

INTRODUCTION

4.1 This chapter provides a summary of relevant policy and legislation provided at the European, national, regional and local levels. It is accompanied by Figure 4.1 which shows the planning constraints directly relevant to the site. The assessment chapters that follow include a more detailed analysis of certain policies and legislation relevant to the topic being considered therein.

4.2 The policies analysed in this chapter include those contained in the Statutory Development Plan, which consists of:

- Regional Planning Guidance for the South West (RPG10) September 2001. (pending the approval of the Regional Spatial Strategy 'RSS').
- The Gloucestershire Structure Plan (Second Review) November 1999 (Saved policies).
- Gloucestershire Waste Local Plan 2002-2012 October 2004 (Saved Policies).
- Gloucestershire Minerals Local Plan 2003 (Saved Policies).
- Tewksbury Borough Local Plan March 2006 (Saved Policies).

4.3 As explained in Chapter 2, the site lies within the Cheltenham Green Belt and is approximately 2.5km west of the Cotswolds AONB. The site also lies in close proximity to the administrative boundaries of Cheltenham Borough and Cotswold District. For completeness therefore, the following Development Plans for those areas have been considered, particularly in respect of Green Belt and AONB policies:

- Cheltenham Borough Local Plan Second Review July 2006.
- Cotswold District Local Plan 2001-2011 April 2006 (Saved policies).

EUROPEAN LEGISLATION

Waste management

4.4 The **2008 Waste Directive (2008/98/EC)** provides the basis for waste management in EU Member States. Its fundamental aim is to protect human health and the environment from the negative impacts of waste generation and management. The Directive introduces the waste hierarchy as a key principle, which identifies a priority order for the ongoing management of all wastes, seeking to:

- prevent waste;
- reuse waste;

- recycle waste;
- recover value from waste; and
- where shown to be the most sustainable option for the waste stream in question, provide for the final disposal of waste.

4.5 In respect of waste management, the 2008 Directive also requires Member States to:

“take the necessary measures to ensure that waste management is carried out without endangering human health, harming the environment and in particular:

- a) without risk to water, air, soil, plants or animals;*
- b) without causing a nuisance through noise or odours; and*
- c) without adversely affecting the countryside or places of special interest”*

(Article 13).

4.6 The 2008 Directive encourages Member States to take measures to establish an integrated and adequate network of waste disposal installations for the recovery and re-use of waste. Article 11 identifies that in order to comply with the objectives of the Directive and move towards a European recycling society with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:

(a) “by 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50% by weight;

(b) by 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70% by weight” (Article 11).

4.7 The Materials Recovery Facility (MRF) element of the proposal will contribute towards meeting the targets set out in Article 11 through the recovery of non-hazardous wastes and the goal of moving waste up the hierarchy.

4.8 The 2008 Directive also applies to the control of hazardous waste in terms of its production, collection and transportation, as well as storage and treatment. These operations should be carried out in conditions providing protection for the environment and human health, including traceability from production to final destination. Article 18 bans the mixing of hazardous

waste either with other categories of hazardous waste or other waste, substance or materials.

4.9 The process and management of the disposal of waste to landfill must conform to legislation set out in the **Council Directive on the Landfill of Waste (1999) (99/31/EC)**. This Directive introduced important implications to the management of waste including the requirement for Member States to set up a national strategy to reduce biodegradable waste going to landfills and introduced a ban on certain wastes no longer considered acceptable to go to landfill.

4.10 The 1999 Directive's overall objective is to:

‘prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill’ (Article 1).

4.11 The 1999 Directive introduced controls that further restrict the manner in which waste can be disposed of and where. It divides landfill facilities into one of three classes: landfill for hazardous waste; landfill for non-hazardous waste; and landfill for inert waste. The 1999 Directive also brought an end to the co-disposal of hazardous waste with non-hazardous waste in landfills, and introduced the need to treat waste before it went to landfill, save for inert waste where treatment is not technically feasible.

NATIONAL LEGISLATION, STRATEGIES AND POLICY

Waste Management

4.12 The **Landfill Regulations 2002** (as amended) transpose the European Council Directive 99/31/EC on the landfill of waste into English law. The 2002 Regulations establish the main technical and regulatory requirements for landfills. The Regulations covers the control and monitoring of operational landfill sites (including procedures for closure and after-care), and identify rigorous technical and operational requirements to provide measures to prevent or reduce negative effects on the environment and human health.

4.13 The Regulations require the classification of landfills before the granting of a landfill permit. The Environment Agency is responsible for classifying landfill sites as either: a) landfill for hazardous waste; b) landfill

