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30 May 2016

Tewkesbury Borough Council  
Council Offices  
Gloucester Road  
Tewkesbury  
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For the attention of Ciaran Power

**Application Reference 16/00241/FUL: Erection of biomass-based anaerobic digestion facility and associated works at land parcels 7946 and 9067 Ashchurch Gloucestershire**

Dear Sirs

I write to set out CPRE's objections to this proposed development.

CPRE has examined all the documents submitted with the application, in particular the Planning, Design and Access Statement (PDAS) and the Landscape and Visual Assessment and Transport Assessment.

### **The Site and its Surroundings**

Representatives of CPRE walked the public roads and rights of way in the vicinity of the site on 18 April 2016. For the public rights of way, signposting and where appropriate stiles were in place and there was evidence on the ground of regular use, particularly the bridleway running east from the northern end of the site.

Also noted were damage to kerbs, banks and verges, clearly caused by large vehicles, not so much in the immediate vicinity of the site but on the road between the Odessa junction and the turn at the western end of Tredington leading to the site. This matter is taken up below under the heading Highways.

### **The Development Plan**

CPRE sought advice from the planning team at Gloucestershire County Council, as similar developments are often determined by

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the minerals and waste planning authority. Officers explained that it had been decided that the proposed development was not a County matter because the feedstock was not classified as waste. Advice was also sought on the question of whether the Waste Core Strategy (WCS), and in particular its Policy WCS5, were rendered inapplicable as a result. An officer from the County Council replied to the effect that the WCS and its policies were indeed disappplied; similar advice was received independently from the case officer at Tewkesbury Borough Council.

CPRE does not dispute this advice. Nevertheless it is disappointing that a potentially applicable policy framework is disappplied simply by the nature of the feedstock, when in this particular case the drafting of Policy WCS5 of the Waste Core Strategy is otherwise entirely relevant, ontains important planning principles, and does not in itself make any reference to the content of the feedstock.

In this case the development plan consists only of the adopted Tewkesbury Borough Local Plan 2001-2011. **We consider that the provisions of the draft Joint Core Strategy and draft Tewkesbury Local Plan carry little or no weight in this instance.**

### **Planning, Design and Access Statement**

#### *Planning*

**We do not disagree with paragraph 2.14 about the lack of any guidance requiring sequential or alternative sites testing for this kind of development. However the rest of this section is inadequate and provides no clear justification for the location of the development in its own terms, let alone when the provisions of planning policy are then brought to bear.**

The PDAS correctly identifies the adopted Tewkesbury Borough Local Plan as the only component of the development plan. We agree (as indicated above) with the statement later in Section 5 that its successor, the emerging Tewkesbury Local Plan, carries little or no weight.

**We disagree strongly with the assertions at paragraphs 4.34 and 4.36 about the degree of landscape impact.**

Paragraph 5.5 quotes Policy EVT1 of the Borough Local Plan. We would ask the Borough Council to consider carefully whether part a. of the policy is complied with. Although part c. refers only to those areas covered by policies LND1, LND2 and LND3, the Local Plan should be read as a whole. The application of Policy LND4 is addressed below under the heading Landscape and Visual Impact.

The PDAS identifies a wide range of other material considerations (OMCs). It has not attempted a planning balance – presumably because the applicants consider the proposed development to be in accordance with the development plan and therefore, because the OMCs are presented as supporting the proposed development, there is no need to weigh them in the balance.

**Our view, on the contrary, is that the proposed development is not in accordance with the development plan, and that as a result much closer attention must be paid to the OMCs to ascertain the extent to which, if at all, they do outweigh the lack of compliance with the development plan.**

**Most of the OMCs described in paragraphs 5.28 to 5.61 of the PDAS arise from EU and national policy and constitute high level support for renewable energy generally. It could not reasonably be argued that these provisions do not support a proposal of this kind in principle. However, their high level of abstraction and lack of specificity mean in our view that even taken together they do they do not justify the lack of compliance with the development plan to the extent needed to outweigh that lack of compliance.**

### *Design and Access*

We note the material on the iteration of the design process. We consider that the final scheme is no less unacceptable than the first; indeed, the scope for alternative layouts is clearly limited within the narrow confines of the chosen site. This section of the DAS may explain the process – as is required; but it does not justify the end result.

