



9th April 2012

The Waste Planning Authority,

Gloucestershire County Council,
Shire Hall,
Gloucester.

Attn: Mr Ben Gilpin

Dear Sirs,

Re: Planning application 12/0008/STMAJW. Proposed development of an Energy from Waste (EfW) facility for the combustion of non-hazardous waste and the generation of energy, comprising the main EfW facility, a Bottom Ash processing facility and Education/Visitor Centre, together with Associated/Ancillary Infrastructure including Access Roads, Weighbridges, Fencing/Gates, Lighting, Emissions Stack, Surface Water Drainage Basins and Landscaping. Land at Javelin Park, Bath Road, Haresfield, Stonehouse, Gloucestershire.

We are writing to object to the above planning application.

1) Prematurity.

The Examination in Public of the draft Waste Core Strategy (WCS) is still open pending consultation on major changes proposed by the Waste Planning Authority (WPA). Only after responses to these changes have been assessed by the Inspector will he write his report which will be binding on the Council. As the potential changes to the draft WCS are very significant and as the strategy forms the framework within which decisions on waste facilities (including Javelin Park) are to be taken, consideration of this planning application should be deferred until at least the Inspector's report has been published and it can be demonstrated that this application is consistent with the WCS as amended by the Inspector's report. This request is supported by the Secretary of State's recent decision on call-in to refuse permission for an incinerator project in Bedfordshire on the grounds of prematurity. We would ask for your confirmation that the planning committee will not consider this application until the provisions of the WCS are clear and that those making submissions will be allowed to add to those submissions in the light of the to be adopted WCS.

2) Choice of technology and environmental benefits.

In this submission we do not deal with questions of environmental or health impacts. This should not be interpreted as our considering that there are no problems with the application on these grounds but simply that we do not have the expertise to adequately challenge the statements made by the applicant.

We do however note that the claims that the technology will deliver substantial reductions in greenhouse gas emissions are not substantiated by either calculations or

comparative data for alternative technologies. We understand that calculations of comparative greenhouse gas emissions are very complicated. We note that, in a study of 24 scenarios for the Greater London Authority, six of the top ten technologies judged by cost-effectiveness in reducing greenhouse gas emissions were based on intensive recovery of recyclables in an advanced MRF followed by anaerobic digestion (MBT-AD) and that the best performing incineration scenario came in 19th.

We also note that paragraphs 3.2.4 et seq of the Environmental Statement Main Report cover the alternatives considered. We believe this section of the report is flawed because:

- it does not relate the alternative technologies directly to the Javelin Park site to determine which is the best available technology i.e. the best balance of economic and environmental impacts for that site. Rather, technologies are assessed in isolation on the grounds of their performance.
- it appears to put excessive weight on the fact that the Council chose EfW as its reference case in the documentation supporting its application for a PFI grant in 2008. The Council made it quite clear that this was not an indication of a preferred technology. In any event that choice is now very out of date and technology has moved on considerably.
- Paragraph 3.2.27 states that Javelin Park is relatively free of obvious environmental constraints and where the site does have environmental constraints they are minor. As it has been identified in all documentation that any facility will be clearly visible from the Cotswolds AONB, the M5 and the surrounding low-lying areas this statement is clearly not accurate. Alternative technologies can be accommodated in much lower buildings and do not involve such tall stacks. Given the landscape sensitivity of the site we would have expected this to have been a consideration when looking at alternatives.
- In terms of alternatives no consideration is given to the option of multiple sites each with smaller facilities even though it was envisaged that the requirement for residual waste disposal could be met by two or three smaller facilities. Though this alternative would suffer from loss of economies of scale on the site it would have benefits of lower transport distances for the input waste and therefore have environmental and off site economic benefits.

We believe that it is an absolute obligation on the applicant to show that for a project of this magnitude the proposal offers the best balance between environmental and economic factors. It is recognised for instance in PPS10 annex E first paragraph that this may mean incurring some extra cost; the same sentiment is true in applying Best Available Technology.

3) Duty to Cooperate and Sustainability.

The only evidence we can find for co-operation with neighbouring authorities on this project was in 2008 when the outline business case was prepared. When in 2010 the Government cancelled the PFI credit for the project they indicated that there was no national need for the project.