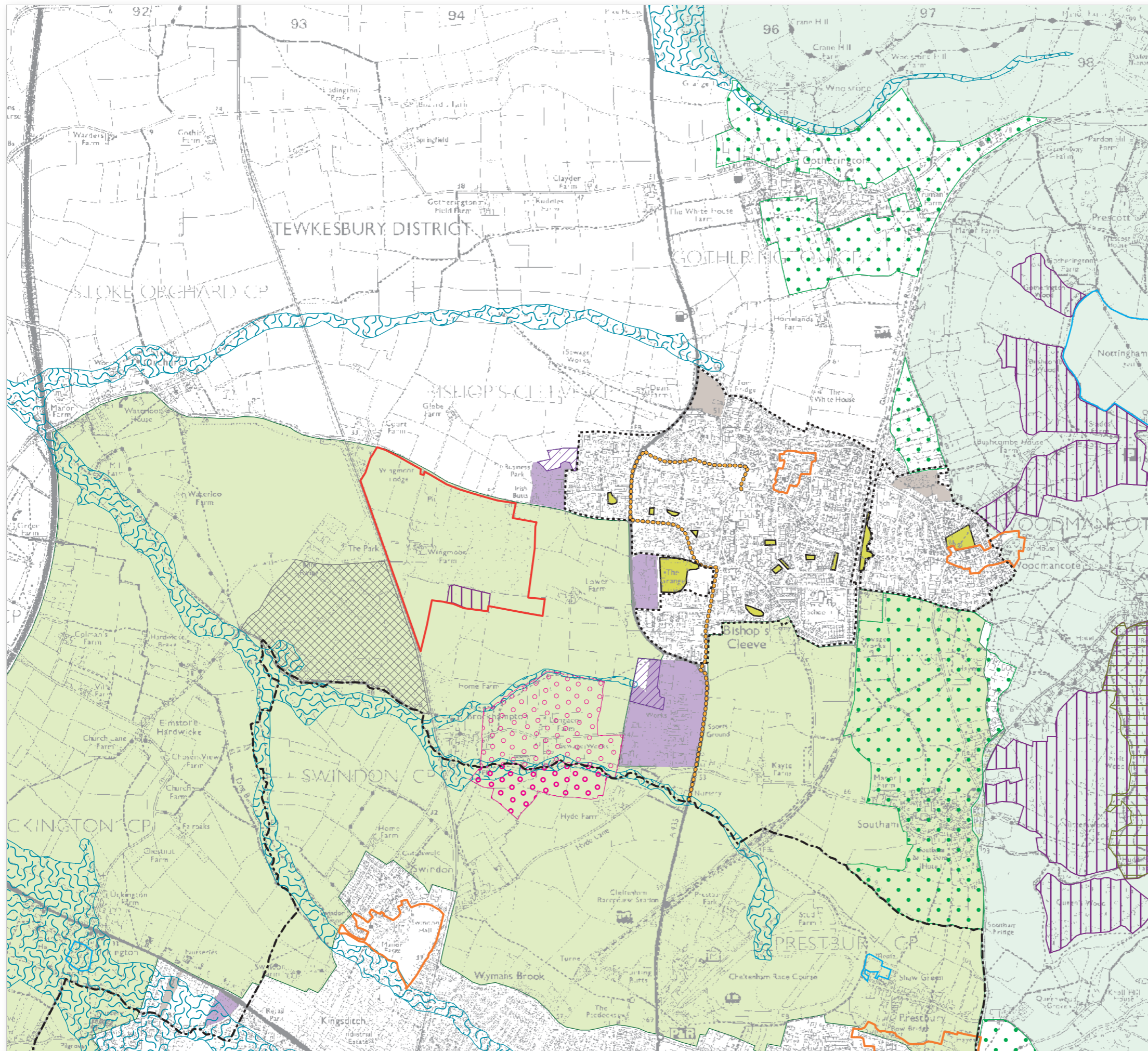


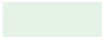

















Figure 4.1 : Planning Policy Context

-  Planning application area
-  Local Authority Boundary
-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Site of Special Scientific Interest
-  Key Wildlife Site (Gloucestershire Wildlife Trust Reserve)
-  Scheduled Ancient Monument
-  Housing Allocation
-  Conservation Area
-  Important open space
-  Extent of Extreme Flood
-  Wingmoor Farm West
-  Green Belt
-  Public transport corridor
-  Major employment site
-  Land allocated for employment use
-  Sewage treatment works odour zone (Tewkesbury)/Development exclusion zone (Cheltenham)
-  Residential development boundary



Source. Tewkesbury Borough Local Plan to 2011
Cheltenham Borough Local Plan July 2006

Scale: 1:25 000

Based upon the Ordnance Survey scale map with the permission of
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for non-hazardous waste or c) landfill for inert waste. The Regulations prohibit the acceptance of certain wastes at landfill (all liquid wastes and certain solids) and introduced the requirement for the pre-treatment of waste prior to landfill, save for inert waste and waste where treatment would not reduce its quantity or the hazard that it poses to human health or the environment.

4.14 The Regulations set out waste acceptance criteria that apply to all three types of landfill, with separate additional criterion that must be met for each individual landfill classification. The general requirements for landfill sites (including locational considerations, design, leachate collection system, geological barriers and the requirements for the collection of landfill gas and the implementation of measures to minimise the nuisance arising from landfill) are also set out in the Regulations.

4.15 The **Hazardous Waste Regulations 2005** establishes a framework for the control and tracking of hazardous waste. The Regulations require waste to be separated and stored safely on site. The mixing of hazardous waste with other hazardous waste is prohibited except under license or permit. The Regulations require that consigners of hazardous waste keep records of all consignments received, and submit quarterly returns to the Environment Agency. Such sites are subject to inspection and monitoring.

4.16 The 2005 Regulations replaced the Special Waste Regulations 1996 to reflect the European Commission's revision of the list of hazardous waste and its incorporation into the European Waste Catalogue. The revised list includes a wider spectrum of waste classified as 'hazardous' compared to the previous waste classification of 'Special Waste'. The classification of landfill sites, as set out in the Landfill Regulations 2002, as either: a) landfill for hazardous waste; b) landfill for non-hazardous waste or c) landfill for inert waste, resulted in the reduction of sites that could accept hazardous waste. In the context of this increased spectrum of waste being classified as 'hazardous waste', coupled with the reduction in landfill capacity for hazardous waste, Wingmoor Farm is an important regional facility, which is also of potential national significance. A view that is put forward by the emerging RSS.

4.17 The Government's vision for sustainable waste management for the period up to 2020 is set out in the **Waste Strategy for England (2007)** (the Waste Strategy). The Waste Strategy is the UK Government's response to the Waste Directive's requirement for each member state to prepare a national waste management and policy framework and sets out the Government's overall objective for waste policy as:

"Protection of human health and the environment by producing less waste and by using it as a resource wherever possible. Through more sustainable waste management – reduction, re-use, recycling, composting and using waste as a source of energy – the Government aims to break the link between economic growth and the environmental impact of waste."

(Source: Waste Strategy for England 2007; Box 1.5)

4.18 The Waste Strategy identifies that reducing waste is the most important step to achieving the goal of 'One Planet Living' (BioRegional and WWF concept) and addressing the threat from dangerous climate change. 'One Planet Living' (official Government target) is a global initiative based on 10 principles of sustainability; achieving zero waste is the second guiding principle. The Waste Strategy seeks to achieve this goal by building on the objectives set out in the previous National Waste Strategy (2000), including continuing to encourage both the diversion of waste from landfill and faster progress with recycling and recovery rates. The waste hierarchy remains central to the waste management approach. For a small amount of residual material, landfill will be necessary. The strategy identifies the importance of effective waste management to provide sustainable waste services that observe high environmental standards.

4.19 The Waste Strategy sets higher national targets for the recycling of household waste and the recovery of municipal waste compared to the 2000 Strategy. Targets for commercial and industrial waste include a 20% reduction from 2004 levels by 2010. The Government has identified key waste materials where diversion from landfill could realise significant environmental benefits. These include paper, food, glass, aluminium, wood, plastic and textiles. In order to achieve more efficient recovery of materials and energy, the Waste Strategy advocates increased segregation and sorting of waste at (or close to) its source by households and businesses. This requires planning for and investment in infrastructure for the collection, sorting, reprocessing and treatment of waste, by local authorities, business and the third sector (paragraph xxiv).

4.20 MRFs, such as the one that forms part of the proposals, are therefore key facilities in meeting the Government's targets for the recovery of municipal, commercial and industrial waste and the goal of moving waste up the hierarchy.

4.21 The Waste Strategy also explains that, in line with the waste hierarchy, landfill will continue to play a role in waste management, meeting the disposal needs of those wastes that cannot be recycled or form which value

cannot be recovered. This responsible approach is essential to any waste planning or management framework, at a national, regional or local level. Without the ability to manage residual wastes at appropriate, safe disposal facilities, significant sustainability issues will arise. It is essential that as progress continues to be made towards higher recovery rates for all wastes, sufficient resources are planned for and provided to allow for forecasted waste 'residuals' to be managed, for example through landfilling. In this context, the site contributes to the provision of such facilities at a local, regional and national level.