### **Landscape and Visual Impact**

The site is located in Landscape Character Area Settled Unwooded Vale (County Landscape Character Type 18).

The landscape in the vicinity of the site is flat. To the west of the site, it does not rise from about 15 metres AOD until beyond the River Swilgate nearly 2km to the west, where the landform rises to about 25m AOD in the vicinity of the Gupshill roundabout. To the east the topography is slightly higher but still fairly flat until the foot of Oxenton Hill is reached about 3km to the east. There is no woodland in the vicinity of the site except at Milne's Covert just to the north, and on the embankments which carry the minor roads over the M5 motorway. There are intermittent trees in the hedgerows; some of the hedgerows themselves are uncut and reach estimated heights of 4 metres or more. **CPRE takes the view that this is a landscape highly sensitive to the impact of new development of any kind.**

CPRE considers that the proposed bunds, with a height of 4 metres, would themselves constitute an alien feature in this flat landscape. They would in any event not significantly mitigate the visual impact of the silage clamps, which indicate a maximum height to the storage of material of 6 metres, or the other structures which are shown on various drawings to have a maximum height above ground level of 13.5 metres. To put this into perspective, 13.5 metres is about the height of a three storey house with a pitched roof.

The western boundary of the site lies about 200 metres from southbound carriageway of the M5 motorway. The carriageway is about level with the fields to the east; but there is extensive vegetation on the motorway verge. This means that the visual impact in respect of motorway users would be limited.

However, with the exception of the vicinity of junction 9 and to the east of Gloucester, the M5 is largely rural in character as it passes through the whole of Gloucestershire, a distance of about 48 km (30 miles) from a point just south of the crossing of the River Avon to just south of Michaelwood services. CPRE considers that the proposed development would have an adverse effect on the landscape in this respect.

The proposed development would have an adverse impact on the amenities of users of the public right of way (footpath only) running from the northern tip of the site in a south easterly direction for a distance of about 200 metres before rejoining the road, and other rights of way in the vicinity.

CPRE did not have the resources to visit the distant viewpoints identified in the LVIA, but is content to rely on the opinion on these matters of the Landscape Officer in his consultation response.

In terms of policy, it is acknowledged that the site of the proposed development is not covered by any landscape designation, either national (AONB) or local (Special Landscape Area; SLA). In local policy terms this means that Policy LND4 of the adopted Tewkesbury Borough Local Plan applies, rather than LND1 or LND2. LND4 provides less protection for the landscape than the other two policies; but it does not mean that anything goes. Far from it - the reasoned justification for LND4 provides a concise summary of the importance of ordinary countryside. **We consider LND4 to be consistent with the spirit and purpose of current national policy. Considerable weight should therefore in our opinion be given to this policy in terms of paragraph 215 of the NPPF.**

**In terms of the reasoned justification for Policy LND4, the proposed development is not designed to harmonise with the character of the rural area in which it is located and is unacceptably intrusive. We consider that it should be refused for this reason.**

## Highways

The width, condition and alignment of roads in the vicinity of the site were noted on the site visit. In particular, it was noted that the narrow road leading to the site from the junction at GR 3919 2312 was signed as being unsuitable for heavy goods vehicles.

The proposed annual input of feedstock, in the order of 80,000 tonnes, is just under half of that expected at the Javelin Park energy for waste facility south of Gloucester, granted permission on appeal by the Secretary of State last year. If the feedstock for the proposed development has a higher volume to weight ratio than the residual municipal waste which will make up the feedstock at Javelin Park, this would mean that the traffic impacts of the current proposal will be proportionately higher. **We consider that the Borough Council must be wholly satisfied that the number of traffic movements can be safely and satisfactorily accommodated if it is otherwise inclined to grant planning permission for the proposed development.**

The Transport Assessment first refers at paragraph 5.4 to “satellite locations” as intermediate storage before final delivery to the AD plant. This may well, as the paragraph suggests, result in a more even number of deliveries month by month. However, **the**

**number and location of these satellites is not specified, and the question arises as to whether planning permission might be needed for them, and whether their own transport impacts would need to be evaluated.** Proposals for energy from waste facilities have sometimes run into difficulties because of the inadequate arrangements for waste transfer stations to serve them. The present situation is analogous.

