



Department for  
Communities and  
Local Government

Nick Roberts  
Axis PED Ltd  
Camellia House  
76 Water Lane  
Wilmslow  
Cheshire SK9 5BB

Our Ref: APP/T1600/A/13/2200210

Your Ref: NR/1422

16 January 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY URBASER BALFOUR BEATTY  
LAND AT JAVELIN PARK, NEAR HARESFIELD, GLOUCESTERSHIRE  
APPLICATION REF: 12/0008/STMAJW**

**This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supercedes the decision letter issued on 6 January 2015.**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Brian Cook BA (Hons) DipTP MRTPI, who held a public local inquiry between 19 November and 13 December 2013 and between 14 – 29 January 2014 into your client's appeal against Gloucestershire County Council's (the Council) refusal to grant planning permission for 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, in accordance with application ref 12/0008/STMAJW dated 31 January 2012.
2. On 16 July 2013, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to the Town and Country Planning Act 1990, because the appeal involves proposals of major significance for the delivery of the Government's climate change programme and energy policies.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. The Secretary of State agrees with the Inspector's analysis, except where indicated below and he has decided to allow the appeal and

Christine Symes  
Planning Casework  
SE Quadrant, Third Floor  
Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel 0303 444 0000  
Email [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Procedural matters**

4. In reaching this position, the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, the two further statements submitted under Regulation 22(1) and the further clarification and errata statements (IR8). The Secretary of State considers that the ES and the further information provided complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the proposals.

### **Matters arising after the close of the inquiry**

5. The Secretary of State has taken account of the fact that, following the close of the inquiry, two matters occurred on which the comments of the main and Rule 6 parties were requested by the Planning Inspectorate on 10 March 2014 (IR17). On 18 February 2014 the Court of Appeal decision in *Barnwell Manor Wind Energy Limited v East Northamptonshire DC, English Heritage, National Trust and Secretary of State for Communities and Local Government* [2014] EWCA Civ 137 (*Barnwell Manor*) was handed down (IR18). In addition, on 6 March 2014, the Government issued the National Planning Practice Guidance (the Guidance) (IR19).
6. Subsequently, on 1 August 2014, the Secretary of State received a letter from GlosVAIN which purported to describe new information, relevant to the Secretary of State's decision on this appeal. GlosVAIN's letter was circulated to interested parties on 16 September 2014. On 16 October 2014, the Secretary of State circulated the responses received and also invited comments on his publication of new planning policy and new planning practice guidance on waste.
7. In coming to his decision on the appeal before him, the Secretary of State has taken account of all the representations referred to in paragraphs 5 and 6 above, which are listed at Annex A to this letter.
8. The Secretary of State is also in receipt of further correspondence following the close of the inquiry which is again listed at Annex A. He has carefully considered these representations but does not consider that they raise new matters that would affect his decision or require him to refer back to parties on their contents prior to reaching his decision. Copies of the representations referred to in paragraphs 5-8 will be provided on application to the address at the bottom of the first page of this letter.

### **Policy considerations**

9. In deciding the appeal the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

10. In this case the development plan consists of the Waste Core Strategy (WCS) (2012), the saved policies of the Waste Local Plan (WLP) (2004) and the Stroud District Local Plan (SDLP) (2005). The Secretary of State considers that the policies identified in IR30 – 39 are the most relevant policies to this appeal. The Secretary of State has had regard to the Inspector's remarks about the emerging Stroud District Local Plan (IR41) and he is aware that the Plan's examination in public is due to resume shortly.
11. The Secretary of State observes that Planning Policy Statement 10: *Planning for Sustainable Waste Management* was cancelled with the publication of the new waste policy and guidance in October 2014. With that exception, he has had regard to those documents identified by the Inspector at IR42. The Secretary of State has also taken into account the Guidance published in March 2014; and the policy and guidance on waste published on 16 October 2014;
12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA), the Secretary of State has paid special attention to the desirability of preserving those listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest which they may possess.

### **Preliminary Matters**

13. The Secretary of State has had regard to the Inspector's remarks at IR16 and IR21 about his role in relation to the WCS and about his former links with Gloucestershire including its County Council, and the fact that parties were made aware of those points.
14. In relation to the residual Municipal Solid Waste (MSW) treatment procurement project and the preparation of the WCS, the Secretary of State has taken account of the Inspector's timeline at IR964 and his comments at IR965. The Secretary of State sees no reason to disagree with the Inspector's analysis and conclusions about the way the WCS should be interpreted (IR966 – 992) including the weight to be given in this particular case to the Framework in respect of policy on the historic environment (IR989).
15. The Secretary of State has carefully considered the Inspector's comments about the procurement process (IR993 – 996) and he agrees with the Inspector (IR997) that this is not a matter he should take into account in his determination of this appeal.

### **Main Issues**

16. The Secretary of State agrees that the main issues in this appeal are those identified by the Inspector at IR998.

### ***Delivery of the Government's climate change programme and energy policies***

17. The Secretary of State has noted the Inspector's introductory remarks at IR999-1009 and, like the Inspector, he considers that the two issues are firstly, the extent to which the appeal proposal would represent a renewable and low carbon source of energy and secondly, the contribution, if any, it would make towards cutting greenhouse gas emissions (IR1010).

18. The Secretary of State agrees with the Inspector's analysis in respect of renewable and low carbon energy (IR1011-1017) and endorses his summary (IR1018) that national energy policy confirms that there is an urgent and continuing need for new renewable electricity generating projects and recognises that even small scale projects have a valuable contribution to make. He also agrees that there is no limit to the provision that can come forward and no threshold below which the renewable energy contribution from a mixed scheme should be disregarded in some way and that EfW is a potential source of such energy which unlike weather dependant sources can provide a dependable peak and base load power on demand (IR1018). Like the Inspector, the Secretary of State considers that, with around half its exported electricity classified as renewable, the scheme would accord with national energy policy in this regard (IR1019).
19. The Secretary of State has given careful consideration to the Inspector's assessment of greenhouse gas emissions IR1020-1032. In terms of whether the proposal would be inherently better than landfill with regard to greenhouse gas emissions, the Secretary of State agrees with the Inspector that the EfW facility proposed would be better than landfill since there can be no methane released to the atmosphere as a result of the process (IR1033).
20. Turning to whether the proposal can be classified as low carbon, for the reasons given at IR1034-1035, the Secretary of State agrees with the Inspector that Government energy policy confirms that CO<sub>2</sub> emissions from schemes like the appeal proposal are not a barrier to consent (IR1035).
21. For the reasons given by the Inspector at IR1036, the Secretary of State agrees with the Inspector's conclusion that the appeal proposal would contribute to the Government's overall policy for energy production over the period to 2050 and would do nothing to hinder its climate change programme. He agrees too that this would be a benefit of the scheme to which considerable weight should be attributed in the planning balance (IR1037).