4.22 Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management (2005) forms part of the Government's approach to delivering strategic waste planning through a more flexible system. The policy advocates the protection of human health and the environment by producing less waste and by using it as a resource wherever possible. In terms of key planning objectives, it identifies that Regional Planning Bodies and all planning authorities should amongst other things:

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and businesses, and encourage competitiveness;
- protect Green Belts but recognise the particular locational needs of some types of waste management facilities when defining detailed Green Belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission (paragraph 3).

4.23 PPS10 requires Regional Planning Bodies to work alongside waste planning authorities to develop a realistic and integrated waste management framework, which takes account of the tonnage of waste requiring management and considers the need for additional waste management capacity of regional or sub-regional significance (paragraph 6). Waste planning authorities should, when preparing their Waste Core Strategies, set

out policies for the management of waste in line with the RSS, ensuring sufficient opportunities for the provision of waste management facilities in appropriate locations, including those for waste disposal (paragraph 16).

4.24 In considering applications for waste management facilities, PPS10 makes it clear that waste planning authorities should not concern themselves with the control process, which is a matter for the pollution control authorities (paragraph 26). Annex E of PPS10 sets locational criteria that should be considered in testing the suitability of sites and areas for waste management facilities. The list includes the following considerations: environmental, visual, traffic and access, nature conservation, built heritage, air emissions, odours and vermin and birds.

4.25 **Planning for Sustainable Waste Management: A Companion Guide to PPS10 (June 2006)** provides guidance for the preparation, implementation and monitoring of Regional Spatial Strategies (RSS) and Local Development Documents (LDD) in order to achieve the waste strategy objectives for an area. It also provides advice on the consideration of planning applications.

4.26 The guide identifies that *'waste management is fundamental to the delivery of sustainable communities. Planning for sustainable waste management requires integration with other areas of spatial planning'* (paragraph 7.3). In considering planning applications, WPAs are required to implement the planning strategy. Proposals for waste disposal facilities should demonstrate that the envisaged facility would not undermine the waste planning strategy and the objective of moving up the waste hierarchy. Good design and layout is recognised as helping to achieve sustainable waste management by mitigating environmental impacts, including visual appearance and reducing amenity impacts.

Mineral extraction and management

4.27 **Minerals Policy Statement 1 (MPS1): Planning and Minerals (2006)** sets out the Government's objectives for minerals planning. The national vision for minerals planning, as outlined in MPS1, is to contribute to the achievement of sustainable development through the following objectives:

- *"to ensure, so far as practicable, the prudent, efficient and sustainable use of minerals and recycling of suitable materials, thereby minimising the requirement for new primary extraction;*
- *to conserve mineral resources through appropriate domestic provision and timing of supply;*

- to safeguard mineral resources as far as possible;
- to prevent or minimise production of mineral waste;
- to secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the extraction, processing, management or transportation of minerals;
- to protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in exceptional circumstances;
- to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage;
- to maximise the benefits and minimise the impacts of mineral operations over the full life cycle;
- to promote sustainable transport of minerals by air, sea or inland waterways;
- to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses;
- to secure closer integration of minerals planning policy with national policy on sustainable construction and waste management and other applicable environmental protection legislation; and
- to encourage the use of high quality materials for the purposes for which they are most suitable” (paragraph 9).

4.28 Building on these objectives, national policies for minerals planning have been set, including the following that are of relevance to these proposals:

- The protection of heritage and countryside – Taking account of international, national and local designations and the value of the wider countryside and landscape. Mineral extraction need not be inappropriate development nor conflict with the purposes of Green Belts. The restored after-use would have to be consistent with Green Belt objectives.
- Supply – Identify at regional level minerals of national and regional significance, identify areas of search/preferred areas and apply the principles of sustainable development to maintain an adequate and steady supply.
- Bulk transportation – seek to promote the bulk movement of minerals, safeguard and promote rail links.
- Environmental protection – seek to protect and enhance the character of the surrounding areas, maintaining good environmental management, ensure impacts associated with mineral extraction are in conformity with national guidance to reduce potential adverse impacts.

- Efficient use – encourage efficient use of minerals, minimise the amount of waste from extraction and for waste to be used for recycling or in-site restoration.
- Restoration - Take account of opportunities for enhancing the overall quality of the environment, providing high quality timely restoration and aftercare.

4.29 **Minerals Policy Statement 2 (MPS2): Controlling and mitigating the environmental effects of mineral extraction in England (2005)** sets out how Mineral Planning Authorities should minimise any significant adverse environmental effects that may arise from minerals working. Proposals for mineral extraction and associated development should take account of potential impacts associated with the landscape and visual intrusion.

4.30 It also requires proposals to consider their effects upon water pollution, noise, dust and fine particulates, blasting, traffic, ecology and wildlife, habitat loss, soil resources, agricultural land, nature conservation, cultural heritage and archaeology, as well as considering benefits such as providing an adequate supply of minerals to the economy, job creation, biodiversity and amenity improvements through mineral working and subsequent restoration.

4.31 MPS2 is accompanied by separate technical appendices on specific environmental effects such as dust and noise. Annex 1: Dust, outlines methods of reducing and controlling dust and good practice in dust assessment. Annex 2: Noise, considers policy in relation to noise and give examples of good practice for noise reduction.

Sustainable development

4.32 The Government’s sustainable development strategy ‘Securing the Future’ (2005), develops the aims of the previous strategy ‘A Better Quality of Life’ (1999) and demonstrates how it will integrate the aims outlined in the 1999 Strategy. The guiding principles for sustainable development, which will be the basis for policy in the UK are identified as including:

- Living within environmental limits
- Ensuring a strong, health and just society
- Achieving a sustainable Economy
- Promoting Good Governance
- Using Sound Science Responsibility

4.33 Priority areas identified for immediate action in the pursuit to achieving sustainable development include:

sustainable consumption and production; climate change and energy; natural resource protection and environmental enhancement and sustainable communities.

4.34 **Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)** provides national guidance and policies on delivering sustainable development through the planning system. Sustainable development is the core principle underpinning planning (paragraph 3).

4.35 PPS1 affirms the Government’s commitment to protecting and enhancing the quality of the natural and historic environment, with a high level of protection being given to the most valued landscapes, wildlife habitats and natural resources. Planning authorities should seek to enhance the environment as part of development proposals (paragraph 19). PPS1 advocates the prudent use of resources and promotes the efficient use of land rather than making new demands on the environment.

4.36 As a supplement to PPS1, ‘**Planning and Climate Change**’ (2007) sets out how planning should contribute to reducing emissions and contribute to stabilising climate change. Key planning objectives include securing new development and shaping places that minimise vulnerability and are resilient to climate change.

