



# Report to Wiltshire County Council and Swindon Borough Council

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

## REPORT ON THE EXAMINATION INTO THE WILTSHIRE AND SWINDON WASTE DEVELOPMENT PLAN DOCUMENT

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## ABBREVIATIONS

AA	Appropriate Assessment under the Habitats Directive/Regulations
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
Appx	Appendix
CD&E	Construction, Demolition & Excavation
CS	Core Strategy (unless otherwise specifically stated, this should be taken to refer to the Wiltshire & Swindon Waste Core Strategy)
DC	District Council
DPD	Development Plan Document
EA	Environment Agency
GOSW	Government Office for the South West
I&C	Industrial and Commercial
LDS	Local Development Scheme
MWDS	Minerals and Waste Development Scheme
RSS	Regional Spatial Strategy (unless otherwise specifically stated, this should be taken to mean the Regional Spatial Strategy for the South West)
SAC	Special Area of Conservation
SBC	Swindon Borough Council
SCI	Statement of Community Involvement
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSCTs	Strategically Significant Cities and Towns (in Wiltshire, these are Swindon, Chippenham, Trowbridge and Salisbury)
SWRA	South West Regional Assembly
WCC	Wiltshire County Council
WCS	The Wiltshire & Swindon Waste Core Strategy DPD (also referred to as the Core Strategy)

## 1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
  - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document;
  - (b) whether it is sound.
- 1.2 This report contains my assessment of the Wiltshire & Swindon Waste Core Strategy DPD in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the Wiltshire & Swindon Waste Core Strategy DPD (the WCS) meets the requirements of the Act and Regulations.
- 1.4 My role is also to consider the soundness of the submitted Core Strategy against each of the tests of soundness set out in Planning Policy Statement 12: *Local Development Frameworks* 2004 (PPS12). The new PPS12: *Creating strong safe and prosperous communities through Local Spatial Planning* was published during the Examination. However, although the tests of soundness are now presented in a different and simpler way, they cover the same matters as before.
- 1.5 The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the soundness tests. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.6 My report sets out all the detailed changes required, including those suggested by the Councils, to ensure that the plan meets all the tests of soundness. All changes specified, whether initiated by the Councils or by me, have been considered by the Councils during the Examination. The changes recommended in the body of the report are directly concerned with the substance of the Core Strategy and are those which I consider necessary to make the plan sound. It has not been my role otherwise to redraft the plan.
- 1.7 Annex 1 to the Report contains incidental changes: these are needed in order to improve clarity, to update the plan, and to correct errors. Many are made necessary because Wiltshire is shortly to become a unitary authority.
- 1.8 My report firstly considers the legal and procedural tests, and then deals with the relevant issues and other matters considered during the Examination in terms of the tests of conformity, coherence, consistency and effectiveness. My overall conclusion is that the Wiltshire & Swindon Waste Core Strategy is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:
  - a) The WCS should explain its distinctive and more flexible version of the RSS sequential approach to the location of sites.

- b) The Key Diagram should make it clear that it shows only existing Strategic Sites and does not identify future Strategic Sites.
- c) The WCS should incorporate as a matter of policy an explicit commitment to the principles of sustainable transport.
- d) The WCS should take a more positive and explicit approach to provision for Industrial and Commercial (I&C) wastes.
- e) The WCS should ensure, through monitoring, that sites safeguarded for waste development are released for other uses if not realistically needed.

## 2 Legal and Procedural Tests

- 2.1 The WCS is contained within the Wiltshire Minerals & Waste Development Scheme (MWDS) (Revised) the updated version having been approved in March 2006; and within the Swindon Borough Council's Local Development Scheme 2<sup>nd</sup> Review, the updated version having been approved in February 2008. Its content reflects the Schemes. In the MWDS, the Core Strategy is shown as having a submission date of December 2006. It has obviously 'slipped' from that date; but in the more recent Swindon LDS it is clearly shown as having a submission date of March 2008. There is no evidence that anyone has been prejudiced in their consideration of the document, which has received wide-ranging publicity. The forthcoming (April 2009) unification of the local authorities within Wiltshire may have influenced this small procedural omission.
- 2.2 Each Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and has been formally adopted by the Council concerned (WCC: July 2006; SBC: January 2007) before the examination hearings took place. It is evident from the documents submitted by the Councils, including the Regulation 28 and 31 Statements and the Self Assessment Paper, that the Councils have met the requirements as set out in the Regulations.
- 2.3 The Councils have undertaken a sustainability appraisal of the DPD and the Final Sustainability Appraisal Report was submitted with the DPD. This test has therefore been met.
- 2.4 In accordance with the Habitats Directive, I am satisfied that an Appropriate Assessment has been undertaken and that there would be no significant harm to the conservation of the New Forest Special Area of Conservation (SAC) or to the New Forest Special Protection Area (SPA) as a result of the policies and proposals within this DPD.
- 2.5 I am therefore satisfied that the legal and procedural tests have all been satisfied. In addition, the South West Regional Assembly has indicated that the DPD is in general conformity with the approved Regional Spatial Strategy (RSS).
- 2.6 It is clear from the plan, from its supporting documents and from the representations made to the Examination that the WCS has in effect had due regard to the Sustainable Community Strategy for Wiltshire and to the Swindon Borough Council Sustainable Community Strategy 'A Shared Vision for Swindon', and in that respect is sound.

### 3 Soundness Tests

- 3.1 The Core Strategy runs to 44 pages including 8 pages of Appendices. It is appropriately compact, clearly written, logical and well set out, using text boxes and background colour to highlight the vision, strategic objectives and policies, dividing the essential text into short sections with useful sub-headings, and employing tables and illustrations at suitable intervals: all devices which serve to encourage the reader. The document is backed by an informative Evidence Base in 2 volumes, which is also easy to use. The overall impression is that of a confident and sound plan. Though I have found some issues of soundness, these are easily remedied. They arise mainly from a commendable effort to keep as much information as possible in the Evidence Base, putting into the Core Strategy itself only the detail most essential to the issues and policies.
- 3.2 In the absence of specific proposals for future Strategic Sites, it is most important for the Core Strategy to clarify the information shown on its Key Diagram, in order to avoid potential misunderstanding. It is also important to clarify the 'Wiltshire version' of the sequential approach to site location, given that this differs somewhat from the RSS approach (though it has to be said that neither GOSW nor the SWRA made representations on this matter). Otherwise, the recommended changes are largely a matter of transferring a little more information and explanation from the Evidence Base to the Core Strategy document itself.

#### The Main Issues

- 3.3 ***Issue 1: Should the proposed Areas of Search be modified in the light of proposed changes to RSS?***
- 3.4 Policy WCS2 states that *strategic waste site allocations will be located as close as practicable (within 16km) to the SSCTs of Swindon, Chippenham, Trowbridge and Salisbury*. In this way Policy WCS2 imports into Core Strategy policy the 16km radius of search which, in draft RSS Policy W2, illustrates the concept of *'close proximity ...to the urban area primarily served by the facility'*. The RSS Panel Report criticised the 16km figure as *too prescriptive for policy* and recommended its relocation to the supporting text, where it now appears in the July 2008 version of the Draft RSS Incorporating the Secretary of State's Proposed Changes.
- 3.5 To have made changes to the WCS in response to the Panel Report of December 2007 would have caused the Core Strategy to miss its milestone for submission, yet with no certainty that the Panel's recommendation would have been carried through to RSS Proposed Changes. At the time of writing the RSS has not yet been adopted (the deadline for responses to the RSS Proposed Changes expired on the last day of the Waste Core Strategy Examination Hearing sessions). The current position remains that the WCS has been confirmed by the SWRA as in general conformity with the approach of the RSS. Neither the Panel nor the Secretary of State has proposed the deletion of the 16km radius from the RSS, but simply its relocation within the policy document to a position in which it would represent guidance rather than prescription.

- 3.6 Though unexplained in RSS, the 16km distance is not entirely arbitrary, but apparently owes its origin to the Industry view of the maximum distance over which householders are willing to transport their own waste. Accordingly, it is unlikely to be of absolute or universal relevance to the location of waste-related development. To apply it as a rigid distance restriction would be inappropriate: but the WCS does not do so. Rather, the 16km distance is applied in such a way as to show how waste management facilities should be related closely to the urban areas which (with the exception of rural local-scale facilities) they are intended to serve.
- 3.7 The dominant element of Policy WCS2 is that strategic waste development should be located *as close as practicable* to the SSCTs. The relegation of *within 16km* to brackets indicates in effect its subordinate position in policy terms. The WCS Key Diagram shows that the application of the 16km radius distance around the SSCTs of Swindon, Chippenham and Trowbridge results in coalesced circles which together form a broad band of search in an arc across the northern part of the county. Parts of that arc, however, lie beyond the County boundary. Also effectively reducing the full extent of the arc are the tracts of designated AONB from which Policy WCS2 excludes all but 'local-scale' waste management facilities. The net effect of these exclusions is substantially to narrow the band of search: except in the surroundings of Trowbridge, where the search area extends the full 16km radius distance to the east. Similarly the application of the radius distance to Salisbury results in a south-east/north-west band of search which is compressed by AONB to the west and by the Hampshire border to the east, but extends the full 16km to the north.
- 3.8 The application of the 16km radius distance therefore results in areas of search for strategic waste site allocations which, being in practice much narrower, are more closely focused upon the SSCTs than the 16km figure would suggest. Where the full radius is unhindered, it allows the strategic search area to adapt to the restrictions imposed by AONB. The device results both in a strongly spatial plan, and in local distinctiveness taking into account the local constraint of landscape designation. No alternative basis for establishing the area of search has been suggested. Little or nothing would be gained by relegating the 16km radius distance to the text in anticipation of adopted RSS. SWRA has not requested such realignment. Accordingly, I consider the WCS to be sound in its treatment of the 16km radius of search for strategic waste facilities. No change is needed in respect of this issue.
- 3.9 ***Issue 2: Should the Core Strategy explicitly incorporate a sequential approach to the location of waste management sites?***
- 3.10 RSS Policy W2 states that the location of new 'strategic' waste management or disposal facilities should *accord with* an explicit sequential approach, that is, *at SSCTs, as follows:*
- *Within, or if that is not practicable;*
  - *On the edge of, or if that is not practicable;*
  - *In close proximity\* to the urban area primarily served by the facility.*

