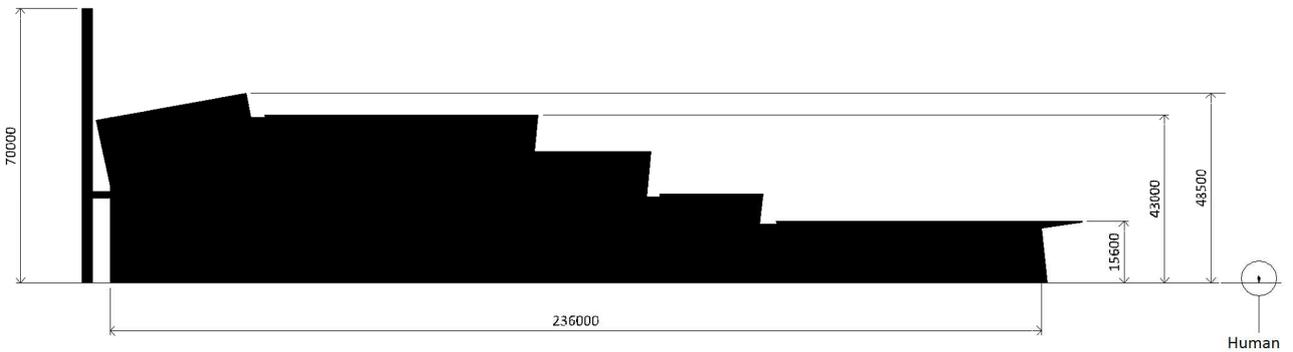


Stroud District and Gloucestershire Green Parties

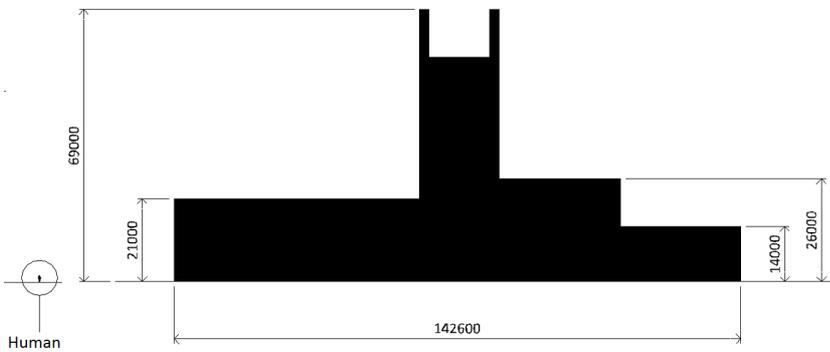


Public Submission in relation to Gloucestershire County Council Planning Application

12/0008/STMAJW



PROPOSED INCINERATOR



GLOUCESTER CATHEDRAL

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Change History.

Issue 1 10th May 2012 Initial Issue

Executive Summary

This document is a detailed statement of objections to this planning application for the erection of an incinerator at Javelin Park, Haresfield.

We refer to a sound base of evidence and sources to back up our statements and, where appropriate, we give robust, frank and we believe accurate opinions as to the likely consequences if this project were to go ahead.

In brief our objections are as follows:

- The structure is substantially larger than Gloucester Cathedral, a prominent landmark in the vale, see the illustrations on the cover sheet of this document. Its erection would be a major visual intrusion on the landscape, spoiling views from the AONB and against multiple policy documents.
- There is an existing 15.7 metre height restriction applicable to the whole of Javelin Park. Given this material consideration we cannot see the planning reason for allowing a building 3 times higher with a stack at 70M that is 5 times the height of the restrictions currently in force.
- The emissions of particulates, toxic metals, dioxins, and other poisonous pollutants represent a serious threat to human health, particularly locally but also more widely and with especial risk to children.
- The public consultation that took place placed environmental factors as being of greatest importance. Yet the best performing technology in terms of both GHG emissions and the likely impact on the Europa 2000 sites has not been selected. The NPPF paragraph 93 says “planning plays a key role in helping to reduce greenhouse gas emissions”
- The National Planning Policy Framework 2012 (NPPF) paragraph 66 says “applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community”. This has not happened. Local views have been ignored.
- The council is ignoring recent trends in both its own and national waste figures. The fact is that waste arisings are 70,000 tonnes below levels predicted in the OBC in 2007. This indicates that what is needed is a flexible solution to waste arisings, that will enable recycling in both the municipal and the C&I waste streams to develop. An EfW plant is not modular and has limited capacity for flexibility. This will be the highest cost contract that GCC has ever entered into and at the same time it will be a high risk venture for both the council and the contractor because of its inherent inflexibility.