4.37 In determining applications, planning authorities should consider environmental performance, taking account of the climate the development is likely to experience over its life time, planning authorities should expect new development to, amongst other things:

- Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and support opportunities for decentralised and renewable or low-carbon energy supply;
- Deliver a high quality local environment;
- Provide public and private open space, which could have opportunities for flood storage, wildlife and people, provided by multifunctional spaces.

Areas of Outstanding Natural Beauty

4.38 The site lies to the west of the Cotswold Area of Outstanding Natural Beauty (AONB), **Planning Policy Statement 7 (PPS7): Sustainable Rural Development (2004)** is therefore relevant. AONBs have been confirmed by the Government as having the ‘highest status of protection in relation to landscape and scenic beauty. The

conservation of the natural beauty of landscapes and countryside should therefore be given great weight in planning policies and development control decisions in all these areas’ (paragraph 21). The purpose of AONB designations is to conserve and enhance the natural beauty of landscapes. As such the views from the Cotswold AONB in relation to the application site have been considered in the proposed site restoration scheme.

Green Belts

4.39 National planning advice on Green Belts is provided in **Planning Policy Guidance 2 (PPG2): Green Belts (1995, amended in March 2001)**. The intention of PPG2 is to prevent urban sprawl ‘by keeping land permanently open; the most important attribute of Green Belts is their openness’ (Para 1.4).

4.40 There are five purposes for including land in Green Belts. These are:

- “to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land “ (paragraph 1.5).

4.41 Paragraph 1.6 of PPG2 identifies the use of land in Green Belts. Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:

- “to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interests; and
- to retain land in agricultural, forestry and related uses” (paragraph 1.6).

4.42 The extent to which the use of land achieves these objects is not a material factor for inclusion of land within a Green Belt, it is the purposes that are of ‘paramount importance to their continued protection, and should take precedence over the land use objectives.’ (paragraph 1.7).

4.43 There is a presumption against inappropriate development in Green Belts. The construction of new buildings inside a Green Belt is also considered inappropriate unless it is for the following purposes amongst others:

“essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it” (paragraph 3.4).

4.44 Mineral extraction need not conflict with the purpose of including land in the Green Belt, high environmental standards should be maintained and the site well restored. Large-scale redevelopment of land in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments) should so far as possible contribute to the achievement of the objectives for the use of land in Green Belts (paragraph 3.13).

Other National Policies

4.45 The following PPSs and PPGs are also of relevance and have influenced the shaping of the proposals and are considered in the relevant topic chapters:

- *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation. August 2005.*
- *Planning Policy Guidance 13 (PPG13): Transport. April 2001.*
- *Planning Policy Guidance 15 (PPG15): Planning and the Historic Environment. September 1994.*
- *Planning Policy Guidance 16 (PPG16): Archaeology and Planning. November 1990.*
- *Planning Policy Statement 22 (PPS 22): Renewable Energy. August 2004.*
- *Planning Policy Statement 23 (PPS 23): Planning and Pollution Control (PPS23). November 2004*
- *Planning Policy Guidance 24 (PPG24): Planning for Noise. October 1994.*
- *Planning Policy Statement 25 (PPS25): Development and Flood Risk. December 2006.*
- *Mineral Planning Guidance 2 (MPG2): Applications, Permissions and Conditions. July 1998.*
- *Mineral Policy Guidance 7 (MPG7): Reclamation of Mineral Workings 1996.*

REGIONAL POLICY AND STRATEGY

Regional Planning Guidance for the South West (RPG 10) (September 2001).

4.46 Adopted in September 2001, Regional Planning Guidance Note for the South West (RPG 10) forms part of the Development Plan and is the statutory Regional Spatial Strategy (RSS) until the Government Office publishes the emerging Regional Spatial Strategy for the South West.

4.47 The vision of RPG10 is to promote sustainable patterns of development through minimising the need to develop on greenfield sites and promoting development on previously development land. The principles for future development (Policy VIS 2) includes making adequate provision for all land uses, including those with large space requirements and those that can not be accommodated in urban areas.

4.48 RPG10 identifies the need for a step change in waste management in the South West in order to move from the historic dominance of sending waste to landfill. In 2001, the Environment Agency produced ‘A Waste Management Assessment for the South West’, which considered data for the production and treatment/management of municipal, commercial, industrial and other waste. RPG10 identifies that *“The targets assume, for the purposes of the interim strategy, a 3 per cent growth in the amount of waste per annum up to 2010 (in line with the Waste Management Assessment) and nil growth beyond”* (paragraph 9.28). The growth in waste to 2010 needs to be catered for through a package of sustainable waste management facilities.

4.49 RPG10 also seeks to ensure that as much waste as possible should be managed in or close to Principal Urban Areas (PUAs) and the expansion of appropriate management facilities in those locations is a key spatial priority of the interim strategy. The application site is located 16km north east of Gloucester and 2.5km north of Cheltenham, both of which are PUAs.

4.50 A key objective of RPG10 is to safeguard and enhance the quality and diversity of the natural, cultural and built environment, giving the highest level of protection to designated areas and features of national and international importance. Policy EN1 (Landscape and Biodiversity) identifies amongst other things that Local authorities should *“provide for the strong protection and enhancement of the region’s internationally and nationally important landscape areas and nature conservation sites; and indicate that the protection and, where possible, enhancement*

of the landscape and biodiversity should be planned into new development” (Policy EN1).

4.51 Mineral extraction must achieve a balance between economic value, the finite character of minerals and the adverse effect that extraction can have on other natural assets. Schemes, apart from those that are minor in nature, should not be located in, or where they might adversely affect an AONB other than in exceptional circumstances, and then only after the most rigorous examination where they are demonstrated to be in the public interest. For the movement of minerals, where economically and technically feasible, non-road transport should be promoted. Where this is not possible, maximum use should be made of motorways, trunk and principle roads.

4.52 Policy RE3 sets out the approach to be taken in identifying sites for mineral extraction, controlling associated environmental and transport impacts and returning sites to beneficial after-use. Policy RE4 addresses the use and supply of aggregates including the identification and safeguarding of sites, the identification and use of alternatives to primary aggregate production and the conservation of and optimum use of high quality primary aggregates.

Emerging Regional Spatial Strategy for the South West.

4.53 The draft RSS identifies that *“managing waste is one of the greatest challenges facing the region over the period of the RSS”* (paragraph 7.33). Drawing on the Regional Waste Strategy: ‘From Rubbish to Resource’ (2004), the South West’s approach to waste is to *“minimise the amount of waste produced in the region, and then to make a major shift away from the current reliance on landfill of untreated waste, so that by 2020 less than 20% of waste produced in the region will be landfilled”* (paragraph 7.4.1).