*\*within 16km as an indicator of close proximity.*

- 3.11 The Core Strategy does not itself impose this sequential approach, but simply includes, at Policy WCS2, the 16km radius distance as an indicator of close proximity to SSCTs. Policy WCS3 (Preferred Locations of Waste Management Facilities by Type) does not refer to any requirement for a sequential approach to be followed. Nor does the WCS make any reference within its text to such a requirement. Without at least a reference, the Core Strategy in effect would contain no policy imperative to seek first a location for waste management facilities as close as possible to the SSCTs which they were intended primarily to serve – but would allow a location to be sought, from the outset of the allocation or application process, on the outer fringes of the search area.
- 3.12 In response the Councils point, as a matter of local distinctiveness, to the number of market towns within Wiltshire. Not classed as 'strategically significant' (i.e. as SSCTs), these towns tend to occupy positions within but toward the outer fringes of the 16km radius search zone. Moreover, the search zones for the SSCTs of Swindon and Chippenham overlap, as do those of Chippenham and Trowbridge. The 16km radius circle based upon Trowbridge also contains the towns of Devizes, Melksham, Westbury and Warminster. In these circumstances it is likely that some strategic-scale facilities, especially those with major start-up costs, would manage the waste from more than one SSCT, and also from other towns within the search area. Wiltshire is distinguished by its settlement pattern and by the relatively small size of its SSCTs (other than Swindon).
- 3.13 Nevertheless, if it is intended in practice to ensure that waste is managed close to where it arises, and to implement the sequential approach both in the allocation of waste management sites and in dealing with 'windfall' applications (as the Councils state that they intend to do), then the Core Strategy as the higher-order policy document should indicate both that it is to be applied, and the manner of its application. Proposed Change PC14 incorporates reference to the sequential approach. I conclude that PC14 is necessary in order to make the Core Strategy sound. I consider, however, that the Councils' suggested reference in PC14 to the 16km distance as a 'buffer' is misleading and should be deleted.
- 3.14 **In order for the Core Strategy to be sound, the following change should be made:**

- 3.15 **A new paragraph shall be added to the CS text, as ¶15.16, as follows [new text identified by underlining]:** ***When identifying future sites, the Councils will adopt the sequential approach set out in Policy W2 of the draft RSS. However, a more flexible approach may need to be applied due to the nature of the Plan area. Firstly there are a number of large market towns that may require a strategic facility to manage waste arisings: this may lead to the most suitable location being on the periphery of the 16km radius search area around a SSCT. Secondly, it is important to note that particularly in the north of the County the 16km radius search areas for the SSCTs of Swindon, Chippenham and Trowbridge overlap, and that it may be necessary to have one strategic facility to serve more than one SSCT. In such a case, the most suitable location***

**would be between the SSCTs, but would not fit well with the sequential approach that Policy W2 of the draft RSS applies. (PC14)**

### ***Issue 3 – Should Strategic Sites be identified on the Key Diagram?***

- 3.16 PPS12 does not require that a Core Strategy should include a Key Diagram. The WCS does include a Key Diagram, on which the broad areas of search (based upon the 16km radius distance from each SSCT) are shown, together with areas of protection (AONB, Special Protection Areas, Special Areas of Conservation, and New Forest National Park) insofar as these are located within or immediately adjacent to the County. The SSCTs are named on the Diagram, and the locations of other towns are indicated - some are named (Marlborough, Devizes) and others, though unnamed, are deducible. Boundaries of Wiltshire with adjacent, named, counties are also shown. These features of the Key Diagram are useful, enabling swift, graphic interpretation of Core Strategy policy on areas of search and potential broad constraints, and contributing to its quality as a spatial plan.
- 3.17 In addition, individual symbols are employed to show the diagrammatic location of Employment Areas, Local Waste Sites, and Strategic Waste Sites. The Key Diagram does not indicate, however, whether these symbols are intended to relate to existing sites, to future sites, or to a mixture of the two. The consequent uncertainty is not resolved within the policies or text of the Core Strategy itself.
- 3.18 At the Examination the Councils confirmed those Strategic Sites shown on the Key Diagram to be existing sites which are currently of strategic status. No new Strategic Sites are indicated. At ¶15.6 the WCS makes it clear that strategic status may be accorded for a variety of reasons: *strategic waste management facilities are large and/or more specialist facilities that will operate in a wider strategic manner by virtue of spatial scale, high tonnage of waste managed and/or a wider catchment area served*. Strategic status may, for example, be lost in future through the ultimate filling of an existing void; or may be gained or maintained through the expansion of an existing facility or by the addition of new waste management or treatment facilities. It cannot therefore be assumed that those Strategic Sites currently shown on the Key Diagram would necessarily maintain their status.
- 3.19 In discussion at the Examination, it emerged that certain sites shown on the Key Diagram would indeed be likely to lose their strategic status before the expiry of the Plan period. The Evidence Base for the WCS does not include assessment of the existing Strategic Sites sufficient to support or justify their continued status as Strategic Sites for the duration of the Core Strategy. Such assessment is to be carried out in connection with the Site Allocations DPD currently in preparation. Furthermore, the representation of a Strategic Site on the Key Diagram does not carry any commitment to the continuation of its strategic status, or to its future expansion either in term of spatial scale or of the range of facilities available.
- 3.20 The guidance offered by the Key Diagram to users of the Core Strategy is therefore limited and potentially misleading in respect of Strategic Sites, to the



point at which the Core Strategy is unsound. Clarification should be provided on the Key Diagram itself. Proposed Change PC17 would add the clarification, and is necessary in order to make the Core Strategy sound.

- 3.21 **In order for the Core Strategy to be sound, the following change should be made:**

3.22 **On the Key Diagram a box shall be inserted to include the following text** [new text identified by underlining]: ***This Key Diagram is an illustration of existing sites. It should not be used to identify individual sites for future use. Potential sites for waste development will be identified in the detailed Waste Site Allocations DPD.*** (PC17)

***Issue 4 – Should the Core Strategy be more explicit in its commitment to sustainable transport as a matter of strategic policy?***

- 3.23 WCS Strategic Objective 3 (The Environment, p.16) states that *options for sustainable transportation should be encouraged in order to reduce the impacts of transporting waste through Wiltshire and Swindon*. In the introductory text to this Objective, at ¶4.6, the WCS states that *encouraging the sustainable transport of material and minimising the cross boundary movement of waste are essential to meeting this objective*. However, the concern thus expressed for the sustainable transport of waste is not carried forward into policy. The statement within Policy WCS1 that *need will be met locally whilst balancing the importation and exportation of waste within the principles of sustainable development* is, on its own, insufficient to explain how the transportation of waste might be required to be sustainable in any way other than by meeting needs *locally*. Sustainable transport is a matter of strategic significance. It should be dealt with sufficiently at the strategic level, i.e. in the Core Strategy itself, to determine and clarify the approach to be taken subsequently in development control policies and site allocations, whether these are included in separate DPDs (as here in Wiltshire) or not.
- 3.24 Those references which are made within the Core Strategy are inadequate, either to show what might amount to *sustainable transport*, or to show what might be required of proposals for waste development in terms of sustainable transport. In these circumstances it could, later on, be difficult to demonstrate conformity with the Core Strategy, not only when proposing new waste management sites to be brought forward as windfalls, but also when making site allocations; and also when implementing Policy WCS6 (Waste Reduction and Auditing)<sup>1</sup>.
- 3.25 The Core Strategy appears not to have taken the possibilities for a sustainable approach to transport (other than by stating that facilities should be *local* or *as close as practicable*) fully into account in its strategic spatial policies. This is to some extent an unfair criticism, since the Evidence Base suggests otherwise: the Evidence Base itself explores the various transport policy sources and shows that they have been taken into account in the formulation of the Core

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<sup>1</sup> Audit Item (i) – proposals for the transport of waste created during the development process and subsequent use of the site.

Strategy. It is acknowledged that the Core Strategy should be a compact document which does not repeat or reproduce those sources within the evidence base which have informed its policies. In this case, however, the pruning has been so thoroughly done that it has cut out not just dead wood, but vital means of support. I conclude that, without further explanatory text and statements of policy, the Core Strategy is unsound.