The Planning and Compulsory Purchase Act 2004 has been amended with an additional section (33A) placing a duty on planning authorities to cooperate in relation to sustainable development. The requirement is repeated in paragraph 178 of the NPPF. While the provisions clearly set an obligation to co-operate on major strategic planning matters including waste it is not clear that this applies to the preparation of a planning application; nevertheless the spirit of Government expectation is clear.

Since 2008 major residual waste facilities have been approved in neighbouring authorities including authorities in south east Wales. Actively exploring whether these facilities offered viable opportunities for cross county boundary collaboration should have been a part of the major strategic review carried out in early 2011 (triggered by the cancellation of the PFI credit) and the Council has failed to do this.

For waste facilities a key principle of sustainability is to minimise transport (the proximity principle); in the case of Gloucestershire, the areas around Cirencester, Tewkesbury and parts of the Forest of Dean are closer to existing or to be built facilities in neighbouring counties (including Wales) than to Javelin Park. Without exploring whether viable opportunities exist for joint use of these facilities it can not be demonstrated that Javelin Park is the most sustainable option for disposal of Gloucestershire's residual waste. It therefore fails to meet the test of being sustainable development as required by the NPPF.

4) The capacity of the proposed facility is not needed to meet Gloucestershire's residual waste disposal requirements.

The proposed facility has a capacity of 190,000 tonnes per annum. Paragraph 3.1 to paragraph 3.1.13 of the Environmental Statement Main Report sets out the requirement for this capacity namely 150,000 tonnes per annum of MSW residual waste and C&I residual waste up to 200,000 tonnes per annum. These figures have now been shown to be an over-estimate and the conclusion in paragraph 3.1.13 that there is a demonstrable and overriding need for the Javelin Park development can not be sustained by the latest forecasts.

Since submitting the planning application the WDA, in evidence to the EiP on the Waste Core Strategy, has significantly revised its estimates of the quantities of MSW residual waste to a range of 104,000 to 156,000 tonnes in 2029/30. Also the WPA are now proposing that C&I residual waste would be in the range 45,000 to 73,000 tonnes per annum.

The WDA has projected the calculations for MSW through to 2040 to give a range of 110,000 to 170,000 tonnes. These projections are not backed by any evidence as projections of population and household numbers have only been produced up to 2031. Moreover there would be no reason to commit or approve capacity now for which there would be demand in 15 to 25 years time. We therefore consider that estimates of MSW arising and residual waste beyond 2031 should be ignored for the purposes of evaluating this proposal.

We believe that the higher end of the range of estimates for MSW are over-estimates. This is because it assumes:

- a growth in arisings of 1.6% per annum up to 2020 versus a predicted population growth rate of 0.5% per annum and household growth of 1% per annum up to 2019. For waste to grow at this rate implies a growth in average per capita incomes and no success with the initiatives by the Council, manufacturers and the consumer to minimise waste at source.
- a recycling rate of 55% implying a complete failure of Gloucestershire to achieve its target of 60% by 2020 and 70% by 2030.

MSW arisings in Gloucestershire have decreased every year since peaking in 2006 even though population and household numbers have been increasing. Some of this has been due to measures taken by the collecting authorities and some due to the economic downturn but there remains a portion of the reduction which is due to

reductions in the amount of waste produced. It is unduly pessimistic to forecast that none of the initiatives being taken by Government and the local authorities to minimise waste will be successful when looking ahead over the next ten years. Conversely the squeeze on incomes is well documented as is the view that the economy will have at best feeble growth up to 2020; it is unduly optimistic to expect significant rises in per capita incomes over this period. Finally the projections of population in Gloucestershire show a very marked increase in the proportion of people over 65; studies by Age Concern show that older people suffer a fall in incomes and generally consume less than people in younger age groups. Our calculations show that this effect will cancel any trend towards smaller households.

The lower end of the WDA range of MSW forecasts for 2029/30 (104,000 tonnes pa) is based on growth in line with household growth and a recycling rate of about 65%. This is to us a reasonable top of the range as it assumes no further measures to reduce waste at source or further squeeze on household income. It is perfectly credible that there will be no growth for some time in total MSW arisings at least until strong economic growth is re-established and this could reduce residual waste by some 15,000 tonnes p.a. We also note that it is a Government aim to move towards a zero waste economy as set out in the Government Review of Waste Policy in England 2011; the further ahead one looks the more likely it is that the initiatives to achieve this strategic aim will be successful and one would therefore expect long term growth of waste to be subdued.