4.54 Waste Planning Authorities (WPAs) should make provision for a network of strategic and local waste facilities including treatment and disposal sites in their Local Waste Development Frameworks (Policy W1). Policy W1 sets out annual municipal waste management capacities for landfill disposal for target years (table 1) and annual commercial and industrial waste management capacities for target years (table 2). The figures represent a significant reduction from the current position and the calculation assumes diversion of sufficient quantities from landfill to meet the requirements of the Landfill Directive.

4.55 The draft RSS outlines a need for the provision of new waste management facilities to accord to a sequential

approach, which includes managing waste as close as practicable possible to where it arises. Further, the location of new strategic waste management or disposal facilities should accord with the following sequential approach:

“be at SSCTs (strategically significant cities and towns), as follows:

- *within, or if that is not practicable;*
- *on the edge of, or if that is nor practicable;*
- *in close proximity to the urban area primarily served by the facility”* (Policy W2)

In support of Policy W2, paragraph 7.4.8 identifies that there is a preference for *“strategic facilities at or near SSCTs”* (paragraph 7.4.8 and Policy W2). A distance of 16km should be regarded as an indicator of ‘close proximity’ to an urban area (paragraph 7.4.8). Cheltenham and Gloucester are both SSCTs. The application site is approximately 2.5km north of Cheltenham and 16km north east of Gloucester.

4.56 Policy W1 also identifies that the provision of new waste facilities should take account of the following including: *“Other previously developed land, including use of mineral extraction and landfill sites during their period of operation for the location or related waste treatment activities”* (Policy W1).

4.57 The market for hazardous waste disposal is regarded as a highly specialised activity that operates in a market of regional and national scale. The Regional Technical Advisory Body (RTAB) estimates that the region will require an annual disposal capacity of 40,000 tonnes for Stable Non-Reactive Hazardous Wastes and 65,000-80,000 tonnes per annum of general hazardous waste. Policy W3 identifies that:

“Waste Planning Authorities should recognise the need for the development of capacity for the disposal of Stable Non-Reactive Hazardous Wastes at existing or proposed new landfill facilities (identified in Policy W1) and safeguard capacity for the disposal of other hazardous wastes at existing sites permitted and authorised as hazardous waste landfill sites provided they are environmentally acceptable.”

4.58 The region should seek to make a contribution to the national need as well as its own regional requirements. In terms of existing sites and future provision, the draft RSS states that:

“Existing sites being located on the region’s eastern boundary and close to the primary road network are well positioned to serve the regional and the wider national market for

hazardous waste disposal. Existing sites should be safeguarded with proposals for extensions considered in the context of the regions' contribution to wider national need's and the proposal's local environmental impact" (paragraph 7.4.11).

4.59 The application site is an existing landfill site on the region's eastern boundary and close to the primary road network (M5). The application site handles non-hazardous waste and is the largest site handling hazardous waste in the South West. The application site is of considerable importance in regional and local planning policy terms.

4.60 Policies RE10 and RE11 identify the need to ensure progress is made towards the South West's contributions to national aggregate requirements and to safeguard mineral resources of local, regional and national economic importance from sterilisation. Policy RE12 goes on to recognise that the provision of primary aggregates in the South West will need to be supplemented through the provision of 121 million tonnes of recycled and secondary aggregates between 2001-2016, and a further 75.8 million tonnes between 2016 and 2026.

4.61 Paragraph 4.1.28 of the draft RSS identifies that *'The Green Belt will continue to maintain the separate identities of Cheltenham and Gloucester by keeping land open between them'* (paragraph 4.1.28). Policy HMA 3: Gloucester and Cheltenham HMA, identifies that the general extent of the Cheltenham and Gloucester Green Belt will be maintained subject to alternations to accommodate urban extensions at five Areas of Search, which includes the provision of 1,000 units west of Bishop's Cleeve. The proposals will not interfere with the purpose of the Green Belt to maintain the separate identities of Cheltenham and Bishop's Cleeve, by keeping the land open between them. It is also not expected that the Green Belt status of the land surrounding the application site will change.

4.62 The conservation and enhancement of AONBs will be given priority over other considerations in the determination of development proposals. Draft policy ENV3 states that *"particular care will be taken to ensure that no development is permitted outside the National Park or Areas of Outstanding Natural Beauty which would damage their natural beauty, character and special qualities or otherwise prejudice the achievement of National Park or Area of Outstanding Natural Beauty purposes"* (Policy ENV3). The final restoration scheme, including the contours, land uses and landscape design, has been designed considering the views from the Cotswold AONB.

The Regional Waste Strategy for the South West (RWSSW) 2004 – 2020.

4.63 The key aim of the Regional Waste Strategy for the South West (RWS) is to ensure that by the year 2020 over 45% of waste is recycled and reused, and less than 20% of waste produced in the region will be landfilled. The Strategy adopts the waste hierarchy in order to reduce the amount of waste that is produced. The spatial elements of this strategy have been integrated into the draft RSS, including the indicative sub-regional waste management capacity targets for each sub-region.

4.64 The RWS forecasts growth rates for municipal, commercial, industrial and construction and demolition waste, with annual regional growth rates compounded to 2020 to be 1.9%, -0.9% and 0% respectively. The strategy for waste is based on a detailed background study, which identifies that 500-600 facilities will need to be provided in the South West region by 2020. The RWS requires waste development plans to ensure that, where there is a need for additional capacity to meet the need for landfilling of residual waste within the sub-region, priority will be given to the reuse of previously developed, derelict and despoiled land.

LOCAL POLICIES

The Adopted Gloucestershire Structure Plan (Second Review). November 1999 (Saved policies).

4.65 The Gloucestershire County Council Structure Plan (GSP) Second Review was adopted in November 1999 and covers the period to 2011. The GSP seeks to promote sustainable patterns of development. New development should safeguard and enhance the local character and distinctiveness, including the quality of the landscape, the setting of settlements within the landscape, quality of the built and historic landscape, landscapes of archaeological and historical value and distinctiveness of wildlife and habitats.

4.66 A new approach to waste management is required; in the past there has been an over-reliance on waste disposal by landfill. The GSP pursues a sustainable approach to waste management based on three key objectives:

- i) *"Reduce the amount of waste produced;*
- ii) *to make best use of the waste that is produced; and*
- iii) *to choose waste management practices that minimise the risks of immediate and future environmental pollution and harm to human health"* (paragraph 12.2.2).

4.67 Many of the waste policies in the GSP refer to the Best Practicable Environmental Option (BPEO), an approach that is no longer followed, and therefore those particular provisions are no longer relevant. The GSP advocates that primary waste management facilities should be located near to major concentrations of waste arising, including the Cheltenham / Gloucester urban area, and ensure there is no adverse impact on important landscape and nature conservation areas. Operational regimes and the restoration of landfill sites should be to the highest standard in order to minimise the various potential impacts of the development. Restoration proposals should be in keeping with the surrounding landscape and appropriate for the intended after-use, which will require consideration during the preparation of proposals.