- 3.26 The following Proposed Changes provide the necessary supplement to policy and supporting text. PC7 identifies within ¶4.6 (supporting Strategic Objective 3: The Environment) the *principles of sustainable transport* to which the Core Strategy is *committed*, and links them to specific supporting elements of the Evidence Base. PC8 links those principles to the identification of sites and facilities for new waste management development. PC9 adds to Policy WCS1 the explicit intention that need should be met locally *in accordance with the principles of sustainable transport*. PC10 introduces, to Policy WCS1, *Policy Drivers* to include reference to PPG13 (Transport), to the Local Transport Plans, and to the Evidence Base Part A: Spatial Context Chapter 6 (Transport).
- 3.27 PC11 adds explanatory text to Policy WCS2, as ¶5.13, to *encourage developers to adopt the principles of sustainable transport ... for new development at the 'strategic' and 'local' scale*. PC12 expands Policy WCS2 to prioritise *a commitment to utilising the most appropriate haulage routes within and around the Plan area and [to implementing] sustainable modes and methods for transporting waste materials*; and to include the New Forest National Park explicitly with the AONB as areas intended to accept only local-scale waste management facilities (previously stated in the text at ¶5.13, but not in the policy itself). As amended, Policy WCS2 will achieve, at strategic level, a commitment to limiting the impact of traffic and transport upon the New Forest National Park, including its villages. PC13 introduces, to Policy WCS2, *Policy Drivers* relevant to transport, including national policy statements, Local Transport Plans, and Chapter 6 of the Spatial Context (Evidence Base Part A).
- 3.28 Taken together, these Proposed Changes would introduce and emphasise explicit commitment, at strategic policy level, to sustainable transport: and so would make the Core Strategy sound.
- 3.29 The Examination has explored the scope for explicitly promoting in the WCS, as part of its emphasis upon sustainable transport, the transportation of waste by rail and the establishment of strategic facilities in specific locations based upon rail transport. However, the evidence strongly suggests that such facilities would be unlikely to be deliverable within the Plan period. Sites previously investigated are now apparently either no longer surplus to operational rail requirements, or have received planning permission for other forms of development, and commercial interest has declined. Should the recent economic downturn persist, land currently envisaged for distribution use may become available to waste transfer. But the necessary scale of such waste development may be constrained by existing urban development, and many other factors remain to be more fully explored. In these circumstances it would not be appropriate for the Core Strategy to promote, as a matter of strategic policy, specific facilities relying upon rail for the transportation of waste.

3.30 In order for the Core Strategy to be sound, the following changes should be made:

3.31 Paragraph 4.6 shall be amended to read as follows [new text identified by underlining]: *As identified in the key issues section this is a significant aspect of the development framework. The objective outlines that the protection and enhancement of the natural environment is essential in terms of landscape character, biodiversity, geological interest, the water environment, cultural heritage and mitigating and adapting to the effects of climate change. The Waste Core Strategy provides the strategic policy direction for the sustainable management of waste. In order to balance the need for new facilities with the objective of protecting and enhancing the environment of Wiltshire and Swindon, the Councils are committed to the principles of reducing the impacts associated with the management and movement of waste. Encouraging and promoting the sustainable transport of ~~material~~ waste and minimising cross-boundary movement of waste are essential to meeting this objective. By identifying and promoting through the Site Allocations DPD a framework of waste management facilities across Wiltshire and Swindon, the Councils are committed to minimising 'waste mileage' and proposals for new development will be encouraged where they identify the most sustainable and realistic mode(s) of transport including the utilisation of the most appropriate route(s) for transporting material. These principles of sustainable transport are founded on the Councils' Evidence Base (Part A: Spatial Context, Chapter 6) and the assessment of other plans and programmes (e.g. the Councils' Local Transport Plans). Further detailed policy guidance will be developed in additional DPDs and will support the proposals set out in this Strategy. (PC7)*

3.32 Paragraph 5.4 shall be amended, from the end of the 2<sup>nd</sup> sentence, to read as follows [new text identified by underlining]: *... The strategy for meeting the requirements of the draft RSS apportionments is based upon developing a flexible framework of strategic facilities as close as practicable to the named SSCTs and then filling any additional capacity gaps with local-scale facilities to serve the smaller 'Market Towns' and villages as need arises. In this context, sites and facilities for new waste management development will be identified that encourage the utilisation of sustainable transport and minimise social and environmental impacts. (PC8)*

3.33 Policy WCS1 shall be amended, from the beginning of the last sentence, to read as follows [new text identified by underlining]: *Need will be met locally whilst balancing the importation and exportation of waste within the principles of sustainable development and in accordance with the principles of sustainable transport. (PC9)*

3.34 The Policy Drivers immediately following and associated with Policy WCS1 shall be amended to include the following:

- Planning Policy Guidance Note 13 – Transport
- Local Transport Plans produced by Wiltshire and Swindon
- Wiltshire and Swindon Minerals and Waste Development Framework – Evidence Base: Part A: Spatial Context: Chapter 6, Transport. (PC10)

3.35 Paragraph 5.13 shall be amended to read as follows [new text identified by underlining; text to be deleted shown struck through]: Policy WCS2 sets out the Councils' strategic approach for directing where the focus for new waste management development will be located over the life of the Plan. In addition, it seeks to encourage developers to adopt the principles of sustainable transport when framing proposals for new development at the 'strategic' and 'local' scale: as well as providing essential measures ~~essential in order~~ to protect the environmental importance of Wiltshire and Swindon. In line with the principles of legislation and national policy statements, the policy outlines that only local-scale sites will be located within the three Areas of Outstanding Natural Beauty (AONB) in the Plan area and in the immediate vicinity of the New Forest National Park. The Councils recognise that there are also 12 Natura 2000 sites of European conservation importance in the Plan area and 3\* in the New Forest National Park that are protected by European legislation in the form of the Habitats Directive (92/43/EEC). ~~The Habitats Directive protects Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) and species of European nature conservation importance.~~ Due to the strategic level of protection for the Natura 2000 sites and protected species it is not necessary to have a policy within the Waste Core Strategy. The Habitats Directive introduced the requirement to undertake a Habitats Regulations Assessment (HRA) on proposed plans in order to establish the likely significant impacts. This has been conducted on the Waste Core Strategy and ~~can be obtained from the Councils~~ additional assessments will be carried out as new DPDs are produced. \*Footnote: The New Forest Special Area of Conservation (SAC); the New Forest Special Protection Area; and the New Forest Ramsar (as outlined in the Councils' Evidence Base: Part A, Chapter 9. (PC11)

3.36 Policy WCS2 shall be amended to read as follows [new text identified by underlining]: Strategic waste site allocations will be located as close as practicable (within 16km) to the SSCTs of Swindon, Chippenham, Trowbridge and Salisbury as identified in the Regional Spatial Strategy for the South West. Waste sites situated outside of these areas will be local-scale allocations to serve the demonstrable needs of the local area only. Sites located in the immediate vicinity of the New Forest National Park or within the three Areas of Outstanding Natural Beauty (AONB) of Cranborne Chase and West Wiltshire Downs, North Wessex Downs and Cotswolds will only be for local-scale waste management facilities. In the interests of achieving the objectives of sustainable

**development, priority will be given to proposals for new waste management development that demonstrate a commitment to utilising the most appropriate haulage routes within and around the Plan area and implement sustainable modes and methods for transporting waste materials.** (PC12)

3.37 The Policy Drivers immediately following and associated with Policy WCS2 shall be amended to include:

- **Planning Policy Statement 10 – Planning for Sustainable Waste Management**
- **Planning Policy Statement 7 – Sustainable Development in Rural Areas**
- **Planning Policy Statement 9 – Biodiversity and Geological Conservation**
- **Planning Policy Guidance Note 13 – Transport**
- **Local Transport Plans produced by Wiltshire and Swindon**
- **Wiltshire and Swindon Minerals and Waste Development Framework – Evidence base: Part A: Spatial Context: Chapter 6, Transport.**
- **The Environment Act 1995, Section 62(2).** PC13

***Issue 5 – Should the Core Strategy be more explicit and more positive in its approach to provision for Industrial and Commercial (I&C) Waste?***

- 3.38 In Chapter 2 : *Key Characteristics of Wiltshire and Swindon*, under the heading *The Need for New Waste Management Sites*, the Core Strategy outlines its approach to provision for industrial and commercial (I&C) waste. The background is stated at ¶2.20, that *I&C waste forms the largest quantity of all waste that is produced in Wiltshire and Swindon*, and at ¶2.21, that *there is limited data available to enable accurate forecasting of the amount of future I&C waste and that this makes predicting where and how much capacity is needed in the County and Borough very difficult*. Against this summary background, ¶2.21 states simply that the stated *approach to providing sufficient capacity over the next 20 years will be to identify sites through the Waste Sites Allocations DPD*. This coverage communicates little about what amounts to a very significant category of waste to be managed, and so in this respect the Core Strategy appears vague and negative, rather than authoritatively positive and strategic in its approach to commercial and industrial waste.
- 3.39 The Examination heard detailed evidence from the Environment Agency concerning the survey methods which were employed to gather information on commercial and industrial waste, including the data which contributed to the RSS and were used as the basis for apportionment. Though deficiencies in the data and survey methods are acknowledged, the quality of information is set to improve during the currency of the Plan. In the meantime it is appropriate that the Core Strategy pursues its apportioned requirement set by RSS.
- 3.40 Landfill Tax will continue to be instrumental in reducing the demand for landfill and in prompting diversion to alternative waste management methods including recycling. The Pre-Treatment Regulations which came into force on 31 October 2007 post-date the RSS figures, which do not explicitly include pre-treatment

(though some pre-treatment may be implicitly included). Implementation of the Regulations will lead progressively to significant reductions in the volume of waste. Consequently the apparently high levels projected for required landfill provision, shown in WCS Table 3 (at p.8) should diminish during the Plan period to the extent that they are influenced by these factors. The Core Strategy does not refer to the pre-treatment of waste. The requirement of the Regulations for pre-treatment will in itself lead to demand for additional waste facilities for which allowance has not been fully made in the figures presented at Table 3. Annual monitoring will be essential in enabling changes in the amounts of I&C waste to be tracked and in establishing the need for new facilities to deal with this category of waste.