In conclusion, the numbers produced by the WDA suggest a high probability of MSW demand being in the range 95,000 tonnes to 110,000 tonnes in 2030. Furthermore, the assumption is that all the MSW residual waste will be processed at Javelin Park. The draft WCS adjusted for the major modifications encourages other non-strategic facilities – though none are identified in the WCS it is reasonable to suppose some will come forward in time and therefore the residual waste available to Javelin Park will be just some portion of the total.

Whether the Javelin Park facility will be able to attract C&I waste arising in Gloucestershire will be a matter of competitive advantage versus other facilities in the region and can not be relied on.

Even allowing for 50% of the C&I projected residual waste it is very difficult to see demand from the facility exceeding a range of 105,000 to 140,000 tonnes.

The net effect of approving capacity so much in excess of reasonable forecasts of residual waste is that there is a very high risk that:

- either the capacity will divert waste from recycling contrary to the obligations of the waste hierarchy. This is contrary to the Gloucestershire Waste Local Plan 2002 - 2012 Policy 15 which states that proposals for residual waste to energy recovery facilities must demonstrate that they would not prejudice targets being set for recycling.
- or the spare capacity will be used to process waste from other counties. The later is contrary to the statements in the current draft waste core strategy that capacity is for the needs of Gloucestershire.

5) The building will be visually damaging to the landscape and in particular the setting of the Cotswolds AONB.

The Gloucestershire Waste Local Plan 2002-2012 Policy 26 states that proposals for waste development affecting the setting of the AONB will only be permitted where:

- it can be demonstrated to be the best practical environmental option; and
- there is a lack of alternative sites; and
- there is a proven national interest; and
- the impact on the special features of the AONB can be mitigated.

Policy 11 of the current draft of the new Gloucestershire Waste Core Strategy, with proposed major amendments, gives a similar protection to the AONB and in addition recognises the value of non-designated landscapes as does the NPPF.

None of the above planning policies appear to have been taken into account in the application.

The site is close to the boundary of the Cotswolds AONB which follows the railway line from Standish to Haresfield and the road from Haresfield to Brookthorpe. The lower land within the AONB falls with Landscape Character Area 18A Vale of Gloucester Fringe of the Cotswolds AONB Conservation Board's Landscape Character Assessment. This character area is a mixture of very rural parts and those which are influenced by the proximity of large urban areas and infrastructure. The section of this character area bounded by the M5 and extending north to the ridge which carries the B4073 and south to junction 13 is, except for the site itself and its immediate surroundings, such a very rural part of the larger character area and an important setting to the Cotswold Escarpment. This is clearly shown on the aerial photograph figure 1 on page 4 of the Design and Access statement. The Landscape Strategy and Guidelines for the character area, arising from the character assessment, published by the Conservation Board state:- "The rural areas that provide a setting to the Cotswold escarpment are highly sensitive to development particularly those which are as yet only marginally effected by neighbouring towns, transport routes and infrastructure." and "Vale landscapes prominent in views from upland areas with wide vantage points such as the Escarpment are particularly sensitive to the effects of large scale built development".

Because of the sheer scale of the proposed development in terms of height and mass and the height of the stack plus the probability of stack emissions plumes, it would be both visually damaging to the setting of the AONB and to views from the AONB.

The sensitivity of the site is confirmed by the Secretary of State's decision dated 27th March 2007 concerning development at Javelin Park. Condition 19 of that decision states "The buildings hereby permitted shall not exceed 15.7m in height from existing ground level". This sensitivity was further underlined by the fact that the buildings of neighbouring garden centre were reduced in height to mirror this restriction.

Chapter 8 of the Environmental Statement Main Report deals with Landscape and Visual effects. It concludes:

- in paragraph 8.8.3, that effects on the landscape character would not be significant and the existing character would be unaffected by the presence of the facility.
- in paragraph 8.8.6, that the special qualities and setting of the Cotswolds AONB would not be materially affected.

We submit that neither of these conclusions is correct or substantiated by the evidence produced in the report and its appendices because:

- a) The character of the landscape is taken to be the same as that described in document 8.3a viz: the Gloucestershire Landscape Character Assessment for the landscape character type "Settled Unwooded Vale sub area Berkeley Vale".

