

**Tewkesbury Borough Council  
Statement of Common Ground**

**with**

**Gloucestershire County Council: Minerals & Waste Planning Authority**

**1. Introduction**

- 1.1. This statement of common ground acknowledges the representations made by the Gloucestershire County Council, in their capacity as the Minerals & Waste Planning Authority (GGCMW), to the Regulation 19 Pre-Submission Tewkesbury Borough Plan (PSTBP) consultation.
- 1.2. The statement sets out the issues raised by GGCMW on the PSTBP, the response and proposed actions by Tewkesbury Borough Council (TBC) to resolve any remaining issues/objections and the areas of common ground and disagreement between the two authorities.

**2. GCCMW Regulation 19 Consultation Response**

- 2.1. The response received by GCCMW related to the following specific policies in the PSTBP:
  - Policy RES5 - New Housing Development
  - Policy EMP1 - Major Employment Sites
  - Policy EMP5 - New Employment Development (General)
  - Policy EMP6 - Safeguarding of Employment Sites
  - Policy ENV1 - Development near sewage treatment works
- 2.2. In summary, the responses made against these policies stated that they were not sound or compliant with the duty to cooperate with the County Council in its capacity as the minerals and waste planning authority. This is due to the policies not incorporating provisions to ensure waste minimisation and support the delivery of sustainable waste management facilities, as set out in the adopted Gloucestershire Waste Core Strategy (GWCS).
- 2.3. The response set out that there would be support for modifications to the policies and/or their supporting text and suggested amendments were presented.
- 2.4. A fully copy of the consultation response is provided at Appendix 1 to this statement.

**3. Tewkesbury Borough Council Response**

- 3.1. Tewkesbury Borough Council (TBC) recognises that the comments and suggested amendments relate to issues that are already covered by the National Planning Policy Framework and the adopted (GWCS). As the development plan includes the GWCS then its policies are equally applicable to development within the Borough.

- 3.2. Nevertheless, TBC consider that the signposting of these issues within the policies referenced in the GCCMW response would be useful for completeness and clarity. Therefore, TBC are receptive to the amendments suggested by GCCWM.
- 3.3. Alongside the submission of the plan for examination, TBC are submitting a 'Tewkesbury Borough Plan Addendum: Schedule of Changes to the Pre-Submission Plan' document. The schedule consists of amendments that TBC would like the Inspector to consider through the examination process and may result in proposed modifications to the plan if the Inspector was minded to do so.
- 3.4. TBC has included suggested modifications within the schedule to address the comments made by the GCCWM. The relevant modifications have been extracted from the schedule and set out at Appendix 2.

#### **4. Areas of Common Ground**

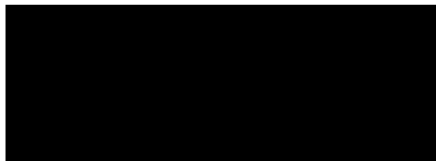
- 4.1. TBC and GCCWM are agreed that the suggested modifications included at Appendix 2 would resolve any remaining soundness concerns set out through the GCCWM response to the PSTBP.
- 4.2. TBC and GCCWM are agreed that the Duty to Cooperate had been satisfied and no concerns remain.

#### **5. Areas of Disagreement**

- 5.1. There are no areas of disagreement

### **SIGNATURES**

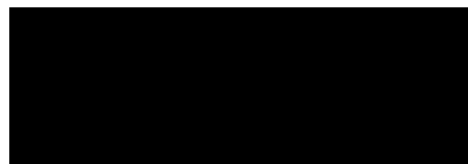
On Behalf of Gloucestershire County  
Council as Minerals & Waste Planning  
Authority



Simon Excell  
Lead Commissioner: Strategic  
Infrastructure  
Gloucestershire County Council

Date: 22/07/2020

On Behalf of Tewkesbury Borough Council



Matthew Barker  
Planning Policy Manager  
Tewkesbury Borough Council

Date: 09/07/2020

Strategic Infrastructure  
Shire Hall  
Gloucester  
GL1 2TH

Tel: 01452 42 5000

Date: 18<sup>th</sup> November 2019

Dear Planning Policy team,

### **Consultation for the Pre-submission Tewkesbury Borough Plan (TBP) (2011 – 2031) | Gloucestershire Minerals and Waste Planning Authority (MWPA) representations**