4.68 Gloucestershire is a regionally important source of minerals and the GSP guides that future mineral working in the Gloucestershire should embrace the principles of sustainable development. Potential workable mineral resources will as far as possible be safeguarded from sterilisation by other forms of development (Policy M.6). The environmental impacts associated with the extraction and processing of remaining minerals resources should be kept to an acceptable minimum. In making the provision for the supply of minerals appropriate protection should be given to the nationally, regionally and locally important areas of landscape and nature conservation (Policy M.3). Mineral working must also ensure that the amenity of local communities and access to the countryside is safeguarded and where possible enhanced; pollution of land, water and air prevented; and worked out land is reclaimed to a state suitable for beneficial after-uses (Policy M.4).

4.69 Policy NHE.4 refers to development within the AONB. Views from the AONB contribute to the AONB designation and are considered in the Landscape Chapter of this ES. Policy NHE.5 identifies that *"provision should not be made for development that would detract from the particular landscape qualities and character of Special Landscape Areas"*.

4.70 The Cheltenham and Gloucester Green Belt covers approximately 8,100 hectares and was initially incorporated into the County of Gloucestershire Development Plan First Quinquennial Review in 1960. It was considered essential to *"preserve the open character of the land between the towns of Cheltenham and Gloucester and to prevent these communities merging into one another"* (Gloucestershire County Council Structure Plan 2nd Review, 1999, paragraph 9.1.2). The 1981 Structure Plan extended the Green Belt to the north of Cheltenham to prevent coalescence with Bishop's Cleeve.

4.71 The GSP identifies that within the Cheltenham and Gloucester Green Belt, only appropriate development that would not compromise the open character of the Green Belt, or which would not contribute to the coalescence of settlements will be permitted. Where there are opportunities to fulfil the objectives for land use in the Green Belt (PPG2), these will be supported by the County Council. The application site occupies 78.65 hectares of the Cheltenham and Gloucester Green Belt. The proposals include the restoration of the site that will maintain the purposes of the Green Belt, particularly preventing the merger of communities into one another.

4.72 As a result of the 2004 Planning and Compulsory Purchase Act and the introduction of Regional Spatial Strategies, the **Third Alteration Gloucestershire Structure Plan** has not been formally adopted by the County Council, although the plan was subject to all the appropriate preparation procedures. Where applicable, the draft provisions of this document have been considered in the preparation of these proposals and in this ES.

Gloucestershire Waste Local Plan 2002-2012 (GWLP) October 2004 (Saved policies).

4.73 Gloucestershire's vision for the period 2002-2012 is to minimise waste generation; treat waste as a valuable resource, maximising re-use, recovery and recycling; and reduced the loss of amenities caused by waste management development. The aim of the GWLP is to help establish a sustainable waste management system for Gloucestershire. The GWLP identifies that *"improved waste management is an essential part of the drive towards sustainability"* (paragraph 2.7). Twelve key objectives provide the policy framework of the GWLP, which includes making the most efficient use of land by re-using existing waste management sites in preference to greenfield sites. The recovery of waste and safe disposal forms part of the Waste Hierarchy and waste management options.

4.74 The application site was previously identified and safeguarded in the GWLP as both a preferred "strategic" and "local" site for waste management facilities (referenced in the GWLP as Wingmoor Farm East, Bishop's Cleeve and Wingmoor Farm South East, Bishop's Cleeve respectively). Under the list of strategic waste management sites (handling excess of 50,000 tonnes of waste per annum), part of the application site was identified as having the potential for the following waste management options; Waste to Energy Recovery (WtE), Materials Recovery Facility (MRF), Inert Recovery and Recycling, a well-established waste

management facility, Anaerobic Digestion, Waste Transfer Station and compositing. The site of the MRF was included within the “local site” list (handling less than 50,000 tonnes of waste per annum). A MRF was listed as a potential use of this site also.

4.75 As a result of the 2004 Planning Act, Gloucestershire had to apply to the Government Office to save policies beyond September 2007. Since the BPEO approach has been superseded by PPS10, policies referring to the BPEO have not been saved in the GWLP. This includes Policy 4: Waste Management Facilities for Strategic Sites and Policy 5: Waste Management Facilities for Local Site.

4.76 The GWLP identifies that proposals for waste management will be determined taking account of the effect on the environment. Where appropriate, measures to mitigate, attenuate and control noise, dust, litter, odour, landfill gas, vermin, leachate and flue emissions should be incorporated into the proposal (Policy 37). Additional handling, treating, processing or disposal of special wastes (now referred to as hazardous waste) will be permitted if it forms part of a sustainable waste management system (Policy 16).

4.77 GWLP requires the reinstatement of sites formerly used for waste management and disposal through suitable measures and including appropriate aftercare of that land in a sustainable manner by an established date (Policy 42). The GWLP also encourages the after-use of waste management sites that benefit the local community, diversify the local economy, improve amenity and enhance biodiversity and wildlife habitats (Policy 43). Locally designated sites for nature conservation must also be protected.

Emerging Gloucestershire Waste Development Framework

4.78 When adopted, the Waste Core Strategy (WCS) will form part of the statutory development plan for Gloucestershire, containing a spatial vision and core policies for managing the County’s waste over the next 10-20 years. The Preferred Options consultation took place in early 2008. The next stage in the process (timetabled for August-September 2009) will be the consultation on the potential site options for strategic waste management facilities to be included in the WCS. This will be followed by the publication of the draft submission WCS that will include a 6 week consultation in August-September 2010. The planned submission date of the WCS to the Secretary of State is December 2010, with the Independent Examination commencing in April 2011. Once adopted (timetabled for December 2011),

the WCS will replace the Gloucestershire Waste Local Plan 2002-2012.

4.79 Reducing the amount of waste produced is the overarching objective of the draft WCS. The preferred spatial vision includes the minimisation of waste production to achieve zero growth by 2020 and maximising opportunities for re-using and recycling waste.

4.80 The preferred strategic waste management objectives include, amongst others: to preserve and enhance the quality of Gloucestershire’s environment, avoiding undesirable environmental effects including risk to human health and unacceptable impacts of designated landscapes; reducing the environmental impacts of transporting waste through managing the majority of Gloucestershire’s waste within a reasonable distance from its source and encouraging sustainable means of transporting waste; and co-locating related facilities on existing waste sites or previously developed sites in preference of undesignated greenfield sites (draft Policy WP02).

4.81 The WCS also recognises that after all waste recycling, diversion targets and initiatives have been met, a residual tonnage of waste will remain, which will require disposal to landfill. To ensure that Gloucestershire promotes a sustainable waste management infrastructure, the draft WCS recognises the need for the provision of ongoing non-hazardous landfill capacity in the County. The WCS recognises the application site as playing a key role in providing such capacity and contributing to that sustainable network of waste management facilities.