1. Visuals

1.1 Introduction

We are not against appropriate and necessary waste developments, including at this site, provided they meet extant guidance e.g. in terms of visual impact.

The Severn Vale in this area is flat and predominantly agricultural with no vertical landmarks. The proposed setting is at the foot of the Cotswolds escarpment and close to the Cotswolds AONB.

The proposed structure would be larger in overall size and height than Gloucester Cathedral, which can be seen for tens of miles from the escarpment and AONB, and for many miles across the flat land of the plain. See the dimensioned graphic on the cover of this report.

We believe the proposed structure would be a major visual intrusion, in contravention of planning guidance for both waste development and for the AONB. Would any serious consideration be given to locating a heavy industrial process of this size at this site in the immediate environs of the AONB?

The new National Planning Policy Framework (NPPF), in its “12 principles of planning” requires “recognition” (i.e. protection) “of the intrinsic character and beauty of the countryside” and “contribute to conserving and enhancing the natural environment”.

We consider the arguments rehearsed below present a good case for the rejection of this planning application, and are also good grounds for either call-in by the secretary of state or judicial review of a decision to approve the application.

1.2 Effect on the “Settled Unwooded Vale”

12/0008/STMAJW Appendix 8.3a is an assessment of landscape character for the settled unwooded vale. Extracts we would wish to highlight are as follows:

“The landscape is perceived as being more intimate and sheltered in close proximity to the escarpment”

“The spires and towers of these churches gain visual prominence in the lowland landscape and are important landscape features and landmarks. The most prominent is the 15th century tower of Gloucester Cathedral, which acts as an orientation point in the lowland vale”

“distant views towards settlements are common from the surrounding landscape and churches frequently form focal points in the wider landscape”

“scattered farms and isolated clusters of dwellings commonly punctuate the expansive views across the vale”

All of these extracts emphasise the sensitivity of the flat land of the vale to the visual impact of vertical landmarks. By nature of its greater size, the proposal would have a greater visual impact than Gloucester Cathedral, see the report cover, and that in an area where “The landscape is perceived as being more intimate ...”

The Cotswold Conservation Board’s guidelines on “Settled Unwooded Vale” are more explicit. In document LCT18 , for character area 18A “Vale of Gloucester Fringe”, they say:

“Vale landscapes prominent in views from upland areas with wide vantage points such as the Escarpment and Escarpment Outliers landscape types are particularly sensitive to the effects of large scale built developments such as light industrial units, out of town trading estates and housing developments as these are often difficult to screen from elevated vantage points. The landscape bordering these upland vantage points is also highly sensitive to development that may disturb the strong field patterns created by hedgerows as these are best perceived from higher ground.”

See <http://www.cotswoldsaonb.org.uk/userfiles/file/Landscape/18.PDFLCT18-SettledUnwoodedVal.pdf>

We conclude that the height of the proposal, plus its extent at height, will make it an unacceptable visual intrusion in the proposed setting. The SDC height limit for developments at Javelin Park MUST be respected.

1.3 Effect on the Cotswolds AONB

The proposed setting is at the foot of the Cotswolds escarpment and close to the Cotswolds AONB. Areas of outstanding natural beauty are of the same landscape sensitivity as national parks, and have the same levels of protection including protection from visual intrusion from their environs i.e. outside their immediate boundaries. Javelin Park is well within the environs of the Cotswolds AONB and we refer to the text of 12/0008/STMAJW Appendix 8.2 from the Cotswolds Conservation Board as follows:

“The Board considers the setting of the Cotswolds AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the natural beauty and special qualities of the Cotswolds AONB.”

“The surroundings of the AONB are also important to its landscape character and quality. Views out of the AONB and into its surrounding areas can be very significant. Development proposals that affect views into and out of the AONB need to be carefully assessed in line with Planning Policy Statement 7 to ensure that they conserve and enhance the natural beauty and landscape character of the AONB.”

“The Board will expect local authorities to be mindful of both the possible positive and negative impacts of a development within the setting of the AONB on the natural beauty and special qualities of the AONB when determining planning applications, and seek the views of the Board when significant impacts are anticipated.”

“The setting of the Cotswolds AONB *does not have a geographical border*. The location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary.”

“Examples of adverse impacts will include: Blocking or interference of views out of the AONB particularly from public viewpoints.”

“Proposals which will have a detrimental impact on the AONB will not be permitted, whether located inside the AONB or outside the designated area.”