Please find below representations prepared by officers of Gloucestershire County Council in its capacity as Minerals & Waste Planning Authority (MWPA) concerning the Pre-submission (Regulation 19) Tewkesbury Borough Plan (2011 – 2031): -

#### **Policy RES5 | New Housing Development**

Officers of the MWPA **do not** consider that the pre-submission version of policy RES5 to be sound or compliant with the duty to cooperate with the County Council in its capacity as the MWPA as it fails to incorporate strategically significant policy measures to support the delivery of waste minimisation. This is a well-established policy position set out within the adopted Gloucestershire Waste Core Strategy (WCS) Core Policy WCS 2 | Waste Reduction and paragraphs 1 and 8 of National Planning Policy for Waste (NPPW). Whilst it is acknowledged this matter has previously been accommodated at the strategic level in the adopted GCT JCS, it does not seem to have been appropriately transposed into relevant local policy. However, officers of the MWPA would support a main modification to policy RES5 and its accompanying supporting text to enable the principles of waste minimisation to be reflected. In terms of revised policy wording the following criterion could be added – *Make provision for the delivery of efficient and effective high quality household waste collection services that supports the implementation of the waste hierarchy and encourages the practice of resource efficiency and waste reduction;*.

#### **Policy EMP1 | Major Employment Sites**

Officers of the MWPA **do not** consider that the pre-submission version of policy EMP1 to be sound or compliant with the duty to cooperate with the County Council in its capacity as the MWPA as it fails to confirm waste management infrastructure could be considered in the same light as B-class employment development. It would be inappropriate and unnecessarily restrictive to require...

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waste management infrastructure to be judged differently and thus undergo the proposed ancillary and complementary services test. Utilising sites identified for employment and industrial sites to accommodate waste management infrastructure is an approach clearly advocated in national policy as demonstrated through paragraphs 1, 3 and 4 of the NPPW. However, officers of the MWPA would support a main modification to policy EMP1 and / or its accompanying supporting text that stipulates proposals for waste management infrastructure could be considered as B-class employment development. An appropriately worded footnote to this affect could be sufficient.

### **Policy EMP5 | New Employment Development (General)**

Officers of the MWPA **do not** consider that the pre-submission version of policy EMP5 to be sound or compliant with the duty to cooperate with the County Council in its capacity as the MWPA as it fails to incorporate strategically significant measures to implement waste minimisation and support the delivery of a network of sustainable waste management facilities. These matters form part of well-established local policy framework contained within the adopted Gloucestershire Waste Core Strategy (WCS). They are also articulated in National Planning Policy for Waste (NPPW) under paragraphs 1,3,4 and 8. Whilst it is acknowledged the concept of waste minimisation has previously been accommodated at the strategic level in the adopted GCT JCS, this does not appear to have been appropriately transposed into relevant local policy. However, officers of the MWPA would support a main modification to policy EMP5 and its accompanying supporting text to enable key waste management-related matters to be reflected. The following suggestions are put forward; 1) *Provision for the delivery of efficient and effective high quality commercial waste collection services that support the implementation of the waste hierarchy and encourage the practice of resource efficiency and waste reduction;* 2) *Efficient and effective on-site and / or proximal management of waste is facilitated including through support for complementary activities such as utilising the services of existing neighbouring or nearby waste management facilities.*

### **Policy EMP6 | Safeguarding of Employment Sites**

Officers of the MWPA **do not** consider that the pre-submission version of policy EMP6 to be sound or compliant with the duty to cooperate with the County Council in its capacity as the MWPA as it fails to incorporate strategically significant measures to ensure the local network of sustainable waste management facilities will be continually supported. This is a matter recognised in the well-established local policy framework for waste as set out under the adopted Gloucestershire Waste Core Strategy (WCS) Core Policy WCS11 | Safeguarding Sites for Waste Management. It also forms part of national policy within National Planning Policy for Waste (NPPW), paragraphs 1 and 8 and the National Planning Policy Framework (NPPF) by way of paragraph 182 and the need for effective land-use integration (the 'agent of change' principle). The pre-submission version of policy EMP6 and in particular criterion 1 should be revised. The following suggested addition and making criterion 1 a mandatory requirement would be supported as a main modification by officers of the MWPA: - 1.) *The site is no longer fit for purpose or capable of meeting employment needs including having met with the safeguarding requirements of...*

