste up the waste hierarchy, to use it as a resource and to minimise the amount which is landfilled or disposed of. The existing landfill capacity in the county is sufficient for the lifetime of the Strategy <small>NEW FOOTNOTE: See background documents "Arising and capacity" and "Landfill"</small>. This means that proposals for new landfill or disposal capacity are not encouraged.</p> <p>3.4p Any proposals for landfill or disposal capacity would need to meet the criteria set out in Policy WCS 3 and will be considered against other policies in the development plan.</p>

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MM9	36	Policy WCS 2	<p>Policy WCS 2: Other recovery</p> <p>a) In order to achieve equivalent self-sufficiency in waste management, proposals for 'other recovery'⁵³ facilities will only be permitted where it is demonstrated that:</p> <ol style="list-style-type: none"> i. sorting of waste is carried out to optimise re-use and recycling; and ii. energy recovery is optimised; and resource recovery from outputs of the process, including by-products, is optimised and any residues can be satisfactorily managed and disposed of; and iii. resource recovery from by-products is optimised and any residues can be satisfactorily managed and disposed of; and where thermal treatment is carried out, energy recovery is optimised; and <p>b) In order to deliver the spatial strategy, proposals for 'other recovery' facilities will be permitted in levels 1 and 2 where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy;</p> <p>c) Planning permission will not be granted for 'other recovery' facilities in zones levels 3, 4 or 5 except where it is demonstrated that:</p> <ol style="list-style-type: none"> i. the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy, and ii. the proposed location is at the highest appropriate level of the geographic hierarchy.
MM10	29	Fig 14: Key Diagram	<i>For Figure 14: Key Diagram: Geographic hierarchy, substitute the figure illustrated in Appendix B attached.</i>
MM11	41	Policy WCS 4, Table 5	<i>For "Industrial land", substitute "Existing or allocated industrial land"; and for "Co-location with producers or end users", substitute "Co-location with producers, end users or other complementary activities".</i>
MM12	45	Policy WCS 7	<p>Policy WCS 7: Environmental assets</p> <p>In order to protect and enhance Internationally, Nationally and Locally designated sites, habitats, species and heritage assets, and their settings, proposals for waste management facilities will be permitted where:</p>

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			<p>a) the proposal, including its location, design, operation, landscaping and/or restoration:</p> <p>i) will have no adverse effects on the integrity of a site designated Internationally designated sites for its nature conservation importance, either alone or in combination with other plans or projects; or is necessary for the management of an <u>Internationally designated site</u>.</p> <p>Where the proposed development would or may have adverse effects on the integrity of an site designated Internationally designated site for its nature conservation importance, development will only be permitted where there are:</p> <ul style="list-style-type: none"> • no alternatives solutions; and • imperative reasons of overriding public interest <p>and</p> <p>b) the proposal, including its location, design, operation, landscaping and/or restoration: and</p> <p>ii) i) will have no unacceptable adverse impacts on national and local environmental assets other internationally, nationally or locally designated or identified habitats, species or nature conservation sites <small>NEW FOOTNOTE: See Table 7</small>; and</p> <p>ii) will not lead to substantial harm to or loss of significance of designated or non-designated heritage assets or their settings <small>NEW FOOTNOTE: See Table 7</small>.</p> <p>Where the proposed development would have unacceptable adverse impacts on environmental assets, development will only be permitted where it is demonstrated that the benefits of the development at the proposed site clearly outweigh any unacceptable adverse impacts. Proportionate consideration will be given in accordance with their degree of protection and significance.</p> <p>and</p> <p>b) c) the proposal, including its the design, landscaping and/or restoration takes advantage of opportunities to enhance the character, quality and significance of environmental assets <small>NEW FOOTNOTE: See Table 7</small>, and their settings and/or linkages between them.</p>

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MM13	53	Policy WCS 10	<p>Policy WCS 10: Local Characteristics</p> <p>Waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals:</p> <p>a) contribute positively to the character and quality of the local area and protect and enhance local characteristics, through consideration of:</p> <p>[The rest of Policy WCS 10 to remain unchanged]</p>
MM14	53	Policy WCS 10(z)	<p>Policy WCS 10(z): Green Belt</p> <p>Waste management facilities will be permitted in areas designated as Green Belt⁸³ where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration the proposals does not constitute inappropriate development in areas designated as Green Belt⁸³, or where very special circumstances exist are demonstrated which justify such inappropriate development.</p>
MM15	62	Policy WCS 13	<p>Policy WCS 13: New development proposed on or near to existing waste management facilities</p> <p>Existing waste management facilities will be safeguarded from non waste-related uses where they meet local environmental and amenity considerations in the Development Plan, conform to the pollution control regime and do not pose a risk to sites protected at the European or National level.</p> <p>[The rest of Policy WCS 13 to remain unchanged]</p>
MM16	38	Policy WCS 3	<p>Policy WCS 3: Landfill and disposal</p> <p>No capacity gap has been identified for the landfill or disposal of waste.</p> <p>a) Planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated that:</p> <p>i. re-use, recycling and energy , or energy or resource recovery are not practicable for the waste type to be managed and no landfill or disposal capacity exists in the county for that type of waste; or</p>

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			<p>ii. there will be a shortfall in landfill or disposal capacity necessary to achieve the aims and purpose of the strategy; or</p> <p>iii. the proposal is essential for operational or safety reasons or is the most appropriate option.</p> <p><u>Disposal other than landfill</u></p> <p>b) In order to deliver the spatial strategy, proposals for disposal facilities other than landfill:</p> <p>i) will only be permitted in levels 1 and 2 where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy;</p> <p>ii) will not be permitted in levels 3, 4 or 5 except where it is demonstrated that:</p> <ul style="list-style-type: none"> • the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy, and • the proposed location is at the highest appropriate level of the geographic hierarchy. <p><u>Landfill</u></p> <p>c) Proposals for landfill <small>NEW FOOTNOTE: The term landfill refers to the deposit of waste into or onto land and as such also includes landraising.</small></p> <p>facilities will only be permitted in locations which are clearly demonstrated to be geologically suitable.</p> <p>b) d) Any proposals for landfill must include:</p> <ul style="list-style-type: none"> i. landfill gas management systems, with energy recovery where practicable unless exceptional circumstances are clearly justified by the applicant, and ii. a restoration scheme which contributes positively to the objectives of the development plan, with details of aftercare for a minimum period of 5 years.