***Whether the appeal proposal would be acceptable 'in principle' under WCS policy WCS6***

22. Having had regard to the Inspector's introductory remarks at IR1038-1042, the Secretary of State shares his view that, in principle, planning permission should be granted for the appeal proposal under policy WCS6 subject to compliance with its criteria a, b and c. He has gone on to consider those criteria.
23. The Secretary of State has carefully considered the Inspector's reasoning and conclusions on how the General and Key Development Criteria apply to this appeal (IR1043-1057). He has considered the representation dated 29 October 2014 submitted by GlosVAIN which argues that a localised height restriction applies to the appeal site but, having taken account of the Inspector's remarks at IR1123-1124, he does not consider that the height restriction relating to the planning consent for warehousing on the site amounts to a localised height restriction applicable to the appeal before him. He agrees with the Inspector's conclusion at IR1057 that the appeal proposal would be within the parameters of the guidance that underpins that part of the General Development Criteria in Appendix 5 as adopted. Like the Inspector

(IR1057), the Secretary of State agrees that it is incompatible with the content of the WCS to object to the appeal proposal for reasons of height and scale.

24. For the reasons given by the Inspector at IR1059-1064, the Secretary of State agrees with the Inspector's conclusion that an Appropriate Assessment is not required and there is no conflict with WCS policy WCS6(b) (IR1065).

25. In relation to the matter of dealing only with the County's waste, the Secretary of State has carefully considered the Inspector's assessment and his conclusion that the appeal proposal does not conflict with WCS policy WCS6(c) (IR1071). The Secretary of State has also had regard to the policy and guidance on waste which he published in October 2014. Under the heading "Do the self-sufficiency and proximity principles require each waste planning authority to manage all of its own waste?", the guidance (reference ID: 28-007-20141016) states that, "though this should be the aim, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles". The guidance goes on to observe that "the ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity". The Secretary of State considers that his recently published guidance on this matter is a material consideration which carries significant weight in relation to the matter of dealing only with the County's waste.

26. The Inspector also states (IR1071) that, in the absence of the condition which the Council wish to impose, criterion WCS6(c) can have no practical effect once planning permission has been granted. Having taken account of the Inspector's analysis at IR1296-1297 and the guidance referred to in the preceding paragraph, the Secretary of State shares the Inspector's view (IR1297) that there is some doubt whether suggested condition 30 is necessary or reasonable and that there is little doubt that it would be very difficult to enforce in the circumstances described by the appellant with respect to waste transfer station waste. He sees no reason to disagree with the Inspector's advice that suggested condition 30 should not be imposed. In these circumstances, and bearing in mind the Inspector's remarks at IR1067 – 1068 and the fact that the Council accepts that criterion (c) is complied with at the point the appeal falls to be determined (IR1069), the Secretary of State concludes that the appeal proposal does not materially conflict with WCS policy WCS6(c).

27. The Secretary of State has considered carefully the Inspector's conclusions (IR1072) on whether the appeal proposal would be acceptable 'in principle' under WCS policy WCS6. For the reasons set out above, the Secretary of State considers that there would not be any material conflict with WCS policy WCS6(b) or (c). In terms of compliance with WCS6(a), the Secretary of State agrees with the Inspector's approach in first considering the proposal against WCS policies WCS14 and WCS17. The Secretary of State addresses these matters below.

### ***The character and appearance of the Vale landscape and the setting of the Cotswolds AONB***

28. The Secretary of State has noted the Inspector's introductory comments (IR1073-1082), and his approach to his consideration of this issue (IR1083-1091). He has carefully considered the Inspector's assessment as set out at IR1092 -1163 and he

shares the Inspector's views both with regard to a fallback position of B8 warehousing (IR1102) and his characterisation of the site as urban fringe (IR1103).

29. Turning first to landscape impact, for the reasons given by the Inspector at IR1105 - 1121, the Secretary of State concurs with the Inspector's conclusion (IR1122) that there would be no conflict with WCS policy WCS14. In terms of visual impact, the Secretary of State also agrees with the Inspector's reasoning at IR1123 – 1151 and shares his view (IR1152) that there would be no conflict with WCS policy WCS17.
30. The Secretary of State has carefully considered the Inspector's comments on the proposal's effect on the setting of the Cotswolds AONB at IR1153 – 1162. For the reasons given at IR1154-1156, in common with the Inspector (IR1157) the Secretary of State concludes that the first indent of policy WCS14 would be met. He also agrees with the Inspector that, in the views out from the AONB, the expanse of the landscape is such that any impact would be mitigated by the design measures proposed (IR1159). The Inspector goes on to conclude that in looking towards the AONB it is only in the immediate vicinity of the building that there would be any significant interruption of the view (IR1160). The Secretary of State agrees with that assessment, and agrees too (IR1161) that the appeal proposal would cause no material difference in the light of the other developments and transport corridors nearby. He therefore endorses the Inspector's conclusion that there would not be any conflict in this regard with WCS policy WCS14 (IR1163).
31. The Secretary of State agrees with the Inspector that the way that WCS policy WCS6 and Appendix 5 work together means that the appeal site is allocated in the WCS unfettered both in terms of the type of strategic residual recovery facility that might be accommodated, and the scale of the buildings that might be constructed. He agrees too that while the development plan does not 'rubber stamp' the proposal, what amount to matters of principle cannot now be raised against the proposed development, when they should have properly been included within the WCS as constraints on the form of development that could come forward on this particular allocated site (IR1164).
32. The Secretary of State also agrees with the Inspector (IR1165) that, based on the available evidence, the appeal site should be considered as being on the urban fringe. He notes the Inspector's comment that it is an urban fringe that has been advancing into the Vale landscape over a period of at least 40 years and it is planned to continue that progress. He agrees too with the Inspector's conclusion that the landscape has the capacity to absorb this additional development (IR1165).
33. The Secretary of State acknowledges that considerations of visual impact are complex; particularly in light of the fall-back development of B8 warehousing that could take place. He agrees with the Inspector that a building of the size proposed on such an open site cannot be other than prominent in view although the appellant's Zone of Visual Influence shows that those views may be more limited than are indicated by the bare earth Zone of Theoretical Influence (IR1166). The Inspector goes on to argue that this is an inevitable consequence of the unfettered allocation of the site in WCS policy WCS6. The Secretary of State sees no reason to disagree with the Inspector's conclusion (IR1166) that the appellant has addressed the factors set out in WCS Appendix 5 to successfully deal with that consequence.

34. The Secretary of State endorses the Inspector's conclusion (IR1167) that the appeal proposal would not conflict with either WCS policy WCS14 or WCS policy WCS17. He agrees too that by virtue of the way those two policies are drawn into Appendix 5 there would be no conflict either with WCS policy WCS6(a) (IR1167).