[APP/P1235/A/06/2012807, 2007] the Inspector wrote:

“I consider that the area immediately abutting an AONB will be relevant where the appreciation of the natural beauty of the designated area may be affected by what lies outside it. In my view, this is analogous to development outside of a Green Belt, where Planning Policy Guidance *Green Belts* (PPG2) advises, at paragraph 3.15, that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. I therefore agree with the Council that the effect on the AONB is a material consideration.”

“However, given that the Secretary of State has now published the *Proposed Changes to the Draft South West Regional Spatial Strategy (RSS)*, I attach significant weight to RSS Policy ENV3, which requires particular care to be taken to ensure that no development is permitted outside AONBs which would damage their natural beauty, special character and special qualities – in other words to their *setting*. [Inspectors italics]”

An Inspector, in dismissing appeal ref: APP/H1840/A/06/2023564, addressed the issue of the proposed development of a haulage depot and storage buildings outside the AONB that impacted adversely on views out from the Cotswolds AONB:

“From the elevated vantage point of the Cotswold Way [within the AONB] the greater density of the development would be readily apparent, as although the site forms part of a vast panorama, it would be towards the front of that view.”

The Secretary of State, in dismissing appeal ref: APP/U2235/A/09/2096565, addressed the setting issue regarding a proposal for a freight transport depot adjoining the Kent Downs AONB:

The Secretary of State agrees with the Inspector’s reasoning and conclusions, as set out at IR18.29 – 18.52, regarding the impact of the proposed development on the countryside, Special Landscape Area and the AONB. He agrees that the majority of the appeal site is attractive open countryside and that, whilst the noise of the M20 / HS1 is a negative feature of the area, the site nonetheless has a strongly rural character and atmosphere (IR18.31). He further agrees that, overall, the proposal would cause substantial harm to the open countryside character and appearance of the site and would be in conflict with relevant development plan policies (IR18.34). The Secretary of State agrees with the Inspector’s conclusion that the appearance and scale of the development would be alien and out of character with the countryside and the existing built-form of neighbouring settlements, and that it would cause substantial harm to the setting of the AONB (IR18.45). Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees that substantial weight should be given to these matters in the determination of the appeal (IR18.52).”

The National Planning Policy Framework paragraph 109 talks of the need for “protecting and enhancing valued landscapes”.

We believe that the above quotations speak for themselves in relation to the effect that this proposal would have on the setting of the Cotswolds AONB and inter alia its unsuitability for this site.

1.4 Protection of the AONB in the Waste Local Plan

The extant Gloucestershire Waste Local Plan provides clear guidance on protection of the Cotswolds AONB as follows:

Policy 26 says “Proposals for Waste Development within Areas of Outstanding Natural Beauty, and/or adversely affecting the natural beauty of their landscape setting, will only be permitted where:

- It can be demonstrated to be the best practicable environmental option; and
- There is a lack of alternative sites; and
- There is a proven national interest; and
- The impact on the special features of the AONB can be mitigated”

Paragraph 5.104 says: “Proposals for waste development in AONB will need to demonstrate BPEO and will undergo rigorous examination as will proposals for waste development outside AONB which could adversely affect the setting of these designated areas.”

Policy 26 clearly states that development in, or in the environs of, an AONB, can only be considered if a set of specified criteria are ALL satisfied. Dealing with these one by one:

BPEO. Best Practicable Environmental Option. This proposal is for mass burn incineration with electricity production only. Heat use is a future possibility, but neither a certainty nor in the immediate future. We refer to Gloucestershire County Council's Outline Business Case for PFI funding from DEFRA dated 30th April 2008, figure 4.3 on pages 77 available at:

<http://www.recycleforgloucestershire.com/recover-new/what-are-we-doing/downloads/obc-publicversion-080512.pdf>

This table ranks technologies in terms of technical performance, and the top performers are "MBT with residue to CHP or gasifier". Next comes "mass burn incineration with full CHP energy recovery" i.e. full heat use and electricity generation, and "mass burn with electricity generation but heat thrown away" comes a poor fourth. We have quoted the descriptions used in the report – their words, and it can be clearly seen that the technology currently being proposed, "mass burn with electricity generation but heat thrown away", comes a poor fourth with "MBT with residue to CHP or gasifier" the clear top performer. These are not our conclusions, they are the conclusions of a respected independent consultancy, Eunomia, on behalf of GCC who have signed off the document.