However the present situation also differs from the treatment of waste in another important respect. Some means of dealing with Gloucestershire's residual municipal waste was urgently required, as landfill space in the County is diminishing rapidly. There will continue to be substantial amounts of residual municipal waste in a situation where scope for further improvement in recycling rates is limited. In this situation, significant traffic movements – to transport waste to Javelin Park when it is completed - are unavoidable. **In contrast, however, as paragraph 4.3 makes clear, feedstock for the proposed AD plant is grown specifically for the purpose. In this sense, the proposed development is not "necessary"; and the Borough Council is entitled to take a view on whether this constitutes, in the balance, sustainable development.**

The degree of uncertainty involved is illustrated at paragraphs 6.8 and 6.9, and again at 7.11. The assumptions made may be "reasonable and realistic" for the purposes of the assessment; whether they can be so described for the purposes of determination of the planning application is another matter.

### **Similar Developments Elsewhere**

CPRE Gloucestershire is aware of similar developments in other parts of the South West region which have had particularly serious adverse impacts in respect of damage to and mud on roads, and the blocking of roads by large vehicles. This is not necessarily because planning permission should have been withheld; and it could be the result of ineffective conditions and inadequate monitoring.

**For the avoidance of doubt, however, we believe that planning permission in this case should be refused; but in the event of it being granted, suitable and enforceable conditions should be imposed and effective monitoring arrangements put into place.** These are dealt with below.

### **Consultation Responses**

We note that Highways England have raised no objection. However we also note that the response is headed "Development Affecting Trunk Roads and Special Roads"; **we consider that the adverse effects of the proposed development arise from the use of local rather than strategic roads.**

We also note the interim comments of Gloucestershire County Council Highways dated 28 April. At the time of writing no final response is available. **The interim response raised some important questions to which satisfactory answers are needed before a view can be taken on whether or not the proposal is acceptable in transport terms.**

We note that FWAG supports the proposed development. The benefits of the proposal which FWAG claims are at least arguable, and there is no acknowledgment of potentially adverse effects.

### **Conditions and Monitoring**

If the Borough Council is minded to grant permission for the development, CPRE would expect appropriate and strict conditions to be imposed in respect of permissible feedstock.

CPRE would also expect conditions relating to the maximum height of the storage of material and regular monitoring to ensure that the condition is adhered to, and to size of vehicles.

### **Conclusion**

**The fact that a development produces renewable energy by no means makes it automatically sustainable. In particular, we are concerned about the distances that some of the feedstock may need to travel: the traffic impact and energy consumption involved in transport might well reduce the net value of the output of the proposed development to a significant extent.**

**We also consider that the lack of detail and certainty for key aspects of the operation as a whole weigh against the proposed development.**

**Leaving such matters aside, the proposed development in CPRE's opinion constitutes industrialisation of the countryside on a significant and unacceptable scale. It is not in a location in which any development, for example in the B use classes, would normally be contemplated, let alone permitted. No justification has been offered for the development's remote and isolated location. It is significant that the application places some emphasis on the lack of noise, odour and other potentially adverse environmental effects – meaning that a location for example close to existing built development, particularly non-residential development, could be more appropriate. This is reinforced by the fact that the same company has submitted an application to Winchester City Council (16/00116/FUL) for a similar proposal adjacent to Sparsholt College. Figure 9 in the Planning Statement accompanying the application clearly shows the proximity of the proposed AD plant to the college buildings.**

**For all the above reasons, CPRE respectfully requests the Council to refuse planning permission for the proposed development.**

Yours faithfully

Richard Lloyd  
Vice Chairman