***The effect that the appeal proposal would have on the setting of the various heritage assets in the vicinity of the appeal site***

35. The Secretary of State has given careful consideration to the Inspector's comments on the scheme's potential impacts on the setting of the various heritage assets in the vicinity of the appeal site (IR1169-1185). He has taken account of the view of the Council that the proposal would cause harm to the significance of 12 designated heritage assets whereas the appellant considers that this finding would apply to only two, Hiltmead Farmhouse and St Peters Church, Haresfield (IR1178). For the reasons given by the Inspector (IR1173 - 1183), the Secretary of State agrees with the Inspector that, generally, Mr Grover (for the Council) has interpreted the setting of each heritage asset to be far too extensive and, for the most part, incorrectly characterised settings as rural (IR1183). The Secretary of State sees no reason to disagree with the Inspector's assessments of the scheme's impacts on St Peter's Church, Haresfield (IR1175 – 1177), Haresfield Court (IR1180) and Haresfield Hillcamp and Ring Hill Earthworks (IR1181). He also concurs with the Inspector's analysis with regard to the heritage assets he references at IR1183, including the Grade II\* listed Hardwicke Court.
36. Having had regard to the Inspector's analysis at IR1186 – 1188 and his view that the position taken by English Heritage is in fact contrary to its own guidance and not supported by evidence before the inquiry, the Secretary of State gives very little weight to the views of English Heritage in his determination of this case.
37. In accordance with the LBCA, the Secretary of State attaches considerable weight and importance to the harm which would be caused to designated heritage assets.
38. He agrees with the main parties (IR1184) and the Inspector (IR1191) that, in this case, the heritage assets most affected by the appeal scheme would be St Peter's Church, Haresfield (Grade II\* listed) and Hiltmead Farmhouse (Grade II listed) and that, in the case of these two assets, the scheme's impact on setting would harm the significance of the asset.
39. The Secretary of State has considered the Inspector's remarks at IR1191. He agrees with the Inspector that the level of harm would not be 'substantial' in the terms set out in the Framework but he considers that, in accordance with s.66 of the LBCA, the preservation of setting is to be treated as a desired or sought-after objective, and considerable importance and weight attaches to the desirability of preserving the setting of listed buildings when weighing this factor in the balance. The Secretary of State takes the view that it does not follow that if the harm to heritage assets is found to be less than substantial, then the subsequent balancing exercise undertaken by the decision taker should ignore the overarching statutory duty imposed by section 66(1) and he therefore sees a need to give considerable weight to the desirability of preserving the setting of all listed buildings.

## ***Other matters***

### Residential amenity

40. The Secretary of State has carefully considered the Inspector's assessment of residential amenity at IR1195-1201. For the reasons given by the Inspector at IR1199, he agrees that there would not be an overbearing effect on either Hiltmead or the Hiltmead Traveller's site. The Secretary of State agrees too that although the Lodge is somewhat nearer and the appeal development would be visible from it, for the reasons given by the Inspector at IR1200, the effect would not be overbearing (IR1201).

### Need

41. Whilst the Inspector refers to the draft revision of PPS10 (IR1202) and the Companion Guide to PPS10 (IR1221), both of which have been superseded, the Secretary of State agrees with the Inspector's reasoning and conclusions on need at IR1202-1225. Like the Inspector (IR1204), the Secretary of State attributes considerable weight to the fact that the appeal development would achieve an upward shift in the waste hierarchy. The Secretary of State sees no reason to disagree with the Inspector's view that there is insufficient evidence before him to undermine the statistical basis on which the WCS has been adopted or require a reassessment of the residual waste for which other recovery facilities should be provided (IR1215). He accepts the Inspector's conclusion that while residual waste from outside the County may well be managed at the proposed facility, that would not be contrary to Government policy and should not be a factor that weighs against the appeal proposal (IR1224). He agrees too that the residual waste to be managed through other recovery facilities is set out in a recently adopted local plan and, like the Inspector, he finds no evidence that satisfies him that those figures do not remain robust (IR1225). The Secretary of State agrees with the Inspector's view that the quantitative need for recovery capacity is therefore established and the appeal proposal would make a very significant contribution to that need (IR1225).

### Alternative technologies

42. Turning to the Inspector's consideration of the alternative technologies which were promoted at the inquiry (IR1226-1231), for the reasons given in those paragraphs the Secretary of State agrees with his conclusion that no weight should be given to the argument that alternative technologies should be considered, but rather, that the essence of the issue for determination in this appeal is whether the land use implications of the chosen technology are acceptable at the appeal site (IR1231).

### Perception of harm

43. The Secretary of State has carefully considered the Inspector's assessment on this matter set out at IR1232 – 1248 and he too concludes that minimal weight should be attributed to the claimed land use consequence of the perceived harm to health and that limited weight should be given to this issue in the planning balance (IR1249).



### Consequences of the appeal not succeeding

44. It is common ground between the main parties that the consequence of the appeal being dismissed would be the continued disposal of the County's residual municipal solid waste to landfill (IR1250). For the reasons given by the Inspector (IR1250 – 1256), the Secretary of State agrees with him that some weight should be attributed to the expectation that dismissal of this appeal would result in a delay of some years at least in moving away from disposal to landfill of the County's residual municipal solid waste (IR1256-1257).

### Highway safety

45. For the reasons given by the Inspector at IR1258 -1261, the Secretary of State agrees with his conclusion that there would be no policy conflict arising from this issue and, as such, this is not a matter to which any weight should be attributed either way in the balance (IR1262)

### **Legal arguments**

#### *Priority considerations of alternatives (Persistent Organic Pollutants)*

46. The Secretary of State has considered carefully the Inspector's comments on this issue at IR1263 – 1269 and agrees with him that the duty under Article 6(3) of Regulation (EC) No. 850/2004 rests with the Environment Agency, not the local planning authority (IR1270). He sees no reason to doubt that in issuing the Environmental Permit the Environment Agency has discharged that duty (IR1270).

#### *Localism*

47. For the reasons given by the Inspector at IR1271 – 1274, the Secretary of State agrees that in this case, the spirit of the Localism Act has been followed.

#### *The best interests of children*

48. The Secretary of State has carefully considered the Inspector's assessment of this issue (IR1275 – 1280), the evidence of Mr Ttofa (IR940 -941) and the evidence of Mr Phillips (IR449 – 450). He agrees with Mr Philips (IR449) that the issues raised by Mr Ttofa in this regard and which relate to health, visual, financial and environmental impacts have been comprehensively addressed in the submitted evidence and he has given that evidence very careful consideration. He has also taken account of the fact that neither the Inspector (IR1279) nor Mr Philips (IR450) consider that there is any suggestion that, in this particular case, the interests of children are any different from the interests of the general public. In these circumstances, the Secretary of State does not consider that the best interests of the children have a material impact on the planning balance in this case.

### **Conditions**

49. The Secretary of State has considered the conditions recommended by the Inspector and set out at Annex B to the IR, the Inspector's comments at IR1281-1316, national policy set out at paragraphs 203 and 206 of the Framework and the planning

guidance. For the reasons given by the Inspector (IR1281-1316), he is satisfied that the proposed conditions, as reproduced at Annex B of this letter, are necessary and meet the tests identified at paragraph 206 of the Framework.

## **Planning balance**

50. The Secretary of State finds that a number of matters weigh in the balance in favour of the appeal proposal, namely the contribution to the Government's overall energy policy and climate change programme, to which he attributes considerable weight; management of waste that is now consigned to landfill further up the waste hierarchy, to which he attributes considerable weight; a significant contribution towards a recently established quantitative need for residual waste recovery capacity, to which he attributes considerable weight; and the adverse consequences of the appeal not succeeding; to which he attributes some weight.