We fully support the opinion that MBT, i.e. mechanical recovery of recyclable resources plus anaerobic digestion or composting of the organics, with the remediated residue to landfill, to a gasifier (or in our view the very new technology of plasma arc gasifier) is what should be being built.

So what do we conclude from this?

Quite simply, what is proposed is NOT BPEO so this test is failed.

There is a lack of alternative sites. Well there are plenty of alternative sites, such as those in the Waste Local Plan at Wingmoor Farm. If the technology were distributed, as can be easily achieved with MBT plus landfill or gasifier, there are even more sites available. The reason that GCC so desperately wants a single site solution at Javelin Park is that it needed a site to get PFI funding, it bought land at Javelin Park, and now it is stuck with this, so naturally it wants to use the site.

So alternative sites are available with caveats, and so this test is failed.

There is a proven national interest. Firstly, GCC has always stated that waste will not be imported into, or exported from, the county of Gloucestershire. Hence this facility is by definition specific to Gloucestershire. There are hundreds of waste disposal operations in the county, and none, including what is proposed could, by any stretch of the imagination be described as of "national interest" apart from Wingmoor Farm for APC disposal.

Secondly, DEFRA pulled a £92M PFI grant from this project because diversion targets could be met without it, and because a report from Eunomia suggested a residual waste treatment oversupply by 2020 or perhaps even 2016, something that has already happened in some European countries such as the Netherlands. See:

<http://archive.defra.gov.uk/environment/waste/localauth/funding/pfi/documents/pfi-supporting-analysis-waste101206.pdf>

So DEFRA does not consider this project warrants any national funding i.e. no national need.

So for these reasons there is no "proven national interest", and hence this test is failed.

The impact on the special features of the AONB can be mitigated. We have already covered this comprehensively in 1.3 above, with the clear conclusion that "the impact on the special features of the AONB" can NOT be mitigated. We will also demonstrate, in section 2 below, that the stack emissions from the proposed facility are also likely to "impact on the

special features of the AONB” So this test is also failed.

Paragraph 5.104 of the WLP reinforces this by confirming that the requirements apply to proposals for waste development outside [the] AONB which could adversely affect the setting of these designated areas.

So our clear conclusion is that this proposal fails to meet ALL of the conditions of Policy 26 of the extant Waste Local Plan and hence must be refused planning permission.

1.5 Specific Site anomalies in appendix 5 of the baseline Waste Core Strategy

We are using CD1.1 The Gloucestershire Waste Core Strategy 2010 as this is the document that was considered by the Inspector at the Examination in Public held at the end of 2011, February 2012, and still ongoing at the time of writing. The current draft Major Mods are quoted where these are available.

Moreton Valence

CD1.1 Appendix 5 site 4, Land at Moreton Valence, says: “The study area would be able to accommodate development of a similar scale and height as existing on site with negligible impact, however taller structures (approximately 15m in height or above) would be visible over the existing screening vegetation, in particular the erection of an emissions stack of any height would have a detrimental impact on the wider area as it would create a significant vertical landmark out of keeping with the surround landscape character.”... “Any notable increase in building height (20m +) within a relatively low and flat landscape would be prominent above existing vegetation.”... “On site buildings, materials and infrastructure should reflect the local agricultural style of the surrounding area, designed to sit as low in the landscape as possible using neutral, matt colours and avoiding the introduction of reflective materials.”

The Atkins report which informed the WCS, Appendix C.88: Site 546 Moreton Valence Airfield, says: “The study area would be able to accommodate development of a similar scale and height as existing on site with negligible impact, however taller structures (approximately 15m in height or above) would be visible over the existing screening vegetation, in particular the erection of an emissions stack of any height would have a detrimental impact on the wider area.”... “Erection of an emissions stack (40 - 80m in height) would create a significant incongruous vertical landmark out of keeping with the surround landscape character.”... “On site buildings, materials and infrastructure should reflect the local agricultural style of the surrounding area, designed to sit as low in the landscape a possible using neutral, matt colours and avoiding the introduction of reflective materials. Where possible, large roof expanses should be avoided or broken up to reduce the perceived scale of the facility with particular consideration to the Cotswold AONB. This site is not recommended for a technology requiring the erection of a medium or large emission stack.”