- 3.41 Incidentally, neither Table 3 nor its companion Table 4 (immediately below T3) in respect of inert waste makes it clear that the forecast landfill requirement is in cubic metres (m<sup>3</sup>) and that it relates to total capacity over the entire Plan period and not per annum. Both Tables require amendment in this respect.
- 3.42 I conclude that, as drafted, the Core Strategy lacks explanation and support for its approach to I&C waste, to the point at which it is unsound.
- 3.43 The following Proposed Changes add explanatory text which expands upon the nature of I&C waste (PC1); introduces reference to the impact of the Pre-Treatment Regulations (PC2); explains how the strategic approach to the location of sites is to apply to I&C waste (PC3); and relates back to relevant sources in the Evidence Base (PC4). Proposed Changes PC5 and PC6 amend Tables 3 and 4 to clarify the figures for landfill capacity. Taken together, these Proposed Changes reduce the apparent predominance of negativity in the approach, add necessary substance, and would make the Core Strategy sound.
- 3.44 **In order for the Core Strategy to be sound, the following changes should be made:**

3.45 **Paragraph 2.20 shall be amended to introduce a new 2<sup>nd</sup> sentence** [new text identified by underlining]: **Wastes generated from the Industrial sector and the Commercial sector have differing characteristics. Industrial waste arises from factories and activities such as manufacturing. Commercial waste includes waste produced from business establishments such as stores, markets, office buildings, restaurants and shopping centres.** *The predicted growth ...* (PC1)

3.46 **In paragraph 2.21, the 1<sup>st</sup> sentence shall be amended, new text shall be introduced immediately after the 1<sup>st</sup> sentence as follows** [new text identified by underlining; text to be deleted shown struck through], **and the remainder of paragraph 2.21 from the beginning of the 2<sup>nd</sup> sentence shall be repositioned as paragraph 2.22 according to PC3 below:** ~~However, there is limited~~ **The data available to enable accurate forecasting of for the amount of future I&C waste that is likely to arise is provided by the sub-regional apportionments within the draft RSS.** ~~This makes predicting where and how much capacity is needed in the County and Borough very difficult.~~ **The data relates to an overall figure that Wiltshire and Swindon will need to deliver. A number of national initiatives such as the Pre-**

**Treatment Regulations\* and increasing landfill tax are leading to a change in how waste is managed over the life of the Waste Core Strategy and there may be a requirement for additional facilities to sort and process waste. Therefore annual monitoring of the Core Strategy will be essential in addressing such needs. Footnote: \*The Pre-Treatment Regulations, October 2007** (PC2)

3.47 As new paragraph 2.22, the text of paragraph 2.21 including and following the 2<sup>nd</sup> sentence shall be amended as follows [new text identified by underlining; text to be deleted shown struck through]: **These challenges make predicting where and specifically how much capacity and in what form is needed in certain areas within the County and Borough very difficult.** ~~Therefore~~ **The Councils' approach to providing sufficient capacity over the next 20 years will be to identify a flexible framework of sites through the Waste Sites Allocations DPD, to meet the strategic objectives of locating sites as close to the growth areas (i.e. the identified SSCTs) as possible and meeting the sub-regional apportionments. This will include areas of search such as industrial estates and employment allocations where planning applications will be considered within their boundaries. It will be important to identify sites close to the planned growth areas, as this is the likely location of additional economic development within the County and Borough. Specific sites may also be identified should there be suitable sites available.** (PC3)

3.48 As new paragraph 2.23, the text of paragraph 2.22 shall be amended as follows (and subsequent paragraphs renumbered accordingly) [new text identified by underlining; text to be deleted shown struck through]: ~~Due to the uncertainties outlined above, the Councils consider that it is not necessary to include specific strategic sites within the Waste Core Strategy and will identify a range of sufficient sites in the Waste Site Allocations DPD to offer flexibility to meet the strategic objectives of locating sites as close to the growth areas (i.e. the identified SSCTs) as possible.~~ **Table 3 below displays the estimated number of sites required in the waste Site Allocations DPD to provide sufficient capacity for the management of I&C waste in line with the sub-regional apportionments set out by the draft RSS for Wiltshire and Swindon. The South West Regional Waste Strategy indicative capacities for new facilities have been used to estimate the number of sites required. The Evidence Base Part B: Waste – Chapter 3 contains full details on I&C waste forecasting.** (PC4)

3.49 Tables 3 and 4 shall each be amended to include in the 'Landfill' box (under the column heading 'Waste Management Technique') the qualification (m<sup>3</sup>); and to insert as a footnote below the Table the following [new text identified by underlining]: **The figure for Landfill relates to total capacity required over entire plan period and not m<sup>3</sup> per annum.** (PC5) (PC6)

**Issue 6 – Would the approach of the Core Strategy to safeguarding be likely to inhibit proposals for new waste management sites?**

- 3.50 Core Strategy policies operate not only upon the allocation of sites for waste management development, but upon planning applications for waste management sites including 'windfall' proposals. Policy WCS4: *Safeguarding Waste Management Sites* seeks to safeguard in the sense of *oppos[ing]* proposals for development within or adjacent to ... Preferred Areas identified in the Site Allocations DPD, existing waste facilities, and other sites where planning permission is granted for waste management facilities. Policy WCS3: *Preferred Locations of Waste Management Facilities by Type and the Provision of Flexibility* states that sites not contained in the Site Allocations DPD will also be considered in order to provide flexibility....
- 3.51 It follows that to achieve flexibility may involve carrying a surplus of sites with planning permission, over and above those actually needed at any one time. Representations from the waste industry emphasise the practical difficulties encountered in finding sites, owing in part to the 'bad press' that waste proposals attract. Those difficulties could be compounded by the effects of a policy which actively prevented the consideration of any site with an existing planning permission for waste development for any other use. Such a 'ratchet effect' could act as a deterrent and an additional practical difficulty, preventing potential waste sites coming forward for fear that they might be forever safeguarded thereafter, and inhibiting the flexibility sought by the Core Strategy. I conclude that, in omitting any explicit provision for the review of existing permissions to establish whether they remain necessary to effective waste planning, the Core Strategy is unsound.
- 3.52 Proposed Change PC16 adds to ¶5.17 explicit provision for the annual monitoring of safeguarded areas. Such monitoring would prevent the continued safeguarding of sites if they could be shown to be no longer required for waste management, and would make the Core Strategy sound.
- 3.53 **In order for the Core Strategy to be sound, the following change should be made:**

<p>3.54 Paragraph 5.17 shall be amended to add, after the last sentence (ending 'widely supported') the following [new text identified by underlining]: <b><u>The annual monitoring of safeguarded preferred areas for waste facilities will be important to ensure that land is not restricted from other non waste related uses if it is demonstrable that the site does not offer a realistic opportunity of being developed for waste purposes.</u></b> (PC16)</p>
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**Issue 7 – Should the Core Strategy pay more attention to groundwater protection as a strategic constraint upon location?**

- 3.55 The Evidence Base upon which the Core Strategy is founded contains, at Part A: Spatial Context, detailed evidence relating to groundwater vulnerability, to Environment Agency (Groundwater) Source Protection Zones, and to (EA)



licensed groundwater/surface water abstraction points. Each category of groundwater constraint is mapped (as Fig. 10.2, 10.3 & 10.4). It is evident that, together, these constraints account for a very large area of the County. At ¶10.54 it is stated that *certain types of waste development can pose a potential risk of contamination to groundwater and therefore it is essential to use the information provided by the Environment Agency ... to advise the suitable location for specific waste developments.*

- 3.56 The Evidence Base makes it clear that groundwater represents a significant potential constraint upon the location of waste development. However, the Core Strategy itself makes no reference to groundwater constraints. Under Key Issue 2: Identifying Future Site Locations, the text refers (at ¶13.7) only to *landscape or ecological designations* as environmental constraints upon the location of sites in rural areas.
- 3.57 It is appreciated that, in summarising the justification for its policies via its supporting text, the Core Strategy should not reproduce the detail to be found in its Evidence Base. Nor should it include detailed references to the Environment Agency's own policy for groundwater protection which, like the detailed information of the Evidence Base, is accessible elsewhere. It is acknowledged that, in practice, it may well be possible to address groundwater constraints through engineering, that the Environment Agency will be involved in any case in the matter of risk assessment, and that the existence of a groundwater constraint does not amount to a blanket ban on waste development. Nevertheless, the omission from the WCS of all reference to groundwater concerns represents a distortion of the environmental background to location policy at a strategic level, which reduces both the spatial dimension and the local distinctiveness of the Core Strategy, and is not helpful to the user of the plan. I therefore conclude that, without appropriate reference to groundwater constraints upon development, the Core Strategy is unsound.
- 3.58 Proposed Change PC15 adds, as new paragraph 3.8, supporting text which explains the importance of geology/hydrogeology, and particularly groundwater, as a potential constraint, and also includes a reference which is both brief and sufficient to a Core Strategy, to the relevant Environment Agency regulatory guidance. The Proposed Change would make the Core Strategy sound.
- 3.59 **In order for the Core Strategy to be sound, the following change should be made:**