51. In terms of Framework paragraph 134, the Secretary of State finds that the planning balance falls in favour of the appeal scheme with the result that the less than substantial harm to the significance of the two heritage assets identified is outweighed. However, two matters weigh in the balance against the appeal proposal. The first is the desirability of preserving the settings of the heritage assets to which s66 of the LBCA requires that considerable importance and weight must be attributed. The Secretary of State finds in this case that the weight to be applied by s66 is in fact limited, given the extent of the harm to heritage assets which he has identified. With regard to the second matter, namely the perception of harm to the health of the local community, this is a matter to which the Secretary of State attributes limited weight.

## **Overall conclusions**

52. The Secretary of State concludes that the appeal proposal would comply with the relevant development plan policies and is satisfied that for the purposes of paragraph 134 of the Framework, the less than substantial harm to the settings, and thus the significance of the two heritage assets, is outweighed by substantial public benefits. He concludes that there are no other material considerations to indicate that the appeal should be determined other than in accordance with the development plan. For this reason, the Secretary of State has concluded that the appeal should be allowed.

## **Formal decision**

53. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission for 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, in accordance with application ref 12/0008/STMAJW dated 31 January 2012 subject to the conditions set out at Annex B to this letter.

54. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the

Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

55. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
56. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

57. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
58. A copy of this letter has been sent to Gloucestershire County Council, Stroud District Council, Gloucestershire Vale Against Incineration (GlosVAIN) and Gloucestershire Friends of the Earth Network (GFOEN). A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**Christine Symes**

Authorised by the Secretary of State to sign in that behalf

**Annex A**

<b>Representations received in response to the letter of 16 September 2014</b>	
<b>Party</b>	<b>Date of letter/e-mail</b>
Chris Jezewski	19 September 2014
Sue Oppenheimer, Chair of GlosVAIN	3 October 2014
Steve Read, Head of Gloucestershire Joint Waste Team (Gloucestershire County Council as Waste Disposal Authority)	3 October 2014
Nick Roberts, Director, Axis (on behalf of Urbaser Balfour Beatty)	6 October 2014
Barry Wyatt, Strategic Head (Development Services), Stroud District Council	6 October 2014
Nigel Riglar, Commissioning Director: Communities and Infrastructure (Gloucestershire County Council as Waste Planning Authority)	7 October 2014

<b>Representations received in response to the letter of 16 October 2014</b>	
<b>Party</b>	<b>Date of letter/e-mail</b>
Ian Ginn	29 October 2014
Sue Oppenheimer, Chair of GlosVAIN	29 October 2014
Barry Wyatt, Strategic Head (Development Services), Stroud District Council	30 October 2014
Nigel Riglar, Commissioning Director: Communities and Infrastructure (Gloucestershire County Council as Waste Planning Authority)	30 October 2014
Tom Jarman	30 October 2014
Nick Roberts, Director, Axis (obo Urbaser Balfour Beatty)	30 October 2014

<b>Other representations received</b>	
<b>Party</b>	<b>Date of letter/e-mail</b>
Sue Oppenheimer, Chair of GlosVAIN	1 August 2014
Martin Horwood MP (enclosing one from Tom Jarman)	August 2014
Neil Carmichael MP (enclosing one from Tom Jarman)	11 August 2014
Brian Stopp, Biocentre Technology Ltd	12 August 2014
Rt Hon Sir George Young Bt CH MP (enclosing one from Tony Field, Biocentre Technology Ltd)	29 August 2014
Ian Ginn	1 September 2014
Tom Jarman	1 September 2014
Richard Broackes-Carter Des RCA	4 September 2014
E A Reynolds	11 September 2014
Pete Bungard, Chief Executive, Gloucestershire County Council  &  Cllr Mark Hawthorne MBE, Leader, Gloucestershire County Council (joint letter)	15 September 2014
Derek Kingscote	15 September 2014
Paul Dewick	16 September 2014
Joy Elworthy	24 September 2014
K Lumber	2 October 2014
Geoffrey Clifton-Brown FRICS MP	9 October 2014
Neil Carmichael MP	20 October 2014

Graham Mather, The Infrastructure Forum & Richard Threlfall, TIF Advisory Council & Shelley De Souza, TIF Waste & Renewable Energy Working Group (joint letter)	5 December 2014
Chris Harmer, Zero Waste England Ltd	31 December 2014
Chris Jezewski	1 January 2015

## Schedule of Conditions

## Annex B

### *Time limit*

1. The development hereby permitted shall have begun before the expiration of three years from the date of this permission. Written notification of the date of the commencement of the development shall be sent to the Waste Planning Authority within 7 days of such commencement.

### *Notification of commencement*

2. Notwithstanding condition 1 above, the operator shall notify the Waste Planning Authority of the date of the material start of each phase of development in writing at least 5 working days prior to each phase. The phases of development shall comprise:

2.1 completion of access road under condition 17;

2.2 the commencement of construction;

2.3 the commencement of commissioning trials (“commissioning trials” are defined as operations in which waste is processed under specified trials to demonstrate that the facility complies with its specified performance); and

2.4 the date when the development will become fully operational (“fully operational” is defined as the point from which it has been demonstrated that the facility operates in accordance with its specified performance once the commissioning trials have been successfully completed).

### *Approved Plans*

3. The development hereby permitted shall be carried out in strict accordance with the following site layout and elevational drawings except in respect of those elements shown for illustrative or indicative purposes (and so noted on the drawings) and except as otherwise required by any of the conditions set out in this permission:

- Drawing Number 11034\_PL10 (Part 4 of the Planning Application Document) – Elevations Sheet 1 – January 2012
- Drawing Number 11034\_PL11 (Part 4 of the Planning Application Document) – Elevations Sheet 2 – January 2012
- Drawing Number 11034\_PL13 (Part 4 of the Planning Application Document) – Gatehouse – January 2012
- Drawing Number 11034\_PL15 (Part 4 of the Planning Application Document) – Ancillary Buildings – January 2012
- Drawing Number 11034\_PL27 (Part 4 of the Planning Application Document) – South Elevation Sector 1 – January 2012
- Drawing Number 11034\_PL28 (Part 4 of the Planning Application Document) – South Elevation Sector 2 – January 2012