Javelin Park

CD1.1 Appendix 5 site 3, Javelin Park, says: “A waste facility could cause permanent alteration of the site in terms of scale, height and intensity of development resulting from a facility both taller and larger than the existing surrounding units. This would lead to further encroachment of urban fringe light industrial / distribution style development into the surrounding agricultural landscape. However, the extant outline permission for the currently undeveloped area permits a maximum ridge line height of 15.7m for the two units. The erection of an emissions stack (40 - 80m in height) would create a significant vertical landmark out of keeping with the surrounding landscape character.” ... **“There is the potential to create a landmark facility as a gateway to Gloucester to present a high quality architectural statement (our emphasis).** Alternatively consideration

should be given to on-site buildings, materials and infrastructure that should either reflect the local agricultural style of the surrounding area, designed to sit as low in the landscape as possible using neutral, matt colours and avoiding the introduction of shiny or reflective materials. Where possible, large roof and hardstanding expanses should be avoided or broken up to reduce the perceived scale of the facility with particular consideration to the Cotswold AONB.

The Atkins report which informed the WCS, Appendix C.14: Site 145 – Industrial Estate, Former Moreton Valence Airfield, says: “the development of a small to medium sized waste facility without an emission stack would likely result in a negligible impact, while a larger facility or the inclusion of an emission stack would likely have a slight to moderate impact, depending on the style and quality of the adjacent development.” ... [Landscape impact] “Permanent alteration of the site in terms of scale, height and intensity of development resulting from a facility both taller and larger than the existing surrounding units. Further encroachment of urban fringe light industrial / distribution style development into the surrounding agricultural landscape. Erection of an emissions stack (40 - 80m in height) would create a significant incongruous vertical landmark out of keeping with the surrounding landscape character.

Potential to create a landmark facility as a gateway to Gloucester as the precedent set by Grundon's Colnbrook Energy from Waste Plant which has been designed to present a high quality architectural statement. Development of this sort may be identified as a quality standard for future development in the area. On site buildings, materials and infrastructure should either reflect the local agricultural style of the surrounding area, designed to sit as low in the landscape a possible using neutral, mat colours and avoiding the introduction of shinny or reflective materials, **else be designed as a high quality architectural statement with the intention of creating a gateway feature for users of the M5.** Where possible, large roof and hardstanding expanses should be avoided or broken up to reduce the perceived scale of the facility with particular consideration to the Cotswolds AONB.” ... “the development of the Javelin Park site presents the opportunity to set the design quality for future development. **Should this site be selected it is recommended that consideration be given to examples such as the Grundon's Colnbrook Energy from Waste Plant to create an iconic architectural statement.**”

The Schedule of Major Modifications CD14.1 says in relation to Javelin Park: “The site is located in an area that is relatively low and flat, therefore any facility would be clearly visible from the Cotswolds AONB, the M5 and the surrounding low-lying areas.” The document also deletes much of the specifics for each site in favour of more generic comments, and deletes the recommended uses. However ... the generic statements are similar to the unhighlighted text above derived from the 2010 WCS appendix 5.

Commentary

The bolding in the text above is our addition, to highlight the sections which are impossible to reconcile with the line taken in the rest of the text. Both Moreton Valence and Javelin Park are very similar, being two parts of the old Moreton Valence airfield now divided by the M5 motorway. Atkins refers to both sites as Moreton Valence. Javelin Park is closer to the edge of the Cotswolds AONB, so should reflect a greater landscape sensitivity. And the WCS is correct in noting this sensitivity within its text and in ways that we would agree with, if it were not for the highlighted text above referring to Javelin Park only. In this respect the current WCS is clearly unsound, We cannot tell exactly what these sections of the revised WCS will look like at the time of writing however we can see no planning reason for the two sites to be treated differently regarding the visual impact of large scale development.

1.6 The Capel Judgement, the 15.7 metre height restriction at Javelin Park, and the overall conclusions for this section.

In the unhighlighted text above, the WCS makes a consistent attempt to reconcile the needs for waste related development at Moreton Valence and Javelin Park with the local landscape constraints, particularly the visual sensitivity of these sites in a flat landscape and hard up against, and in the environs of, the Cotswolds AONB. We, and I'm sure other objectors, would have no problem with this.

However, as said above, the intentions of the highlighted text in the Javelin Park section only, can be perceived as paving the way in the WCS to allow a particular current project that sections of the Council wish to pursue. This impression should not be allowed to happen in a body which is both regulator on the one hand, whilst on the other hand project sponsor.

The Capel Judgement

This behaviour is well covered by the Judicial Review of the wishes of Surrey County Council to give permission to site an incinerator at the Clockhouse Brickworks, where they added this green belt site to their WCS-in-progress to this end. Capel Parish Council took this to the High Court, and won. The essence of the judgment is that one cannot put the cart before the horse in terms of changing the higher level controlling document to favour a particular pet project. This judgement is case no. CO/5684/2008 and 0510/2009 at Queen's Bench, Royal Courts of Justice in the case of Capel Parish Council versus Surrey County Council. Mr Justice Collins quashed the planning consent given by Surrey County Council and declared their WCS to be illegal on the site concerned.