- 3.60 **New text shall be introduced, immediately after paragraph 3.7, as follows [new text identified by underlining]:** ***The geology/hydrogeology of the Plan area will also influence where potential sites will be suitable. The quality and quantity of groundwater is a particular issue given the extent of aquifers within the County and Borough. The Councils will work closely with the Environment Agency (EA) when identifying, considering and allocating future waste management sites and will observe the guidance provided in the EA's Regulatory Guidance Note 3.***  
(PC15)

**Issue 8 – Does the Core Strategy contain conflicting provisions on the import and export of waste?**

- 3.61 What appears to be a high proportion of the waste managed within the County is imported from neighbouring authority areas. Waste is also exported, the most notable arrangement being the transport of municipal waste, under the terms of a recent contract, from Salisbury to Slough. The necessary scale of specialist treatment, such as the processing of waste glass, may give rise to movement over long distances to the most appropriate location for its management.
- 3.62 Even so, the spatial policies of the Core Strategy, which emphasise the management of waste from the SSCTs *as close as practicable to its source*, and that of waste from other settlements in *local* facilities, will effectively and in time bring about some reduction in the overall movement of waste, both within the County and across its boundaries. Where the use of the most local waste facility would involve cross-boundary movement, no principle of sustainable waste management would be infringed merely by the import or export across the County boundary. The absence of specific policy aimed explicitly at reducing the import and export of waste does not therefore make the Core Strategy unsound.
- 3.63 However, ¶6.6 of Chapter 6: Implementation, Monitoring and Review expresses a policy intention *to reduce the amount of waste that is imported and exported in the Plan area*. This outlying statement goes significantly beyond the wording of Policy WCS1, which is to *balance the importation and exportation of waste within the principles of sustainable development*. The statement is potentially at odds with the strategic policy to locate waste management facilities *as close as possible to the SSCTs* and, in the rural areas, *on a local scale ...to serve the demonstrable needs of the local area only*. I conclude that Policy WCS1 and ¶6.6 contain conflicting provisions and that, without the deletion of ¶6.6, the Core Strategy would not be sound. Proposed Change PC19 deletes ¶6.6, and would make the Core Strategy sound.
- 3.64 **In order for the Core Strategy to be sound, the following change should be made:**

3.65 <b>Paragraph 6.6 shall be deleted in its entirety. (PC19)</b>
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**Issue 9 – Should a shortfall against the threshold level of a Core Strategy monitoring indicator be sufficient grounds to trigger a review of the relevant policy?**

- 3.66 The Core Strategy appropriately includes a table of *indicators*, which are set for each WCS policy, are capable of being quantitatively measured, and are indicative of the performance of each policy. These are set out in Chapter 6: Implementation, Monitoring and Review, in a table entitled *Monitoring Indicators*. Where a target level is set for an indicator, a *threshold for policy review* is also set, the precise threshold defined in each case representing a shortfall relative to the target.

3.67 The difficulty lies in the implied commitment that if the target is not reached, then it will automatically be necessary to review the policy: such a commitment carries the further implication that the appropriate response to failure against a policy target is to change the policy. However, that commitment substantially weakens the force of the policies concerned, to the extent that the Core Strategy is unsound. The failure to meet a target should not automatically trigger review of the policy. Rather, failure suggests that the reasons for it should be investigated, to establish what action might be appropriate in terms of procedure, implementation practice, or – and only if shown to be justified – a review of the policy itself. I conclude that a Change, to replace the term *policy review* by the term 'investigation', is needed in order to make the Core Strategy sound.

3.68 **In order for the Core Strategy to be sound, the following change should be made:**

3.69 **In the 5<sup>th</sup> column of the table of Monitoring Indicators at p33 of the Core Strategy, the heading *Threshold for Policy Review* shall be deleted and replaced by the heading *Threshold for Investigation*. (PC25)**

***Issue 10 – Should the Core Strategy include surrounding authorities among the bodies with which to co-operate for the purposes of monitoring as specified in Policy WCS7?***

3.70 Policy WCS7 states the intention to work with *local authorities in the Plan area*, among others involved in waste management matters including *the Environment Agency and other regulators, the waste industry, local communities [and] environmental groups*, and other specified bodies, *to plan, monitor and manage waste development ...* However, this list notably omits surrounding local authorities. As the Key Diagram clearly shows, Wiltshire shares boundaries with numerous other Counties - among them Berkshire, Oxfordshire, Gloucestershire, Somerset, Dorset and Hampshire - and also with the New Forest National Park. Transport routes together with areas of environmental designation and constraint cross the authority boundaries. Co-operation with the relevant authorities is necessary for monitoring purposes, especially where the cross-boundary movement of waste is concerned. I therefore conclude that the omission is of sufficient substance that the Core Strategy is unsound.

3.71 Proposed Change PC18 deletes the qualification *in the Plan area*, and substitutes the prefix *surrounding local authorities*; and so makes the Core Strategy sound.

3.72 **In order for the Core Strategy to be sound, the following change should be made:**

3.73 **In the first line of Policy WCS7, the words *in the Plan area* shall be deleted, and the word *surrounding* shall be inserted immediately before the words *local authorities*, as follows: *The Councils will work with***

**surrounding local authorities ~~in the Plan Area~~, **the Environment Agency and other regulators, .... (PC18)****

## **4 Other Matters**

### **The Role of Landfill**

- 4.1 The landfill requirement set out in the Core Strategy directly follows the apportionment set by the Regional Spatial Strategy, which is up to date. National waste planning policy at PPS10 states at ¶16 that *the Core strategy ... should set out policies and proposals for waste management in line with the RSS and ensure sufficient opportunities for the provision of waste management facilities in appropriate locations including for waste disposal*. Under the heading *Implementing the regional spatial strategy*, PPS10 states at ¶13 that *the strategy for waste management confirmed by the Secretary of State following public examination should be carried forward into local development documents ... In preparing local development documents, there should be no need to reopen consideration of either its principles or the annual rates of waste to be managed*.
- 4.2 Neither GOSW nor SWRA questions the capacity figures set out in the Core Strategy. No evidence has been submitted which might be sufficient to outweigh the provisions of the Core Strategy in respect of landfill capacity; or the provisions of the RSS which has been subject to examination; or the provisions of PPS10: Planning for Sustainable Waste Management. The Core Strategy is founded upon a robust and credible evidence base, and is not unsound in respect of its landfill capacity provisions.

### **The Prediction of Waste Arisings**

- 4.3 Representations have been made to the effect that the Core Strategy under-estimates the amount of waste that will arise from projected population growth in the north-east of the County, in and around Swindon. Though the figures on which the Core Strategy, via the RSS, is based are not very recent, the role of local development documents is not to question the figures of the RSS. The evidence is that the relationship between housing/population growth and growth in waste arisings is not straightforward. The WCS policies themselves are sufficiently flexible to provide for future adjustments in the capacity figures. Those figures presented in the Core Strategy are appropriately described as *Current Forecasts* (as in Tables 1 & 2) and as *illustrations [of] the capacity gap* (as in Tables 3 & 4). In these circumstances I am satisfied that the Core Strategy is not unsound in respect of its predictions of waste arisings.

### **The New Forest National Park**

- 4.4 Issues of impact upon the New Forest National Park are largely concerned with traffic and transport. These are covered under Issue 4 above. However, an incorrect reference to the New Forest, in ¶2.4, as having international importance without reference to its national importance, threatens soundness

(test vii). The expanded reference contained in Proposed Change PC28 corrects the reference and so makes the Core Strategy sound.

**4.5 In order for the Core Strategy to be sound, the following change should be made:**

**4.6 The final sentence of paragraph 2.4 shall be amended as follows [new text identified by underlining; text to be deleted shown struck through]: *Additionally, the New Forest National Park is located adjacent to the southern boundary of Wiltshire and is of ~~international~~ national and international\* importance. \*Footnote: The New Forest is designated as being of national significance. However, the area also contains a number of internationally important ecological designations.* (PC28)**

4.7 Given that the WCS contains no provisions for new Strategic Sites or commitment to the expansion of existing Strategic Sites, the provisions for monitoring of planning applications in respect of Strategic Sites form an important element of the Core Strategy. However, the table of Monitoring Indicators (at WCS p33) contains no provision for the specific monitoring of planning applications that might have an impact upon the New Forest National Park, citing as an indicator only the *percentage of strategic site applications within AONB*. With this omission, the Core Strategy is unsound. Proposed Change PC 25 adds to *within AONB* the qualification 'or in close proximity to the immediate vicinity of the New Forest National Park'. This compound qualification is awkward and communicates no more accurate definition of the area involved than would the use of the expression 'in the immediate vicinity' on its own – the same expression which is used by Policy WCS2. Appropriately amended, the proposed change would make the Core Strategy sound.