- Drawing Number 11034\_PL29 (Part 4 of the Planning Application Document) – South Elevation Sector 3 – January 2012
- Drawing Number 11034\_PL30 (Part 4 of the Planning Application Document) – North Elevation Sector 1 – January 2012
- Drawing Number 11034\_PL31 (Part 4 of the Planning Application Document) – North Elevation Sector 2 – January 2012
- Drawing Number 11034\_PL32 (Part 4 of the Planning Application Document) – North Elevation Sector 3 – January 2012
- Drawing Number 11034\_PL33 Rev A (Part 4 of the Planning Application Document) – East Elevation – January 2012
- Drawing Number 11034\_PL34 Rev A (Part 4 of the Planning Application Document) – West Elevation – January 2012
- Drawing Number 11034\_PL35 (Part 4 of the Planning Application Document) – Detailed Wall Section Bottom Ash – January 2012
- Drawing Number 11034\_PL36 (Part 4 of the Planning Application Document) – Detailed Wall Section Refuse Bunker – January 2012
- Drawing Number 11034\_PL37 (Part 4 of the Planning Application Document) – Detailed Wall Section Visitor Centre – January 2012
- Drawing Number 11034\_PL38 (Part 4 of the Planning Application Document) – Detailed Wall Section Boiler / Turbine Hall – January 2012
- Drawing Number 11034\_PL39 (Part 4 of the Planning Application Document) – Detailed Wall Section Flue gas Treatment – January 2012
- Drawing Number 11034\_PL40 (Part 4 of the Planning Application Document) – Detailed Wall Section Tipping Hall – January 2012
- Drawing Number 11034\_PL41 (Part 4 of the Planning Application Document) – Detailed Wall Section Tipping Hall / Offices – January 2012
- Drawing Number 11034\_PL43 (Part 4 of the Planning Application Document) – Detailed Wall Section Bottom Ash Gable – January 2012
- Drawing Number 11034\_PL44 (Part 4 of the Planning Application Document) – Detailed Wall Section FGT Gable – January 2012
- Drawing Number 11034\_PL45 (Part 4 of the Planning Application Document) – Administrative Block Elevations – January 2012
- Drawing Number 11034\_PL04 (Part 4 of the Planning Application Document) – Proposed Site Plan – January 2012
- Drawing Number 11034\_PL05 (Part 4 of the Planning Application Document) – Level 0, Level 1 and Basement Plans – January 2012
- Drawing Number 11034\_PL06 (Part 4 of the Planning Application Document) – Level 2, Level 3 and Roof Plan – January 2012



- Drawing Number 11034\_PL08 (Part 4 of the Planning Application Document) – Longitudinal Section – January 2012
- Drawing Number 11034\_PL09 (Part 4 of the Planning Application Document)– January 2012
- Drawing Number 11034\_PL12 (Part 4 of the Planning Application Document) – Fencing and Gating Plan – January 2012
- Drawing Number 11034\_PL16 (Part 4 of the Planning Application Document) – Level 0 Sector 1 Plan – January 2012
- Drawing Number 11034\_PL17 (Part 4 of the Planning Application Document) – Level 0 Sector 2 Plan – January 2012
- Drawing Number 11034\_PL18 (Part 4 of the Planning Application Document) – Level 0 Sector 3 Plan – January 2012
- Drawing Number 11034\_PL19 (Part 4 of the Planning Application Document) – Level 1 Sector 1 Plan – January 2012
- Drawing Number 11034\_PL20 (Part 4 of the Planning Application Document) – Level 1 Sector 2 Plan – January 2012
- Drawing Number 11034\_PL21 (Part 4 of the Planning Application Document) – Level 2 Sector 1 Plan – January 2012
- Drawing Number 11034(0)PL22 (Part 4 of the Planning Application Document) – Level 2 Sector 2 Plan – January 2012
- Drawing Number 11034\_PL23 (Part 4 of the Planning Application Document) – Level 3 Sector 1 Plan – January 2012
- Drawing Number 11034\_PL24 (Part 4 of the Planning Application Document) – Level 3 Sector 2 Plan – January 2012
- Drawing Number 11034\_PL25 (Part 4 of the Planning Application Document) – Level - 1 Plan – January 2012
- Drawing Number 11034\_PL26 (Part 4 of the Planning Application Document) – Level - 2 Plan – January 2012
- Drawing Number GCC-ISRS-LAN-942-03-01 (Part 4 of the Planning Application Document) – Proposed Landscape Plan – January 2012
- Drawing Number 18917-SK-500-01 Revision D (submitted with the first Regulation 22 ES Further Information on 11th September 2012) – Schematic Drainage Layout – July 2011

## **CONSTRUCTION PHASE CONTROLS**

### *Community Liaison Group*

4. The development hereby permitted shall not be commenced until details of a Community Liaison Group, including their terms of reference (which shall include a complaints scheme), have been submitted to and approved in writing with the Waste

Planning Authority. The approved details shall be implemented and adhered to fully thereafter.

#### *Finished Materials*

5. Within six months of the commencement of the development a detailed scheme for the external finish of the main building and chimney stack shall be submitted for approval in writing by the Waste Planning Authority. The scheme shall include details and samples of:

- a. The type and colours and finishes of all external construction and cladding materials;
- b. The overhanging verge details of all the west and east facing roofs at a scale of 1:50 and details of the junctions between the various cladding materials at a scale of 1:100

The development shall be implemented in accordance with the approved details.

#### *Construction Environmental Management Plan (CEMP)*

6. No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Waste Planning Authority. The approved CEMP shall be implemented as approved and shall be adhered to throughout the construction phase of the development.

7. The CEMP shall include:

#### Construction Traffic Management Plan

i) A Construction Traffic Management Plan, which shall:

- specify the type and number of vehicles expected to be using the site on a regular basis;
- specify the vehicle delivery hours and the means for ensuring that delivery vehicles comply with those hours (ES paragraph 7.6.2);
- provide for the parking and manoeuvring of vehicles of site operatives and visitors;
- provide for the loading and unloading of plant and materials;
- provide for the storage of plant and materials used in constructing the development;
- specify off site construction vehicle routing to accord with the recommendations of the Transport Assessment paragraphs 8.3.1 to 8.3.3 (including local signage strategy - ES paragraph 7.6.2);
- specify details of supporting staff/operative travel management initiatives;
- specify details for the management of and procedures for the delivery of abnormal loads;
- specify measures to be adopted to mitigate construction impacts in pursuance of the CIRIA Environmental Code of Good Practice on Site (C692) or its successor; and
- include a scheme to encourage the use of Public Transport amongst contractors.

### Ecology

A scheme to minimise and mitigate potential impacts on ecological interest during construction implementing the management actions contained in:

- ii) JP/CEMP/5/1 'Ecology – Bat Method Statement' or Method Statement based on the contents of JP/CEMP/5/1.
- iii) JP/CEMP/5/2 'Ecology – Badger Method Statement' or Method Statement based on the contents of JP/CEMP/5/2.
- iv) JP/CEMP/5/3 'Ecology – Breeding Birds Method Statement' or Method Statement based on the contents of JP/CEMP/5/3.
- v) JP/CEMP/5/4 'Ecology – Reptile Method Statement' or Method Statement based on the contents of JP/CEMP/5/4.

### Dust and Odour

- vi) A scheme to minimise and mitigate the impacts of dust and odour on local air quality from construction operations (ES paragraph 13.4.8) during the construction of the development.

### Noise and Vibration Management Plan

- vii) A scheme detailing the following:
  - the likely maximum construction-related noise and vibration levels at identified residential properties (as defined in Condition 30);
  - the measures that will be undertaken to measure and monitor construction related noise and vibration;
  - mitigation measures that will be used to reduce noise and vibration levels; and
  - actions that will be taken to respond to noise and vibration complaints.

### Contaminated Land

- viii) A scheme to show the measures to be taken to ensure that contamination identified at the site does not result in any significant environmental impacts during construction.