4.82 Paragraph 106 identifies that at current rates, the four main licensed non-hazardous biodegradable sites have a voidspace that would last about 10 years. The strategy for the County Council is to reduce these current rates and husband the existing voidspace. Paragraph 107 identifies that *‘If this strategy is successful then the currently permitted voidspace could last until 2019/20 or beyond’* (paragraph 107). Figure 10 identifies that Wingmoor Farm East (the application site) is one of these four sites. A number of technical papers have been produced to support the Preferred Option WCS. Technical Evidence Paper WCS A – Data discusses scenarios for landfilling non-hazardous biodegradable waste, the void space at Wingmoor Farm East is a variable considered in terms of the capacity of voidspace and future provision for the disposal of waste for Gloucestershire.

4.83 The locational strategy for strategic waste management facilities in the draft WCS relates directly

to the draft RSS policy W2, which advocates a sequential approach to identifying new waste management facilities. Sites should be within; on the edge of or in close proximity (within 16km) to the urban areas primarily served by the development (paragraph 94, draft WCS). Analysis based on this policy approach revealed 4 defined zones; zone C is the favoured search area for waste management facilities. Zone C is split into 5 more specific search areas, these areas have been consulted on in the Preferred Options WCS consultation. The application site is located in Zone C.

4.84 The draft WCS also considers the requirement of Policy W2 of the draft RSS, which requires new waste facilities to take account of opportunities to co-locate complementary activities. The criteria outlined in the WCS that are considered to be important for finding sites to manage waste include: proximity to the primary road network; located near waste arising; preventing environmental pollution; away from sensitive land uses; located with complementary existing facilities; avoiding areas of flood risk; using brownfield/derelict land; allowing for sustainable modes of transport; protecting nature conservation and built heritage sites; recognising different technologies affect site suitability; supporting innovative technologies and potential for community benefits (paragraph 102).

4.85 The WCS identifies that the only void space for the landfilling of hazardous waste in Gloucestershire is provided by Wingmoor Farm, Bishop’s Cleeve, which has a void space of 2.5 million m³. The actual net void space (based upon July 2008 survey) is approximately 1,242,000m³. The draft WCS refers to Policy W3 of the draft RSS, which identifies that authorised hazardous waste landfill sites should be safeguarded provided that they are ‘environmentally acceptable’ (Paragraph 110). Preferred policy options include the need to demonstrate ‘environmental acceptability’ including no significant adverse environmental impact on the environment – on air, land or water that is not capable of stringent and successful mitigation measures (paragraph 111).

4.86 The draft WCS suggests policy options for safeguarding existing or allocated waste sites from encroachment or sterilisation by incompatible land uses, which is consistent with national policy (PPS10) (Paragraph 119). In deciding which sites to identify for waste management facilities, the cumulative effect of previous waste disposal activities on the local community and environment needs to be considered (paragraph 121). The following impacts on the local communities should be given particular attention (individual and cumulative impacts): impact of noise and smell, traffic impact, visual impact, impact of dust and health impacts (paragraph 121).

4.87 The preferred options WCS identifies that proposals affecting the setting of AONB will only be permitted where there is a lack of alternative sites that will serve the market need; and the impact on the special quality of the AONB can be successfully mitigated.

4.88 Policy options for waste management development in the Green Belt include considering the need to demonstrate a particular identified locational need. Such development will only be permitted in ‘very special circumstances’ that do not conflict with the purpose of Green Belt designation (paragraph 130). The Gloucester Waste Core Strategy: Technical Paper WCS-I: Waste Facilities (2008) refers to paragraph 3 of PPS10. Whilst Green Belts need to be protected, the technical document considers the possible ‘locational needs’ for waste management facilities in the Green Belt. For Gloucester, possible locational needs could include:

- The need to be close to major sources of waste arisings i.e. Gloucester and Cheltenham.
- The need for the co-location with other waste activities or processes.
- Specific geological conditions.
- Suitability of transport infrastructure including highway access.

(Paragraphs 94-99, The Gloucester Waste Core Strategy: Technical Paper WCS-I: Waste Facilities, 2008).

4.89 The WCS Technical Paper I: Waste Facilities also considers the likely interpretation of the ‘*wider environment and economic benefit*’ of sustainable waste management. For Gloucestershire, these wider benefits could include:

- Reducing the distance waste has to travel.
- The restoration of land and other environmental benefits.
- Landscape/visual enhancement and other environmental improvements in the longer term.
- Good design.
- Access to the countryside.

(paragraphs 101-109, The Gloucester Waste Core Strategy: Technical Paper WCS-I: Waste Facilities, 2008).

4.90 The application site is located approximately 2.5km north of the Cheltenham and approximately 16km north east of Gloucester (sources of arising waste) with access to the highway network, including the M5 (via junction 10). The proposals include the restoration of the land to a combination of agriculture and woodland areas, with areas set aside for nature conversation and public access in keeping with the surrounding landscape. The restoration of the application site will also not conflict with the purpose of the Green Belt designation in which

it is located and has been designed to avoid the risk of injury to the visual amenity of this area of the Green Belt.

Gloucestershire Minerals Local Plan (GMLP) 1997-2006 (Saved Policies)

4.91 The Gloucestershire Minerals Local Plan (GMLP) was adopted in April 2003 and a number of policies have been saved beyond September 2007. The GMLP identifies the planning framework for the delivery of mineral extraction sites and the provision of suitable quantities of minerals as required by regional apportionment. The GMLP seeks the delivery of sustainable minerals development, which considers the need for the minerals against the environmental, local amenity and other impacts of mineral development.

4.92 The GMLP identifies that 'Gloucestershire has a wealth of environmental assets that need to be safeguarded from the adverse impacts of mineral development' (paragraph 1.5.4). Proposals for mineral development adjacent to AONB will be thoroughly examined to ensure that the development does not detract from the area (Policy E2). Development will only be permitted in the Green Belt if it is carried out to the highest environmental standards and is restored to a beneficial after-use (Policy E9).

4.93 Proposals for mineral development will only be permitted if they are accompanied by an appropriate reclamation scheme (Policy R1) that includes realistic proposals for after-use as part of the scheme (Policy R2). Worked out mineral sites will be reclaimed at the earliest opportunity to an approved beneficial after-use, and wherever practicable, progressive restoration will be required (Policy R3).

Emerging Gloucestershire Minerals Development Framework (MWDF)

4.94 Once adopted, the Minerals Core Strategy (MCS) will replace the Gloucester Minerals Local Plan (1997-2006). It will provide the overarching framework for managing the county's mineral resources, which are of local, regional and national importance, in a sustainable manner. Gloucestershire County Council produced a draft Minerals Core Strategy (January 2008). The next stage in the process will be the public participation on pre-submission 'Options' document in October 2010. This will be followed by the preparation of the proposed submission development plan document, which will be produced in June – July 2011. Consultation on the proposed submission document is planned for August – September 2011. The MCS plans to be submitted to the Secretary of State in November 2011 and the

Independent Examination is timetabled to commence in April 2012. Adoption is scheduled for November 2012.