**4.8 In order for the Core Strategy to be sound, the following change should be made:**

**4.9 In the table of Monitoring Indicators at p33, the Indicator for Policy WCS2: Future Site Locations shall be amended as follows [new text identified by underlining]: *Percentage of strategic site applications within AONB or in the immediate vicinity of the New Forest National Park.***

## **Flooding**

4.10 The Strategic Flood Risk Assessment (SFRA): Level 1 Final Report for the Wiltshire & Swindon Waste Development Framework was first issued in December 2007; but only with the issue of the April 2008 edition has the Environment Agency been satisfied with its provisions. The requirement for a Strategic Flood Risk Assessment has overtaken the Core Strategy.

4.11 The timetable for production of the Core Strategy has not allowed the extension of full flood risk assessment to individual site level, even among the Strategic Sites. The Coarse Assessment Overview of potential waste site allocations (SFRA Appendix C) shows that issues of flooding arise at a number of sites, including some existing Strategic Sites. This factor alone is sufficient to justify

caution in regarding the indication of Strategic Sites on the Key Diagram as representing commitment to the continued Strategic status of those sites for the duration of the Core Strategy, or indeed as representing anything other than an illustration of existing sites (see Issue 3 above). Had the Core Strategy attempted to define or commit to individual Strategic Sites for the Plan period it would have risked unsoundness through the absence of sufficient Flood Risk Assessment for those sites. Broadly, however, and with the exception of a narrow band around the Upper River Thames to the north of Swindon, and highly-localised tracts within a few river valleys elsewhere, the areas of search are generally outside areas liable to flood. The Core Strategy would allow sufficient scope for strategic sites to be found. On balance, therefore, the Core Strategy is not unsound with respect to issues of flood risk.

### **Waste Reduction and Auditing**

- 4.12 Policy WCS6: Waste Reduction and Auditing is an innovative policy and is crucial in enabling waste planning policy to operate effectively at the highest level of the Waste Hierarchy, towards achieving the elimination of waste. Policy WCS6 is detailed, to the point at which it looks as if it might be more appropriate as a development control policy. But the detail is essential to the policy, which would not 'bite' without it. WCS6 is a policy of strategic importance, and on that account alone is appropriately included within the Core Strategy.
- 4.13 There is nothing in national policy or guidance which would prevent the inclusion of this more detailed policy in the Core Strategy. The only potential problem - and it is not a problem for the Core Strategy itself - could be if a similarly detailed policy, or at the least a cross-reference to the Core Strategy Policy WCS6, were omitted from the subsequent 'lower-order' DC policies DPD, where it might normally be expected to be found. Duplication would ensure that the policy provisions would not be missed by users of the plan.

### **Use of the Term 'Buffer'**

- 4.14 At various points in the Core Strategy, the term *buffer* is used in connection with the 16km radius distance from the Strategically Significant Cities and Towns (SSCTs). It occurs thus: *the SSCT 16km buffer areas*. The 16km radius distance is intended to define areas of search for waste management facilities to serve the SSCTs: whereas a 'buffer' zone is intended to protect against impact. The use of the term 'buffer' is thus incorrect, and threatens soundness. It should be deleted wherever it occurs. An example is in the 2<sup>nd</sup> (*Indicator*) column of the *Monitoring Indicators* table at WCS p33, under *WCS2: Future Site Locations*; but there may be others.
- 4.15 **In order for the Core Strategy to be sound, the following change should be made:**

- 4.16 **The term *16km buffer area* shall be deleted from the Core Strategy wherever it occurs, and shall be replaced by 16km radius area of search.**

## 5 Minor Changes

5.1 The following recommendations are made in respect of minor inaccuracies in the text of the Core Strategy which could be said to threaten soundness, for example through the incorrect identification of local authorities, or of waste streams, or of procedures; and which are simply corrected by Proposed Changes.

5.2 **In order for the Core Strategy to be sound, the following changes should be made:**

5.3 **In paragraph 6.9, the last (5<sup>th</sup>) sentence shall be amended as follows** [new text identified by underlining; text to be deleted shown struck through]: ***This can also be said for I&C waste and CD&DE waste streams....*** (PC20)

5.4 **In paragraph 6.11, the last sentence shall be amended as follows** [new text identified by underlining; text to be deleted shown struck through]: ***The safeguarded sites may be subject to inappropriate developments that are given planning permission by the Development Control departments at the Councils ~~District Councils~~.*** (PC21)

5.5 **In the Monitoring Table for Policy WCS4, immediately below paragraph 6.12, the entry under *Councils' Response* shall be amended as follows** [new text identified by underlining; text to be deleted shown struck through]: ... ***the Councils will actively encourage better collaboration between the various planning teams of at the District, County and Borough Councils, through the development of guidance notes. .... The Councils will discuss the reasons for this with the relevant planning team ~~District Council~~.*** (PC22)

5.6 **Paragraph 6.17 shall be amended as follows** [new text identified by underlining; text to be deleted shown struck through]: ~~*Due to the policy being aimed at housing and employment developments it is the district and unitary councils that must request the waste management plan or audit and then consult the Councils to seek whether the requirements of Policy WCS6 have been met.*~~ ***The Councils will monitor the amount of waste audits submitted against the total number of relevant planning applications in order to ensure that the policy is working efficiently.*** (PC23)

5.7 **In the Monitoring Table for Policy WSC6, immediately below ¶6.17, the entry under *Deviation from Policy WSC6* shall be amended as follows** [new text identified by underlining; text to be deleted shown struck through]: ***The policy is not being implemented by the Development Control departments at Wiltshire and Swindon. ~~District and unitary authority in the Plan area~~.*** In addition, the entry under *Councils' Response* shall be amended as follows [new text identified by underlining; text to be deleted shown struck through]: ... ***the Councils will actively encourage ~~better~~ collaboration between the Councils and the development control departments at Wiltshire and Swindon. ~~The District, County and unitary authorities~~.*** (PC24)

5.8 **In order to reflect the fact that Wiltshire County Council will become a unitary authority, all references throughout the Core Strategy document to *Wiltshire County Council* shall be amended to read Wiltshire Council; and all references to any 'district council' within Wiltshire shall be amended to refer to the Council.** (PC26)

5.9 **In order to reflect the fact that the draft Regional Spatial Strategy for the South West (the RSS) is expected to be adopted early in 2009 (and in any case before the Core Strategy), all references throughout the Core Strategy document to *draft* RSS should be amended to delete the word *draft*.** (PC27)

### **Other Minor Changes**

5.10 The Council wishes to make several other minor changes to the submitted DPD in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse them on a general basis in the interests of clarity and accuracy. These changes are shown in Annex 1.

## **6 Overall Conclusions**

6.1 I conclude that, with the amendments I recommend, the Wiltshire & Swindon Waste Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.

*S Holland*  
INSPECTOR



## Annex 1

### Schedule of minor changes put forward by the Councils

(The Councils suggest that a series of minor changes be made to the text of the Wiltshire and Swindon Waste Core Strategy to reflect the new unitary planning / governance arrangements within Wiltshire that will be implemented in April 2008. The Councils also suggest that additional minor amendments be made to the supporting text to address a range of typographical and contextual issues to improve the overall clarity of the Wiltshire and Swindon Waste Core Strategy.

Section / Paragraph	Proposed Change
Executive Summary Page iii 3 <sup>rd</sup> Paragraph	The Strategy gives a summary of the current characteristics of waste management activities in Wiltshire and Swindon. Important issues are identified such as the lack of waste management facilities in the Salisbury District <del>area</del> and that non-hazardous landfill sites are concentrated in the north of the Plan area.
Executive Summary Page iv 5 <sup>th</sup> Paragraph	In addition, a seventh policy ( <b>WCS7: Waste DPD Implementation, Monitoring and Review</b> ) sets out the <del>County and Borough</del> Councils' commitment to delivering a 'plan, monitor and manage' approach to bringing forward and implementing sustainable waste management facilities in a timely and appropriate manner.
Introduction Page 1 Paragraph 1.1	The <b>Wiltshire and Swindon Waste Core Strategy</b> provides a strategic policy framework for the administrative areas of Wiltshire <del>County</del> Council and Swindon Borough Council (as illustrated in <b>Figure 1</b> ). The Plan area is different to that expressed in the former Waste Local Plan by virtue of the fact that as of 1 <sup>st</sup> April 2006 a small area of <del>Salisbury District</del> <b><u>south Wiltshire</u></b> <sup>2</sup> now forms part of the New Forest National Park...
Paragraph 1.2 3 <sup>rd</sup> Sentence	Co-operation on matters relating to minerals and waste development proposals will need to involve collaborative working arrangements with the National Park, Hampshire County Council and Dorset County Council and opportunities for such interaction will be pursued by the <del>County and Borough</del> Councils.
Figure 1 Page 2	Amend <b>Figure 1</b> to illustrate the new local government arrangements covering Wiltshire (see attached).
Paragraph 1.4	All aspects of the <del>County and Borough</del> Councils' Minerals