### Management of Hazardous and Polluting Substances

- ix) A scheme to manage and mitigate potential impacts from the storage of Fuels, Oils, Chemicals and Other Hazardous and Polluting Substances' based on the contents of JP/CEMP/4/1

### Surface Waters and Flood Risk

- x) A scheme outlining the measures to be adopted at the site to reduce the potential for adverse water quality impacts during the construction phase (including the washing-out of vehicles) in accordance with JP/CEMP/3/1 'Procedure for Water Management' or Method Statement based on the contents of JP/CEMP/3/1.

### Lighting

xi) A scheme for lighting during the construction phase. The Scheme shall include the following details:

- The position, height and type of all lighting;
- The intensity of lighting and spread of light (Lux plans);
- The measures proposed to minimise impact of the lighting on bats and the environment generally including the particular measures for reducing light spill from internal lighting of the western elevation; and
- The periods of day and night when such lighting will be used for construction and emergency needs.

### Temporary Site Fencing

xii) A scheme setting out the arrangements for securing the site boundary and any spaces within the site that require isolation during works including specifying the types, height and method of installation of site fencing/hoarding throughout the construction phase.

### Weed control

xiii) A scheme to manage any Japanese knot weed and invasive non-native species found on the site.

### 'Considerate Contractor'

xiv) Details of the measures to be introduced to ensure that the site contractor is a part of the Considerate Constructor scheme and that they will employ the principles of 'Best Practicable Means' (BPM) (ES paragraph 12.5.1).

### *Waste Minimisation*

8. With the exception of survey works, no excavations shall commence on site until a detailed strategy and method statement for minimising the amount of construction waste resulting from the development has been submitted to and approved in writing by the Waste Planning Authority. The statement shall include details of the extent to which waste materials arising from the demolition and construction activities will be reused on site and demonstrate that the maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal in accordance with the waste hierarchy. All waste materials from demolition and construction associated with the development shall be reused, recycled or dealt with in accordance with the approved strategy and method statement.

### *Controlled Waters Protection Method Statement*

9. No piling or any other foundation designs using penetrative measures shall commence until a detailed hydro-geological study has been undertaken and a Controlled Waters Protection Method Statement has been submitted to and approved in writing by the Waste Planning Authority. The submission must provide full consideration of the following:

- i. A ground investigation scheme providing a detailed assessment of the risk to all receptors that may be affected by the development or disturbance, including those off site;
- ii. An options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be implemented;
- iii. An assessment of risks of groundwater flooding and settlement associated with any dewatering that may be required during the construction of the development;
- iv. An assessment of risks to surface waters on and off the site that may be affected by the construction works;
- v. The method of construction associated with site excavations and foundation works including the piling foundation works;
- vi. The method of controlling and discharging groundwater encountered during construction to avoid pollution of surface water and the underlying groundwater through any dewatering, drainage and discharges including details of how impacts on surface flows, groundwater flow path and groundwater levels will be controlled both during and post construction and how any potentially adverse effects will be mitigated particularly in relation to the risks of groundwater flooding and settlement from dewatering. The hydrogeological study must include:
  - a. An evaluation of groundwater flux beneath the site, including identification of key pathways within the Lias, elevations of pathways and associated pressure heads;
  - b. A thorough evaluation of the lateral hydraulic conductivity of the underlying Lower Lias strata at least to the depth of the deepest foundation;
  - c. Identification and design of mitigation measures required to manage the risks identified in bullet (a) and (b) above both during construction and for the completed scheme;
  - d. Assessment of any impact of the sunken bunker on groundwater flow, specifically addressing the potential impact on the adjacent M5 motorway with respect to flooding and potential subsidence as a result in changes in groundwater levels/flows together with any other potential environmental impacts that might be identified.
- vii. In the event that discharges of groundwater or increases in groundwater level would arise as a result of the scheme, the Flood Risk Assessment shall be updated and submitted for approval by the Waste Planning Authority;
- viii. Where changes in groundwater level, whether as a result of dewatering or otherwise, are identified as likely then the potential for subsidence in the area and specifically beneath the M5 shall be investigated and where necessary addressed. The scope of the investigation and mitigation measures, including design identified as part of the study shall be agreed in writing with the Waste Planning Authority prior to the piling or any other foundation designs using penetrative measures works commencing on site.

The development shall be fully implemented in accordance with the approved schemes.

### Unexpected contamination

10. In the event that unexpected land contamination is found at the site during construction works, then no further development shall be carried out on that part of the site until the developer has submitted to and obtained written approval from the Waste Planning Authority for a Method Statement to deal with the unexpected contamination or material. This Method Statement shall set out in detail how this unexpected contamination or material is to be dealt with including a scheme of remedial measures and timescales for remediation. Thereafter the construction works shall proceed fully in accordance with the approved Method Statement.

### Soil Management

11. No development hereby permitted shall commence until a soil management plan covering all the areas of proposed soft landscaping has been submitted to and approved in writing by the Waste Planning Authority. The soil management plan shall include details of the soil materials to be used, including their source, temporary stockpiling, depth of application and suitability as a growing medium. The soil management plan shall be implemented in accordance with the approved details.

### Construction Times

12. Construction works shall only take place between 07.00 – 19.00 Monday to Friday and 07.00 – 12.00 on Saturdays and not at any time on Sundays, public or bank holidays, other than as prescribed for in this condition. Any construction related activities undertaken outside these hours shall be subject to a scheme to be approved in writing by the Waste Planning Authority and shall be carried out in accordance with the approved scheme. The scheme shall detail how construction related activities will not give rise to detriment to amenity from noise at the nearest noise sensitive dwelling.

### Wheel cleaning facility

13. Prior to the commencement of any construction work, wheel cleaning facilities shall be installed at the site in accordance with details first to be submitted to and approved in writing by the Waste Planning Authority. The approved facilities shall be maintained in full and effective working order at all times and be available for use throughout the period of construction works. They shall be used by all vehicles carrying mud, dust or other debris on its wheels before leaving the site to prevent material being deposited on the public highway.

### Pedestrian and cycle link

14. Within 12 months of the commencement of the development hereby permitted full details of a shared pedestrian and cycle link between the B4008 and the visitor and staff entrances shall be submitted to and approved in writing by the Waste Planning Authority. No commissioning trials shall commence until the shared pedestrian and cycle link has been constructed in accordance with the approved details.

### Retention of Trees

15. All existing trees shown to be retained on the submitted plans shall be retained and protected during the construction operations (in accordance with BS5837:2012) with protective fencing erected and retained until construction of the development is complete.

### Imported construction materials

16. The applicant or his contractor shall ensure that records are kept and made available for inspection by the Waste Planning Authority for the duration of the construction phases of the works, to demonstrate that only material appropriate for the end use of the site has been imported and used as infill material.

### Provision of vehicular access

17. Vehicular access during the construction period shall be in accordance with the drawings contained within ES Appendix 5.5.