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...Gloucestershire Waste Core Strategy Core Policy WCS 11 and the proposal would not result in unreasonable restrictions being placed on adjacent existing or allocated employment land uses; and

### Policy ENV1 | Development near sewage treatment works

Officers of the MPA **do not** consider that the pre-submission version of policy ENV1 to be sound or compliant with the duty to cooperate with the County Council in its capacity as the MWPA as it fails to adequately incorporate strategically significant measures to ensure the local network of sustainable waste management facilities will be continually supported – particularly for sewage treatment facilities. This is a matter recognised in the well-established local policy framework for waste as set out under the adopted Gloucestershire Waste Core Strategy (WCS) Core Policy WCS11 | Safeguarding Sites for Waste Management. It also forms part of national policy within National Planning Policy for Waste (NPPW), paragraphs 1 and 8 and the National Planning Policy Framework (NPPF) by way of paragraph 182 and the need for effective land-use integration (the ‘agent of change’ principle). The pre-submission version of policy ENV1 should be revised. The following suggested addition to the policy (as a 3<sup>rd</sup> part) would be supported as a main modification by officers of the MWPA: - *‘All development adjacent to sewage treatment works must demonstrate by way of suitable mitigation how they will not cause unreasonable restrictions upon existing sewage treatment operations or their ability to achieve sustainable development in the future over the time horizon of the plan.’*

Please do not hesitate to contact the MWPA team at Shire Hall via our email: - [m&wplans@gloucestershire.gov.uk](mailto:m&wplans@gloucestershire.gov.uk) if you have any queries or questions regarding the above representations to the emerging Tewkesbury Borough Plan (TBP) (2011 – 2031).

Yours sincerely,



**Robin Drake | GCC (MWPA) | Strategic Infrastructure**

**Tewkesbury Borough Plan Addendum:  
Schedule of Changes to the Pre-Submission Plan**

To accompany the submission of the Tewkesbury Borough Plan the Borough Council has prepared a schedule of changes that could be made to Pre-Submission (October 2019) version of the plan.

The Planning Practice Guidance (PPG) (Paragraph: 054 Reference ID: 61-054-20190315) states that the local planning authority can include changes in an addendum to the plan before it is submitted for examination.

As per the PPG, it is not intended for these changes to be treated as part of the submitted plan, but are to be considered by the Inspector during the examination process. As such they have not been subject to further consultation.

The changes presented in the schedule below have been generated following review of the representations received to the Pre-Submission consultation. They consist of amendments that the Borough Council would like the Inspector to consider through the examination process and may result in proposed modifications to the plan if the Inspector was minded to do so.

It is not considered that any of the potential changes go to the heart of soundness of the plan, but instead represent an opportunity at this stage of the plan making process to proactively present further positive improvements and clarifications to the plan.

At Appendix 1 to this schedule, the Borough Council has produced a tracked change version Pre-Submission which shows these potential changes within the whole plan context.

**NOTE**

- Proposed text to be deleted show in ~~strikethrough~~
- Proposed text to be inserted shown in *red italics*