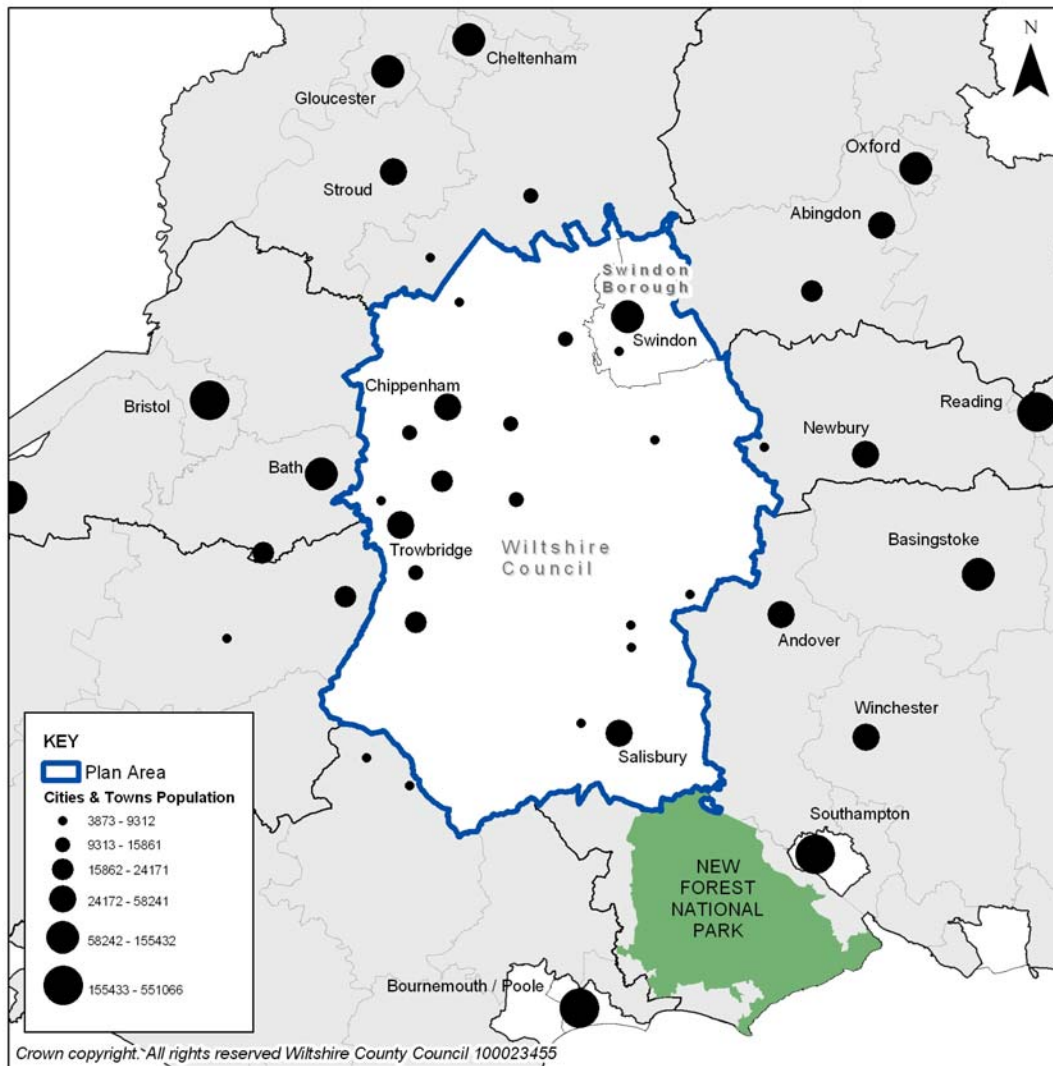
<sup>2</sup> Land comprising parts of the Parishes of Landford, Redlynch and Whiteparish have been subsumed into the administrative boundary of the New Forest National Park.

	and Waste Development Framework have to be founded on robust and credible evidence. To accompany this Strategy and all other documents in the Framework, the <del>County and Borough</del> Councils have prepared a detailed Evidence Base document...
Key Characteristics of Wiltshire and Swindon Paragraph 2.5	...The level of future growth anticipated for the <del>County and Borough</del> <b><u>Plan area</u></b> , primarily in the SSCTs...
Paragraph 2.6	The <del>County and Boroughs'</del> <b><u>Councils'</u></b> waste disposal contractor until 2016 is hills Waste Solutions Ltd...
Paragraph 2.8	Delete paragraph.
Paragraph 2.10	A number of landfill sites located in the <del>County and Borough</del> <b><u>Plan area</u></b> receive Industrial and Commercial (I&C) waste. These are located in north of the <del>County</del> at Studley Grange <del>near</del> ; Wootton Bassett and Sands Farm; <del>near</del> Calne; and limited amounts at Compton Bassett and Chapel Farm landfill sites. There are limited facilities that offer treatment capacity for I&C waste in the <del>County and Borough</del> <b><u>Plan area</u></b> with only one facility offering 40,000 <b><u>tonnes</u></b> per annum. In addition there are a larger number of small skip hire services across the <del>County and Borough</del> <b><u>in the local area</u></b> for the management of I&C waste.
Paragraph 2.11	There are a number of landfill sites in the Plan area that receive inert waste, the majority of which for restoration projects associated with mineral extraction. In <b><u>the north of the area there are</u></b> <del>North Wiltshire</del> four landfill sites currently receive <b><u>ing</u></b> inert waste. There are three sites located in <del>the w</del> <b><u>West Wilts</u></b> <del>hire area</del> <b><u>hire area</u></b> with one landfill site receiving inert waste in <del>south Wiltshire</del> <b><u>Salisbury</u></b> .
Paragraph 2.12	The County and Borough <b><u>Plan area</u></b> has limited capacity for the recycling and transfer of inert waste. There is one site located <del>within North Wiltshire</del> <b><u>in the north</u></b> and two sites in the <del>w</del> <b><u>West of Wiltshire</u></b> that recycle inert waste. In addition, there are two transfer sites in the <b><u>Plan area</u></b> <del>County and Borough</del> for the management of inert waste.
Paragraph 2.13 5 <sup>th</sup> Sentence	...There are no sites in the <b><u>Plan area</u></b> <del>County and Borough</del> for the treatment of hazardous waste. The Key Diagram ( <b>Appendix 4</b> ) illustrates the locations of all current waste management facilities in the <b><u>Plan area</u></b> <del>County and Borough</del> .
Paragraph	The Joint Municipal Waste Management Strategy

<p>2.14</p>	<p>(JMWMS) for Wiltshire was formally adopted in February 2006 and <b><u>it currently</u></b> covers the four District Councils – North Wiltshire, West Wiltshire, Kennet and Salisbury. The JMWMS <b><u>currently</u></b> stipulates that a number of new facilities will be required in order to meet these targets. A contract has been signed with <b><u>the operators of</u></b> the Lakeside Energy from Waste Facility in Slough to receive 50,000 tonnes per annum of <b><u>south Wiltshire's</u></b> Salisbury's municipal waste. There has also been an application submitted to build a Mechanical Biological Treatment (MBT) facility to recover approximately 50,000 tonnes <b><u>per annum</u></b> of West <b><u>western</u></b> Wiltshire's waste, this is currently being considered by Wiltshire County Council's Development Control Department.</p>
<p>Paragraph 2.15</p>	<p>Should the MBT plant be permitted it is estimated <b><u>that, when viewed in combination with existing waste management arrangements (including the Slough contract), it will</u></b> to offer sufficient capacity to meet Wiltshire's LATS targets until 2021 as displayed in <b>Table 1</b>...</p>
<p>Paragraph 2.19 2<sup>nd</sup> Sentence</p>	<p>...As mentioned in paragraph 2.15, a joint study is underway with Wiltshire County Council to examine a joint procurement of a recovery facility...</p>
<p>Paragraph 2.24</p>	<p>The sub-regional apportionments for inert waste set out within the South West Regional Waste Strategy (2004) illustrate that additional landfill capacity will be required for the management of inert waste within the <del>County and Borough</del> <b><u>Plan area</u></b>. (<b>Table 4</b>)-below indicates that there are sufficient inert waste recycling facilities in the <del>County and Borough</del> <b><u>local area</u></b> to meet the sub-regional apportionments over the Plan period...</p>
<p>Paragraph 3.7 3<sup>rd</sup> Sentence</p>	<p>...This is particularly true of <del>Salisbury District</del> <b><u>south Wiltshire</u></b> where there are limited waste management facilities.</p>
<p>Paragraph 5.3 4<sup>th</sup> Sentence</p>	<p>...<b><u>However,</u></b> it is not considered that this will stop cross boundary movements of waste <del>however</del> due to the very nature of the industry and that the management of waste within the <b><u>Plan area</u></b> <del>County and Borough</del> boundary may not always be the most sustainable option.</p>
<p>Paragraph 5.7</p>	<p>It <del>would</del> <b><u>will</u></b> be expected that strategic facilities would serve either large areas <b><u>within, or the entire</u></b> of the <del>County and Borough, the whole Plan area,</del> <b><u>Additionally, they may also serve</u></b> or areas of Wiltshire and Swindon and surrounding local authorities <b><u>in a more sub-regional context</u></b>. Such sites will have the</p>