### Landscape scheme

18. Within 12 months of the commencement of the development the plans and full details of hard and soft landscaping works and an Ecological Management Plan all based on the Proposed Landscape Plan Drawing Number GCC-ISRS-LAN-942-03-01 and Appendix 8.7 and Table 9.12 of the Environmental Statement shall have been submitted for the written approval of the Waste Planning Authority. These details shall include a detailed scheme for the landscaping of the site including details of:

- i) Hard landscaping, including:
  - a. Surface treatment finishes and colours;
  - b. Proposed finished levels or contours at 0.5 metre intervals;
  - c. Car parking layouts;
  - d. Other vehicle and pedestrian access and circulation areas;
  - e. Hard surfacing materials; and
  - f. Water attenuation basins and bio retention/wetland areas, and associated drainage scheme.
- ii) Soft Landscaping (including cultivation and other operations associated with plant and grass establishment) including planting plans covering the position, species, density and initial sizes of all new trees and shrubs;
- iii) The programme of implementation of the approved scheme, to include construction of the bund (using excavated material) at the eastern boundary of the site adjacent to the B4008 at the earliest opportunity in the construction programme (ES paragraph 12.5.3 and ES Appendix 5.5); and
- iv) Proposals for the maintenance of the landscaping.

The landscape works shall be implemented in accordance with the approved details and maintained for the duration of the development.

The approved soft landscaping scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) following completion of the construction phase of the development. All planting and seeding undertaken in accordance with this condition shall be maintained and any plants which within five years of planting or seeding die, are removed, damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

## *PRE COMMISSIONING CONTROLS*

### Provision of on-site facilities

19. Commissioning trials shall only commence once the vehicular access, parking for site operatives and visitors and vehicular turning areas (marked on the ground for cars and commercial vehicles to turn so that they may enter and leave the site in a forward gear), are constructed, surfaced and drained in accordance with the details submitted to and approved in writing by the Waste Planning Authority. These areas shall be retained thereafter and not be used for any other purpose than the parking and turning of vehicles.

### Cycle facilities

20. Prior to the commencement of commissioning trials of the development hereby permitted, details of secure and covered storage facilities, for a minimum of 7 bicycles and 3 motorbikes, shall be submitted for the approval in writing by the Waste Planning Authority. The approved facilities shall be provided within three months of approval and retained for the duration of the development.

### Electrical Connection

21. The commissioning of the development hereby permitted shall not commence until the operator has submitted details of facilities to enable connection to the electricity distribution network and supply of generated electricity for approval in writing by the Waste Planning Authority. The connection to the electricity distribution network shall be carried out in accordance with the approved details.

### Lighting details

22. Within 12 months of the commencement of the development hereby approved details of all operational external lighting and any operational internal lighting that would result in light spill from the western elevation of the building, shall be submitted for approval in writing by the Waste Planning Authority. The scheme shall be based on the Appendix 5.2 Lighting Design Report dated 2011, Section 3 and Appendices of the Argus Ecology Report dated 15th August 2012 and JP/CEMP/5/1 'Ecology – Bat Method Statement'. The scheme shall include the following details:

- a. The position, height and type of all lighting;
- b. The intensity of lighting and spread of light (Lux plans);
- c. The measures proposed to minimise impact of the lighting on bats and the environment generally including the particular measures for reducing light spill from internal lighting of the western elevation; and
- d. The periods of day and night when such lighting will be used for operational, maintenance and emergency needs.

The lighting scheme shall be carried out in accordance with the approved details.

### Operational surface water drainage

23. Within 6 months of the commencement of development, a detailed scheme for surface water run-off control, surface water drainage (including the use of interceptors) and foul water drainage shall be submitted for approval in writing by the Waste Planning Authority. The detailed scheme for the provision of surface water drainage or a



sustainable containment drainage scheme to the operational development shall be based on the schematic drainage layout 18917-SK-500-01 RevD and the Proposed Drainage Strategy included in Section 11.4-5, and Vol 3 Appendix 11.1 of the Environmental Statement and in Drawings Number 18917-SK-500-01 (Drainage Principles), 18917-SK-500-03 (Detention Basins – long sections), and 18917-SK-500-04 (Bio retention Areas and Swales Cross Sections) as set out in the Regulation 22 Report of 7 September 2012. The submitted scheme shall show how the rate of run-off from the development site is to be managed and drained, with all clean roof and surface water being kept separate from foul water (including site drainage) with drainage from areas identified as high risk, e.g. loading bays and waste storage areas, not being discharged to any watercourse, surface water sewer or soakaways.

The scheme shall be implemented in full as approved prior to the date the development becomes fully operational and retained for the duration of the development.

#### Travel plan

24. Prior to the commencement of the commissioning trials of the development hereby permitted, an Operational Travel Plan covering all elements of the development, shall be submitted to and approved in writing by the Waste Planning Authority. The Travel Plan shall be adhered to and monitored in accordance with the approved details.

The Travel Plan shall be prepared in line with current best practice and shall include as a minimum:

- a. The identification of targets for trip reduction and modal shift;
- b. The method to be employed to meet these targets;
- c. The mechanisms for monitoring and review;
- d. The mechanisms for reporting;
- e. The penalties to be applied in the event that targets are not met;
- f. Mechanisms for mitigation;
- g. Mechanisms to seek variations to the Travel Plan following monitoring and reviews;  
and
- h. Measures to ensure adherence to the existing weight restrictions associated with the Cotswolds Lorry Management Zone.

A review of the targets shall be undertaken and submitted for approval in writing by the Waste Planning Authority within three months of the date when the development becomes fully operational and on an annual basis thereafter.

#### Dust control

25. Prior to the commencement of the commissioning trials of the development hereby approved a scheme for the management and mitigation of dust shall be submitted for the written approval of the Waste Planning Authority. The scheme shall be adhered to fully in accordance with the approved scheme.

## *POST COMMISSIONING CONTROLS*

### Pollution prevention

26. There shall be no discharge of foul or contaminated drainage from the development hereby permitted into either the groundwater or any surface waters, whether direct or via soakaways, with all areas where non-inert waste is stored, handled or transferred underlain by impervious hardstanding with dedicated drainage to foul sewer or a sealed tank / sump.

### Waste throughput

27. The amount of waste received for treatment by the Energy from Waste Facility in any one calendar year shall not exceed its nominal capacity of 190,000 tonnes. For the avoidance of doubt the nominal capacity is the processing capacity of the plant under normal operating conditions, taking account of its annual average availability, due to planned maintenance events and other plant shutdowns.

### Securing of Loads

28. All loads of waste materials carried on HGV into and out of the development hereby approved shall be enclosed or covered so as to prevent spillage or loss of material at the site or on to the public highway.

### Waste Delivery Times

29. Heavy goods vehicles delivering any waste material, process consumables (such as lime etc) or removing material or residues (including processed incinerator bottom ash) associated with the operational phase of the development hereby approved shall only enter or exit the site between 07:00 hours and 19:00 hours on Monday to Friday inclusive and between 07:30 hours and 18:00 hours on Saturdays and between 08:00 hours and 17:00 hours on Sundays, Public and Bank Holidays.