The 15.7 metre Height Restriction at Javelin Park

We believe that a 15.7 metre height restriction is in force for the whole Javelin Park site, as we will argue below. Our work on this is still developing, and it may be that we are unable to complete all aspects before the submission deadline of the 21st of May 2012 in which case we reserve the right to update this section if needed because of its importance.

We refer to Stroud District Council planning application S.05/2138/VAR for outline planning permission for B8 development at Javelin Park. The process for this application involved a planning enquiry and a decision notice from the Secretary of State. It should be noted that the site plan shows the application site to be coterminous with the site under consideration for development in this present planning application. It is very clear from the text from the planning inspector that GCC was very much in the frame in relation to possible compulsory purchase of the site for the Gloucestershire Waste Project, which is what happened subsequently.

The secretary of State's decision notice for the application, section 19, says "The buildings hereby permitted shall not exceed 15.7 metres in height, measured from existing ground levels".

It has been argued that this height limit applies only to this particular application. To that we would respond that, if a limit was applied for one application, remembering that this is coterminous with the proposed waste site, then why would it not apply to all applications and uses for the site?

Imposing for one application or use but not another cannot make sense. Furthermore, we believe a height reduction was imposed on the Blooms Garden Centre, a different use on the same site, as a requirement for granting its planning permission, presumably for the same reason. Again, why is the Ash Handling section of the proposal 15.6 metres high? This seems too much of a coincidence. Referring to our cover sheet, it can be seen that a 15.6 metre building is effectively screened, but anything higher is not, in line with the unhighlighted sections of Appendix 5 of the WCS above.

Overall Conclusions for Visuals

1. This application fails every one of the clauses in the Waste Local Plan policy for protection of the Cotswolds AONB.

2. The Waste Core Strategy is flawed in the way that it is biased towards Javelin Park in a way that is illogical and illegal under the Capel Judgement or by simple reading of the text with local knowledge of the sites.
3. There seems to be an overall height limit for the site of 15.7 metres which could preclude this development.

We believe this section is so strong that this development MUST be refused. If passed, we believe there is an exceptional case for Secretary of State Call-in by the key objectors i.e. Members of Parliament, District Councils, CPRE, Cotswold Conservation Board, political parties and pressure groups, and the matter of the 5,000+ word petition to Gloucestershire County Council. We believe also that there is also an excellent case for Judicial Review to quash this application under both WLP Policy 26 and the Secretary of State’s decision notice in respect of a height limit.

2. Emissions

2.1 Introduction

Never forget that 80% of the incoming waste goes into stack emissions in one form or another. For the European Designated Sites, we shall point out that the applicant has only considered emissions from their site, in contravention of the requirement for combined studies in the Waste Core Strategy. The NPPF paragraph 124 says account must be taken of “the cumulative impacts on air quality from individual sites in local areas”.

In consequence the WPA needs to issue a section 22 notice under the TCPA.

For the AONB, WLP policy 26 may be breached by the effects of emissions on the AONB as against just the European sites.

2.2 Effects on Human Health

This area is only contentious because of the paucity of available data – there is much work to be done but we suspect a reluctance to do it or fund it because of fear of the potential consequences of the results.

Work has been done by Van Steenis, Ryan and others on plotting infant mortality statistics in the areas impacted by incinerator plumes. The problem here is that infant mortality is also strongly influenced by factors such as socioeconomic deprivation and compensation for these effects is difficult. Data was presented at the Capel judicial review by Ryan, as follows, taken from the website of Mole Valley District Council at:

www.molevalley.gov.uk/media/pdf/t/1/CAG_Infant_deaths_report.pdf

Three studies mapped the incidence of infant death rates in relation to the siting of incinerators and the direction of prevailing winds. Results for 2003 –2005 were:

	Infant Deaths per 1,000 live births DOWNWIND	Infant Deaths per 1,000 live births UPWIND
Kirklees	9.4	3.5
Coventry	8.2	3.2
Edmonton	10.5	2.5