	<p>characteristics that will prevent them from being accommodated on small and / or sensitive sites and locations <del>in the County and Borough</del> – the choice of location will therefore be guided by the physical characteristics of the Plan area and the principles set out in Annex E of PPS10.</p>
<p>Paragraph 5.12 5<sup>th</sup> Sentence</p>	<p>...This issue will be reviewed in a subsequent <b><u>updates of the Councils' evidence base and any</u></b> review of the Waste Core Strategy when <b><u>as</u></b> the <del>District Council's LDFs have been adopted and the specific growth areas are known</del> <b><u>identified, planned and implemented through the Councils' wider LDF work.</u></b></p>
<p>Paragraph 6.11 4th Sentence</p>	<p>...The safeguarded sites may be subject to inappropriate, <b><u>non-waste related</u></b> developments that are given planning permission by the Councils.</p>
<p>Paragraph 6.17</p>	<p>Due to the policy being aimed at housing and employment developments, <del>it is the district and unitary</del> <b><u>the Councils' development control teams</u></b> that must <b><u>will</u></b> request the <b><u>that developers prepare robust</u></b> waste management plans or audits and then consult the Councils' <b><u>policy teams</u></b> to seek <b><u>guidance on</u></b> whether the requirements of Policy WCS6 have been met...</p>

**Figure 1: Map illustrating the Administrative Areas of Wiltshire County Council and Swindon Borough Council**



Section / Paragraph	Proposed Change
Executive Summary Page iii 5 <sup>th</sup> paragraph, 2 <sup>nd</sup> Sentence	...The <del>draft</del> Regional Spatial Strategy (RSS) for the South West identifies four Strategically Significant Cities and Towns (SSCTs) in the Plan area; Swindon, Chippenham, Trowbridge and Salisbury.
Paragraph 1.2	In accordance with the <del>South West</del> Regional Spatial Strategy <b><i>for the South West</i></b> (RSS) and the provisions of section 62(2) of the Environment Act 2006...
Key Characteristics of Wiltshire and Swindon Paragraph 2.1 6 <sup>th</sup> Sentence	Swindon, Salisbury, Trowbridge and Chippenham will be the focus for growth, having been identified as Strategically Significant Cities and Towns (SSCTs) in the <del>draft</del> RSS for the South West.
Paragraph 2.4	<p>...Additionally, the New Forest National Park is located adjacent to the southern boundary of Wiltshire and is of international <b><i>national and international*</i></b> importance.</p> <p><b><i><u>Add Footnote*: The New Forest is designated as being of national significance. However, the area also contains a number of internationally important ecological designations.</u></i></b></p>
Paragraph 2.5 3 <sup>rd</sup> Sentence	The fact that <b><i>historically,</i></b> 30% of the household and industrial and commercial wastes managed in Wiltshire and Swindon is <b><i>was</i></b> imported from across the boundary indicates that the growth of places elsewhere, such as Bath / Bristol, Bournemouth / Poole and settlements in the South East, will impact upon the number of waste management facilities needed in Wiltshire and Swindon over the life of the Plan...
Paragraph 2.22 2 <sup>nd</sup> Sentence	... <b>Table 3</b> below displays the number of sites required in the Waste Site Allocations DPD to provide sufficient capacity for the management of I&C waste in-line with the sub-regional apportionments set out in the <del>draft</del> RSS for Wiltshire and Swindon.
Paragraph 2.25 5 <sup>th</sup> Sentence	...Due to these issues, <u>hazardous</u> landfill sites are generally considered as nationally and regionally important as indicated by the <del>draft</del> RSS (Policy W3).
Paragraph 2.28	The <del>draft</del> RSS states that it is not considered appropriate for each waste planning authority to identify specific sites for the management and treatment of hazardous waste in the same way that Councils are expected to identify sites

	for other waste streams.
Paragraph 2.28 4 <sup>th</sup> Sentence	The <del>draft</del> RSS advises that the region is broadly self sufficient in hazardous waste treatment capacity and has facilities for the transfer, treatment and recycling of these wastes.
Paragraph 2.32	The substantial forecast increase in population growth and housing set out in the <del>draft</del> RSS will lead to an increased demand for waste-water treatment...A water cycle study conducted by Swindon Borough Council and the Environment Agency has indicated that a new waste-water treatment plant will be required in the Swindon area in order to meet the growth projections in the <del>draft</del> RSS, this will be addressed through the Minerals and Waste Development Framework (MWDF) and the Swindon Borough Council Core Strategy...
Paragraph 3.2	Wiltshire and Swindon will see substantial population growth over the next 20 years. The <del>draft</del> RSS for the South West identifies Swindon, Chippenham, Trowbridge and Salisbury as being Strategically Significant Cities and Towns (SSCTs)...
Paragraph 3.5	A challenging aspect that the Waste Core Strategy must address is the <del>draft</del> RSS assumption that waste authorities should be ' <u>b</u> Broadly <u>s</u> Self <u>s</u> Sufficient.'
Paragraph 3.7 4 <sup>th</sup> / 5 <sup>th</sup> / 7 <sup>th</sup> Sentences	The <del>draft</del> RSS identifies that future waste sites should be located <del>in close proximity</del> <b><u>as close as practicable to (i.e. within 16km)</u></b> of the identified SSCTs in Wiltshire and Swindon. The <del>draft</del> RSS also outlines that there should be a network of local sites to supply for local need; therefore sufficient sites should be identified in rural locations...The approach to be taken to identify sites outside the 16 km <b><u>zones</u></b> buffer areas around the SSCTs is a key issue for the Waste Core Strategy, especially where the need for such facilities arises in areas of environmental designations such as AONBs <b><u>or in the immediate vicinity of the New Forest National Park.</u></b>
Paragraph 3.13	...The Key Diagram illustrates existing waste management sites, environmentally important areas, key settlements, the <del>draft</del> RSS 16 km <del>buffer</del> zones around SSCTs, employment areas and important transport routes.
The Vision... 3 <sup>rd</sup> Paragraph	The development of a sustainable waste management framework to serve the needs of Wiltshire and Swindon must ensure that the naturally and historically rich and <del>the</del> sensitive environment of the Plan area is protected and enhanced for future generations to enjoy.

Paragraph 4.4	It is <del>considered</del> <b><u>recognised</u></b> that community involvement is essential to delivering a sustainable framework of waste management facilities.		
Paragraph 4.5 2 <sup>nd</sup> / 3 <sup>rd</sup> Sentences	...The objective also identifies the SSCTs of Swindon, Chippenham, Trowbridge and Salisbury as being the key growth areas in the Plan area as outlined in the <del>draft</del> RSS. In line with Policy W2 of the <del>draft</del> RSS, the objective requires waste to be managed <del>within close proximity</del> <b><u>as close as practicable</u></b> (i.e. within 16 km) of the SSCTs...		
Paragraph 4.7	The final part of the strategic objective relates to the sustainable construction <b><u>in the built environment (including the construction</u></b> of waste management facilities).		
Strategic Objective 2 4 <sup>th</sup> Sentence	...Sustainable waste facilities <del>will be encouraged</del> that contribute to the economic growth of the Plan area <b><u>will be encouraged</u></b> .		
Paragraph 5.4 2 <sup>nd</sup> / 3 <sup>rd</sup> Sentences	...The <del>draft</del> RSS places a requirement on Waste Planning Authorities in the South West Region to make provision for sites to meet their sub-regional waste management apportionments. The strategy for meeting the requirements of the <del>draft</del> RSS's apportionments <del>will be</del> <b><u>is</u></b> based upon developing a flexible framework of strategic facilities as close as practicable to the named SSCTs and then filling capacity gaps with local-scale facilities to serve the smaller towns and villages as need arises.		
Paragraph 5.12 1 <sup>st</sup> / 3 <sup>rd</sup> Sentences	The key issues section outlines that the <del>draft</del> RSS states that the SSCTs will receive the highest amount of population growth within the Plan area (particularly in Swindon)...Exactly where the forecast growth will occur within <b><u>and around</u></b> the SSCTs <del>buffer zones</del> is still largely unknown <b><u>due mainly to the fact that a significant amount of work on allocating strategic housing and employment sites has yet to be completed for Wiltshire and Swindon.</u></b>		
Monitoring Table for WCS1	<b>Deviation from Policy WCS1</b>	<b>Council's Response</b>	<b>Monitoring Indicator</b>
	The municipal waste management strategy forecasts and the <del>draft</del> RSS sub-		



	regional apportionments are too <b>low</b> .		
	The municipal management strategy forecasts and the <del>draft</del> RSS sub-regional apportionments are too <b>high</b> .		
	<del>Draft</del> RSS guidance on being self-sufficient changes.		
Paragraph 6.7	...The policy outlines that strategic sites will need to be located within 16 km of the SSCTs identified in the <del>draft</del> RSS...This approach is based upon the guidance within the <del>draft</del> RSS to provide the SSCTs with sufficient waste sites. The approach taken in the <del>draft</del> RSS may be subject to change and the Councils may need to review the policy to reflect such a change.		
Monitoring Table for WCS2	<b>Deviation from Policy WCS2</b>	<b>Council's Response</b>	<b>Monitoring Indicator</b>
	The <del>draft</del> RSS approach to allocating sites changes.	The Councils may need to review this policy should the <del>draft</del> RSS guidance change.	Review any changes made in the <del>draft</del> RSS guidance.