This is a very large area containing both the landscape close to the foot of the escarpment, urban fringes and the flatter arable lands towards the River Severn. To apply the description of the whole of this area to a part of it is wrong. Finer analysis is required to properly describe the smaller area of landscape within which the Javelin Park site sits. Paragraph 5.6.2 of the Settled Unwooded Vale landscape character assessment notes that “Notwithstanding these urbanising features, the Settled Unwooded Vale landscape type retains areas which have a strongly rural character with an emphasis on agricultural management”. Furthermore paragraph 8.6.19 of the Environmental Statement Main Report notes that “A more tranquil feel is more notable in the Cotswolds in the east.” Both these statements provide a more accurate description of the sub character area in which the Javelin Park site sits. The introduction of a 48 metre tall industrial building with a 70 metre stack is incompatible with this local rural landscape character.

- b) In assessing more distant views emphasis is put on the fact that the landscape which is seen already has a mixture of commercial and industrial buildings. This is only true for views looking north over the site and towards the southern fringe of Quedgeley. Views from the east looking west or south west are over agricultural fields with occasional small commercial buildings and a backdrop of the Forest of Dean. Looking from the west towards the Cotswold escarpment the only visible commercial building is the garden centre and that is rapidly becoming screened with the planting put in place after construction. In all these cases the incinerator would be totally out of scale with the surroundings and a major intrusive element. A good example of this is provided by the photograph of the view from Haresfield Beacon given at figure 2 on page 4 of the Design and Access statement. There is no sign of the commercial buildings at Quedgeley yet the analysis in paragraph 8.6.66 states “the development will be set against the diverse land uses at the edge of Gloucester including considerable existing development”. Similar considerations apply to the assessment of the view from Robinswood Hill.
- c) The assessment also underestimates the impact from further view points such as Painswick Beacon. We would draw attention to the impact Berkeley Power station has on views from a similar distance; the buildings are of a similar scale and height.
- d) The assessment dismisses the impact on drivers on the M5 particularly those coming from the south. To dismiss these as transient would be valid if the incinerator were to be visible for only a short distance. Actually it would come into view when vehicles pass under the minor cross over near Standish Moreton and would remain prominent until junction 12; a distance of some 2 km. The photomontage in the applicant’s promotional material for their exhibition to the public at Javelin Park shows how dominant the facility would be from the M5. Motorists travelling north on the M5 are very conscious of the rising escarpment and rural nature of the eastern side of the motorway.
- e) The applicant’s assessment underestimates the cumulative effect of the proposed incinerator with the approved waste gasification plant 500 metres away at Moreton Valence. While smaller in size it will be a significant building and will come into view when driving north on the M5. The effect would be to announce the approach to historic Gloucester with twin industrial waste incinerators with prominent stacks. The cumulative impact when looking west from the Cotswolds AONB would be of a major industrial extension to Gloucester into rural land.
- f) The applicant identifies points of view from the west where the impact sensitivity would be high and the impact major but says the effect would be neutral because the facility is designed to mitigate the effect and the top of the building would not breach the skyline of the escarpment. We accept that the applicant

has done the best they can in terms of design and choice of materials. However nothing can disguise the sheer mass and height of the building. It is sufficiently far from the escarpment to have a very different intensity of tone and it would therefore stand out against the landscape behind.

- g) The assessment fails to take into account views from Hockley Hill to the west with its network of well used paths where there are delightful views to the Cotswold escarpment or from the footpaths which run down and across the section of the escarpment starting at the Cud Hill and running to Haresfield Beacon or from properties on the B4073. There are many panoramic views from these paths and properties across a rural landscape to the distant hills of the Forest of Dean. These are clear examples of a key characteristic of the escarpment and the AONB. The incinerator would be a dominant inappropriate feature in all these views.

Finally the applicant's assessment understates the impact of the introduction of transmission lines to connect the incinerator to the grid. The choice of a route to the south would introduce visual clutter and it is no justification to say that there are already electricity poles in the area. The alternative northern connection route would have much lower and more acceptable impacts largely because it would be underground until merging with the more general prevalence of infrastructure at the southern edge of Quedgeley. We do not think this application should be considered until E.ON has made clear which choice it will prefer.

We conclude that the visual effects will be highly damaging to the Cotswolds AONB and its setting and the local landscape and that these effects can not be mitigated either by design or screening.

For all the above reasons we believe that the Council should defer consideration of this planning application and if not refuse it permission.

Yours sincerely

Nicholas Dummett
CPRE Gloucestershire Executive Committee Member.