### Operational day time noise control

30. Prior to commencement of development a scheme detailing the methodology that will be employed to measure and record the pre commencement daytime (07:00 – 23:00, T=16hrs) and night time (23:00 - 07:00, T=8hrs) background (LA90,T) noise levels separately for each period as determined at the closest points to the curtilages of the residential dwellings listed below, accessible by the applicant or his consultant (as agreed by the Waste Planning Authority) shall be submitted and approved in writing by the Waste Planning Authority. The methodology shall be in accordance with the measurement parameters set out in BS4142: 1997 'Rating industrial noise affecting mixed residential and industrial areas'. The scheme as approved shall be implemented to establish the pre-commencement LA90(T) noise levels under the supervision of the Waste Planning Authority.

1. The Lodge (50m to the east);
2. Hiltmead House (250m to the north-west);
3. St Joseph's Travellers Park (440m to the west);
4. Linda's Home (530m to the west);
5. Old Airfield Farm (620m to the south-west);

6. Royston (700m to the east);
7. Broadfield Farm (725m to the north-west);
8. Warren Farm (940m to the south)

all as identified in Figure 12.1 of the Environmental Statement.

31. In order to protect noise sensitive residential dwellings from operational noise associated with the Energy from Waste facility, the specific noise emissions attributable to all fixed or mobile internal and external plant situated at the development hereby approved shall be at least 2 dB(A) below the pre commencement daytime ( 07:00 – 23:00) background noise level (LA90,T) between the hours of 07:00 – 23:00 and at least 2 dB(A) below the pre commencement night time (23:00 – 07:00) background noise levels (LA90,T) between the hours of 23:00 – 07:00 as determined in accordance with condition 30.

The specific noise levels shall be determined (as a 1 hour LAeq between 07:00- 23:00 and a 5 minute LAeq between 23:00 – 07:00) at the closest points to the curtilages of the residential dwellings listed below, accessible by the applicant or his consultant as well as the Waste Planning Authority at a height of 1.5m above local ground height, to be determined either by way of direct measurement at the stated locations, or where extraneous ambient noise precludes this, by way of measurement at a point closer to the proposed facility and subsequent calculation of noise emissions at the locations stated below. The measurement should be free-field, taken at least 3.5m away from the nearest reflecting surface other than the ground.

1. The Lodge (50m to the east);
2. Hiltmead House (250m to the north-west);
3. St Joseph's Travellers Park (440m to the west);
4. Linda's Home (530m to the west);
5. Old Airfield Farm (620m to the south-west);
6. Royston (700m to the east);
7. Broadfield Farm (725m to the north-west);
8. Warren Farm (940m to the south)

all as identified in Figure 12.1 of the Environmental Statement.

32. Within three months of the date when the development hereby approved becomes fully operational a noise report shall be submitted for approval to the Waste Planning Authority, demonstrating compliance with the requirements of Conditions 30 and 31 above. The report shall include:

- a. A schedule of all plant and equipment installed or used during the operation of the facility;
- b. Locations of fixed plant and machinery and associated ducting, attenuation and damping equipment;
- c. Manufacturer specifications of sound emissions in octave or third octave detail;

- d. Comparison of plant noise levels with the established pre commencement background noise levels as required by condition 30;
- e. Relevant noise monitoring data gathered over a minimum of 24 hours during the normal working of the facility; and
- f. A list of remedial measures and timescales that shall be implemented in the event of non-compliance with Condition 31.

*Note 1: A perceptible increase in low frequency noise can be established by comparing the pre-existing frequency content and operational frequency content at The Lodge in 1/3rd Octave band centre frequencies. An increase in individual 1/3rd octave bands greater than 10dB would result in a perceptible increase.*

#### Noise monitoring complaints

33. In the event of a complaint being received by the Waste Planning Authority regarding operational noise emissions from the development hereby permitted the operator shall undertake a noise survey within 2 weeks of a written request by the Waste Planning Authority for such a survey to be undertaken. The noise survey shall be undertaken in accordance with BS 4142 (1997) and shall be carried out under the supervision of the Waste Planning Authority. The results of the noise survey shall be provided to the Waste Planning Authority for its written approval within 1 month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within 1 month following their approval by the Waste Planning Authority.

#### Odour and dust containment

34. No handling, deposit or processing of waste material shall take place outside the confines of the buildings/structures hereby permitted.

35. No recyclable materials shall be stored outside on the ground and only a maximum of 2 fully covered containers of reject materials from the processing of incinerator bottom ash may be stored outside the incinerator bottom ash processing building pending collection during agreed HGV delivery/export hours as defined by Condition 29.

36. The containers of reject materials from the processing of incinerator bottom ash shall not be left outside the confines of the building outside of the agreed HGV delivery/export hours as defined by Condition 29.

37. To maintain negative air pressure within the Tipping Hall all doors to the waste Tipping Hall shall be kept closed unless vehicles are entering or leaving the Tipping Hall.

#### Use of machinery and mobile plant

38. All vehicles, plant and machinery operated solely within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers, and on all mobile wheeled plant used at the site the fitting and operation of a 'smart' or white noise reversing device, or similar non-intrusive reversing device.

### Site Car Parking

39. Once the development hereby approved becomes fully operational the site shall provide no more than 45 car parking spaces and one coach parking bay including 4 car parking spaces for disabled drivers in accordance with drawing Proposed Site Plan reference 11034-PL04.

### Removal of Permitted Development Rights

40. Notwithstanding the provisions of Part 4, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order with or without modification no buildings, fixed plant or fixed machinery shall be installed, erected or operated in, on or over this site except as authorised by this planning permission.

### Management of residues

41. Two years from the date when the development hereby permitted becomes fully operational a review of APC (fly ash) residue management options shall be submitted for the written approval of the Waste Planning Authority, and on a bi-annual basis thereafter. This shall be based on monitoring of the market taking full account of social, environmental and economic factors and also potential emerging technologies and applications. Where viable opportunities for the diversion of the residues from landfill are identified, proposals shall be submitted to, and approved in writing by the Waste Planning Authority. Any scheme shall be executed in accordance with the approved details.

### Site decommissioning

42. The operator shall inform the Waste Planning Authority in writing within 30 days of final cessation of operation of the development hereby permitted that all operations have ceased. Thereafter, the site shall be restored within a period of 24 months in accordance with a scheme to be submitted for the written approval of the Waste Planning Authority not less than 6 months prior to the final cessation of operation of the development hereby permitted. The scheme shall include the removal of all buildings, chimney stack, associated plant, machinery, waste and processed materials from the site.

### Incinerator Bottom Ash (IBA) processing

43. There shall be no importation of IBA for processing at the site. IBA arising from the development hereby permitted shall be dispatched to the onsite IBA facility for processing into a construction material.

### Breakdown or closure Contingency Plan

44. Prior to the first receipt of waste at the Energy from Waste facility details of the contingency plan to be employed to deal with the waste material destined for the Energy from Waste facility in the event of a breakdown or closure of it shall be submitted to and approved in writing by the Waste Planning Authority. In the event of any of the trigger events specified in the contingency plan occurring the contingency plan will be carried out as approved.

ENDS