This is only three results, but the results are consistent, and it is stretching credibility that the areas with worse socioeconomic deprivation are always downwind of the incinerator. In fact at Edmonton, with the most extreme result, the downwind area is the most affluent. No, we don't know what causes these results and it is significant that the HPA has commissioned a new study from Imperial College to research the evidence. In a report in 2009-10, the House of Commons Environmental audit committee stated "The costs and health impact of fine particle, PM2.5 air pollution is almost twice that of obesity and physical inactivity". Obesity then cost the health system £10.7 billion a year, while PM2.5 pollution was estimated to cost up to £20.2 billion a year. The report can be found at <http://www.publications.parliament.uk/pa/cm/cmenvaud.htm> Incinerators filter the exhaust gases using something called a bag filter. We contend that the structure of any cloth type filter must have a mesh size to let the gases through, but equally it must also let fine particles through. This may not be the cause, but the effect is nonetheless real and the precautionary principle must apply. The NPPF, in its 12 principles says that development must "contribute to reducing pollution" and must "support local strategies to improve health". In paragraph 120 it says "the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account." This development will clearly increase pollution and hence affect health.

The commissioning of new incinerators gives us a real opportunity to test whether this is a real phenomenon, because in places like Gloucestershire with stable populations, all of the statistical indicators will also be stable. So the effect of a new variable will be much more easy to detect compared with having to allow for such externalities as deprivation, etc. We fully intend carrying out a study into these effects should this incinerator be commissioned, and we are confident of getting academic support for this work from a number of institutions where we have good contacts. Real data on the health effects, if any, from this incinerator will give those affected the real opportunity to seek compensation from all of those individuals recklessly bringing this process forward regardless of warnings.

2.3 Effects on European Designated Sites

The applicant has carried out a modelling exercise to predict the effects of emissions on European Designated sites, particularly the Cotswold Beechwoods HRA, see planning document 12_0008_STMAJW_ENV_STAT_VOL3_APPDX_9.6

Paragraph 5.4 of this document indicates that the AERMOD modelling exercise carried out to assess the effects on HRAs was for a 190,000 tpa facility at Javelin Park – ONLY. Whereas common sense would suggest that, as a 32 ktpa gasifier is planned for the adjacent Moreton Valence site, it is the combined effect from both facilities that should be modelled. The General Development Criteria applicable to all sites, in the WCS appendix 5, says "for these proposals it must be demonstrated that there will be no significant effect on European Sites either alone **or in combination** with other plans or projects." (Our highlighting). As the relevant planning document does NOT consider combination with other "plans or projects" when a very real situation exists (Feeney judgement) the WPA MUST issue a section 22 notice under the Town and Country Planning Acts to require a correct assessment to be produced. We reserve the right to comment further when a correct and legal document is in place.

2.4 Effects on the Cotswolds AONB in relation to the Waste Local Plan

We have already referred to the WLP policy 26 in 1.4 above, where it states that development will only be permitted where "The impact on the special features of the AONB can be mitigated" and "Proposals for waste development in AONB will need to demonstrate BPEO and will undergo rigorous examination as will proposals for waste development outside AONB

which could adversely affect the setting of these designated areas.”

The incinerator stack, at 70 metres high, is only a little over a third of the height of the nearby Haresfield beacon, at 197 metres above the site level (217 metres AMSL).

Common sense suggests that, with the prevailing westerly wind, the plume will impact the Cotswold Edge within the AONB which is at a range of 5 km or less. We therefore submit that there is a likelihood that significant nitrogen and other deposition damage may be done to the flora of the nearby AONB, particularly trees. The applicant needs to prove, by acceptable modelling or whatever, that its project will not cause damage to the AONB in line with WLP policy 26.

3. Shortfalls in the submitted planning documents

The areas that we consider to be most significant have mostly been covered above. Because of the amount of work involved versus the remaining time for submission, we reserve the right to submit revisions to this document after the submission deadline.

For example, we wish to examine the WRATE submission further in the light of new information on the correct handling of the biogenic carbon data. See “A Changing Climate for Energy from Waste?” Eunomia 2006. WRATE is only as accurate as the data input – using the default settings will give a meaningless output. We need to check this.

The monitoring of emissions should be in real time, web based, and include several months’ history. Dioxins can now also be monitored in real time, so there is no excuse for only taking readings every few months. Residents need to see for themselves, in real time, exactly what is happening to ensure that no exceedances are missed or concealed. We would also expect monitoring stations to be set up at key local residential receptors such as Haresfield and Harescombe to monitor dioxins and PM10 and 2.5 levels and densities.