4.95 The MCS identifies big challenges in managing the county's mineral resources. Eight drivers of change have been identified:

- Delivering growth with remaining local resources of construction aggregates.
- Limited reserves of construction aggregates and sand and gravel.
- Growth to be focused on Cheltenham and Gloucester, which offers opportunities for reuse and recycling of waste materials.
- Moving minerals puts a strain on the highways network, but highways need minerals for maintenance.
- Achieving sustainable minerals transport.
- A balance needs to be achieved between the need for minerals and safeguarding environmental assets.
- Appropriately dealing with competing interests for and that may result in sterilisation of mineral resources.
- Safeguarding the rich historic resource including protecting and recording the historic past.

4.96 Over the short-term, the preferred spatial strategy is to continue with the Structure Plan and Minerals Local Plan approach of the extensions to existing sites, due to the level of infrastructure that has already been invested in, rather than identifying new sites. However, this approach will only secure mineral provision for part of the MCS timeframe. The exact timeframe for exhausting the remaining undeveloped preferred areas is still being debated (Paragraph 105).

4.97 The MCS (diagram 2) shows the spatial portrait of minerals resources and mineral workings in the County. In particular, of the eleven sand and gravel extraction sites identified in the County, eight are located in the Upper Thames Valley area, one to the south east of Gloucester, one to the west of Tewkesbury and the final site, Wingmoor Farm East located north of Cheltenham. Diagram 3 identifies preferred areas for future sand and gravel workings only in the Upper Thames Valley area.

4.98 The preferred policy options for sand and gravel provision seeks to ensure sufficient provision is made to meet the remaining local apportionment for Gloucestershire, and in addition either a) seeking to maintain a seven year landbank (Policy MP04a); b) achieving a longer landbank provision through to 2026 (Policy MP04b) or c) maintaining appropriate, steady and consistent supplies of sand and gravel right across the strategic resource area of the Upper Thames Valley, which

may result in Gloucestershire subsuming some of the local provision requirements for neighbouring areas of Swindon (Policy MP04c).

4.99 The County's clay resources are of local significance and are used for brick making and engineering operations. The draft MCS identifies that a flexible policy framework for clay must be provided. The preferred option for clay extraction for engineering purposes will consider the acceptability of future clay extraction in the context of need, local environment policy, public amenity, transportation, restoration potential, and opportunities to reuse materials back on-site (Policy MP06).

4.100 Minerals workings can have a significant impact on the environment. A balance needs to be drawn between protecting the environment and unduly sterilising or constraining mineral resources. The preferred approach is to adopt the hierarchical approach, as advocated in MPS1, with the highest level of protection applied to international designations, and the next level of protection to national designations. A strategic amenity policy will ensure that amenity is carefully considered by future mineral proposals.

4.101 Future mineral working still needs to demonstrate that it can return land to its previous or alternative beneficial uses, which includes well thought-out restoration. Restoration must be carefully assessed to ensure that it would not cause adverse impacts on local communities and the environment.

Tewkesbury Borough Local Plan to 2011 (March 2006) (Saved policies)

4.102 The Tewkesbury Borough Local Plan (TBLP) was adopted in March 2006 and covers the period to 2011. The Government Office of the South West confirmed a list of Saved policies on 25th March 2009 under Paragraph 1(3) of Schedule 8 of the 2004 Act. Tewkesbury Borough Council is jointly preparing a Core Strategy with Gloucestershire and Cheltenham Borough Council.

4.103 The TBLP's overall vision is to ensure that development contributes to creating sustainable communities. Key objectives include amongst others:

- promoting sustainable development;
- conserving and enhancing the built natural heritage; and
- stimulating new development which emphasises aspects such as the re-use of brownfield land, supports

more efficient use of land, takes full account of local eco-systems and biodiversity and encourages the use of renewable resources (Paragraph 7).

4.104 A Special Landscape Area is located approximately 2-2.5km to the east of the application site. TBLP seeks the protection and enhancement of Special Landscape Areas (Policy LND2) and, the need to protect and enhance the character and appearance of the rural landscapes that are not covered by any other designation (Policy LND4).

4.105 Green Belt policy GRB1 seeks to preserve the openness of the Green Belt and prevent development that conflicts with the purposes of including land in it. Policy GRB1 does allow for 'the carrying out of an engineering or other operation or the making of a material change in the use of land provided that it maintains the openness of the Green Belt and does not conflict with the purposes of including land in it' (Policy GRB1).

4.106 Within Tewkesbury Borough there are a number of sites of regional and local nature conservation importance, which includes a wide range of habitats and species that warrant protection. A Key Wildlife site is located adjacent to the application site on its southern boundary. Planning permission will not be granted for development that would adversely effect such designations including Key Wildlife sites unless the importance of the development outweighs the value of the substantive interest present.

Cheltenham Borough Local Plan Second Review (CBLPSR) July 2006.

4.107 The application site is located directly to the north of the Cheltenham Borough administrative boundary. The CBLPSR contains policies relevant to the Green Belt in which the site is located. The Cotswolds AONB lies approximately 2.5km to the east of the site.

4.108 Within the Green Belt there will be a presumption against the construction of new buildings except in very special circumstances. Engineering or other operations that cause a material change of use of the land will not be permitted unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in it (Policy PO 6).

4.109 The landscape character of the area, where appropriate, will be taken into account when assessing proposals for development; proposals should not harm features that make a significant contribution to the character, distinctiveness, quality and amenity value of the landscape as well as its visual amenity. The Cotswold

AONB is particularly sensitive to development pressures in the borough of Cheltenham; development that would harm the natural beauty of the landscape of the AONB will not be permitted (Policy CO 2).

Cotswold District Local Plan 2001-2011 CDLP April 2006 (Saved policies)

4.110 The CDLP was adopted in April 2006 and as part of the transitional arrangements from the old development plan system to the new Local Development Framework system, all policies in the plan were saved until the 24th April 2009. Beyond this date, the Secretary of State has directed that a number of policies will not be saved, this includes Policy 7: Cotswolds AONB and Policy GB.1: Cheltenham and Gloucester Green Belt. Although these policies have not been saved, the requirements of these policies in terms of conserving and enhancing the natural beauty of the landscape and countryside and giving this priority over other considerations (Policy 7 of the CDLP), and the requirement for development not to conflict with the advice set out in PPG2 and Policy GB.1 of the GSP (Policy GB.1 of the CDLP), have been carefully considered with regard to the proposals, and are discussed within this chapter and other relevant chapters in this ES.