Ref.	Plan Ref.	Pre-Submission Text	Modification	Reason
PM16	Policy RES5 New Housing Development	In considering proposals for new housing development regard will be had to the following principles, as appropriate. Proposals should:	<p>In considering proposals for new housing development regard will be had to the following principles, as appropriate. Proposals should:</p> <ul style="list-style-type: none"> <li>• <i>Make provision for the delivery of efficient and effective high-quality household waste collection services that supports the implementation of the waste hierarchy and encourages the practice of resource efficiency and waste reduction</i></li> </ul>	Response from County Council Minerals & Waste Authority requested that an additional policy point is added to caveats in RES5. Although covered by the Gloucestershire Waste Core Strategy it is considered that this addition would provide clarity to this policy to make further reference to the need for adequate waste management.
PM25	Para 4.7 (Policy EMP1 Major Employment Sites)	Proposals for non-B-class uses will therefore not normally be supported at Major Employment Sites. However, some limited non B-class uses may be supported where they provide ancillary and complementary services that would supplement the operation of the employment area. It is recognised, for example, that some serviced-based industries, such as nurseries, gyms, food outlets, can often help to promote the vitality of employment areas.	Proposals for non-B-class uses will therefore not normally be supported at Major Employment Sites. However, some limited non B-class uses may be supported where they provide ancillary and complementary services that would supplement the operation of the employment area. It is recognised, for example, that some serviced-based industries, such as nurseries, gyms, food outlets, can often help to promote the vitality of employment areas. <i>Furthermore, some employment generating infrastructure operations, such as waste and water management facilities can also be appropriate.</i>	Response from County Council Minerals & Waste Authority requested that the potential for waste infrastructure to be suitable on employment sites. While Policy EMP1 does not restrict this, it is considered that additional wording in the reasoned justification could help clarify this.
PM28	Policy EMP5 New Employment	Proposals for new employment development that are acceptable in principle in accordance with policies EMP1 – EMP4 will be permitted, subject to the application of other plan	Proposals for new employment development that are acceptable in principle in accordance with policies EMP1 – EMP4 will be permitted, subject to the application of other plan	Response from County Council Minerals & Waste Authority requested that an additional policy point is added to caveats in EMP5.

Ref.	Plan Ref.	Pre-Submission Text	Modification	Reason
	Development (General)	policies, where the following criteria are satisfied:	policies, where the following criteria are satisfied:  <i>Provision can be made for efficient and effective management of waste from the site that supports the waste hierarchy and encourages resource efficiency and waste reduction.</i>	Although covered by the Gloucestershire Waste Core Strategy it is considered that this addition would provide clarity to this policy to make further reference to the need for adequate waste management.
PM29	Para 4.29 (Policy EMP5 New Employment Development (General))		<i>4.30. Employment development should contribute towards waste minimisation and support the delivery of a network of sustainable waste management facilities. As such, new development should ensure that it can contribute to the delivery of efficient and effective high quality commercial waste collection services that support the implementation of the waste hierarchy and encourage the practice of resource efficiency and waste reduction. It should also facilitate the on-site and/or proximal management of waste, inc including through support for complementary activities such as utilising the services of existing neighbouring or nearby waste management facilities.</i>	New paragraph to add further detail to the additional policy caveat to Policy EMP5 relating to waste management for new employment development.
PM30	Para 4.32 (Policy EMP6 Safeguarding of Employment Sites)		<i>Waste management sites are specifically safeguarded by the Gloucestershire Waste Core Strategy and the loss of existing or allocated sites will normally be safeguarded by the local planning authority in consultation with the waste planning authority. This also extends to proposed neighbouring uses that</i>	Response from County Council Minerals & Waste Authority requested that specific reference is made to the safeguarding of waste facilities set out in the Waste Core Strategy. Although covered by the Waste Core Strategy it is considered that additional text to the



Ref.	Plan Ref.	Pre-Submission Text	Modification	Reason
PM63	Policy ENV1 Development near sewage treatment works		<p><i>may prejudice the use of a site for waste management.</i></p> <p><i>All development adjacent to sewage treatment works must demonstrate by way of suitable mitigation how they will not cause unreasonable restrictions upon existing sewage treatment operations or their ability to achieve sustainable development in the future over the time horizon of the plan.</i></p>	<p>reasoned justification to Policy EMP6 would provide clarity.</p> <p>Response from County Council Minerals &amp; Waste Authority requested that the policy includes provision that new development does not unreasonably impact up on the operation of existing sewage treatment sites. Although covered by the Waste Core Strategy it is considered that the additional policy text would add clarity.</p>