4 Other Related Matters

4.1 Waste Arisings and Residual Capacity Need

4.1.1 Municipal Solid Waste

The Council provided waste arisings predictions as part of its Outline Business Case to DEFRA WIDP for PFI funding. The OBC is still the overall basis for the economics of this project. The following table shows the OBC “expected waste growth” from table 2.3 in the OBC, versus actual tonnages collected since the OBC was published:

Fiscal Year	2007/8	2008/9	2009/10	2010/11	2011/12
OBC table 2.3	332,941	341,417	349,508	357,181	364,395
Actual (GCC)	322,796	307,269	293,815	292,816	c.292,000
Var, tons	10,145	34,148	55,693	64,365	c.72,400
% variation	-3%	-10%	-16%	-18%	c.-20%

If the Council’s arisings estimates can be so far out in only four years, what will the variation be by 2040? Clearly the figures on which the project is predicated cannot be relied upon. So what will the situation be by 2040? The answer is that nobody knows. The Council says that it “relies on DEFRA figures”, and two DEFRA modellings from their report “The Economics of Waste and Waste Arisings 2010” do indeed show a return to growth equivalent to the pre-2000 trend. ALL data also shows a clear decoupling of per capita waste arisings from 2000, a flat-

lining, which is continuous for both the 2000 to 2007 period with strong growth, and the period from 2007 in strong recession. This trend continues in the latest DEFRA data release, and for the EU27 from the European Environment Agency.

So should we “rely on DEFRA figures”? Well, DEFRA don't. In fact **DEFRA specifically say that their modelling shows possible scenarios, and these are specifically NOT projections or predictions.** See DEFRA's Research Project 1508 “Scenario Building for Future Waste Policy”, but particularly this addendum to recent DEFRA modelling:

<http://www.decc.gov.uk/assets/decc/11/tackling-climate-change/2050/3703-addenda-to-2050-report-revised-technical-summarie.pdf> which shows the results of modelling which DEFRA say “... are not predictions or reflective of Government policy but rather plausible, consistent descriptions of how the future of waste may develop out to 2050”

The reality is that DEFRA, like us, is saying that the future trends of waste arisings are highly uncertain.

We therefore think that it is the height of irresponsibility to commit the people of Gloucestershire to a fundamentally inflexible solution and a 25+ year contract given the future uncertainties of waste arisings.

Simpler, cheaper, shorter term solutions could be introduced as required to achieve flexibility with fully remediated waste going to landfill. As increased recycling, DEFRA projects 85% by 2050 in some scenarios, plus waste reduction which we are already seeing starting to take place, the amount to landfill should be containable. **At much less cost and risk.**

4.1.2 Commercial and Industrial Waste

So could any waste capacity gap for the incinerator always be “topped up” by C&I waste as the Council claim? DEFRA's report “The Economics of Waste and Waste Arisings 2010” shows the trend of C&I waste to 2009 moving sharply downwards. We attended the DEFRA/WRAP national conference on C&I waste minimisation earlier this year (2010) at Church House, and the message was that business is making huge strides to reduce its waste, and this trend will continue as waste comes directly off the bottom line. We will shortly be attending an EPOW conference at AEA Harwell on the same subject. A conclusion from the first EPOW conferences is: “changing feedstock composition could be a major barrier for infrastructure design and delivery; a 10 year period is hard to accurately predict, and this leaves funders concerned about the performance put forward in any business case, particularly where the scale of the facility requires a 25 year (+) payback period” – Dr Adam Read, AEA Harwell, May 2012.

4.1.3 Reasons for withdrawal of PFI funding by DEFRA

This project was to have been supported by £93M of PFI funding via the DEFRA WIDP office, which is why GCC produced an OBC. However DEFRA withdrew this offer of funding in December 2010 with the statement “We have concluded that we must withdraw the provisional allocation of PFI credits from seven projects, on the basis that, on reasonable assumptions, these projects will no longer be needed in order to meet the 2020 landfill diversion targets set by the European Union.” Work by Eunomia suggests that even with projects already contracted, there will be a residual treatment overcapacity in the UK by 2020, as there is already in some EU countries. **The Government don't think this project is necessary.**

4.2 Financials – the alleged £150M savings

The Council claims that it will make savings of £150M over 25 years by committing to this project and technology..We would like to verify this figure however issues of commercial confidentiality mean that the relevant information is not available. We do note however that the councils waste predictions for the OBC have proved to be 25% out in four years and question the wisdom of predicting savings in such a volatile environment. We would estimate savings to be closer to £100 - £50 million with the risk of an incinerator or carbon tax impacting on this still further.

For those expecting a Conclusions section here, conclusions have been included in the Executive Summary at the head of the document.