



The Planning  
Inspectorate

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# Report to Buckinghamshire County Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

3 September 2012

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE  
BUCKINGHAMSHIRE MINERALS & WASTE CORE STRATEGY  
LOCAL PLAN**

Documents submitted for examination on 11 November 2011

Examination hearings held on 21 February – 2 March 2012

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## ABBREVIATIONS USED IN THIS REPORT

AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
AoS	Area of Search
AWP	Aggregates Working Party
BCC	Buckinghamshire County Council
BGS	British Geological Survey
C&I	Commercial & Industrial waste
CD&E	Construction, Demolition & Excavation waste
DCLG	Department for Communities & Local Government
DEFRA	Department for Environment Food & Rural Affairs
DPD	Development Plan Document
EA	Environment Agency
EfW	Energy from Waste
EIA	Environmental Impact Assessment
ERM	Environmental Resources Management
EU	European Union
ha	hectares
HGV	Heavy Goods Vehicle
IVC	In-Vessel Composting facility
JMWMS	Buckinghamshire Joint Municipal Waste Management Strategy
LAA	Local Aggregate Assessment
LPA	Local Planning Authority
LP	Local Plan
LTP	Local Transport Plan
MBT	Mechanical & Biological Treatment
MCA/MSA	Mineral Consultation Area/Mineral Safeguarding Area
MM	Main Modification
MPA	Minerals Planning Authority
MPS	Minerals Policy Statement
MSW	Municipal Solid Waste
mt/mtpa	million tonnes/million tonnes per annum
MWCS	Buckinghamshire Minerals & Waste Core Strategy
MWLDF	Minerals & Waste Development Framework
MWLDS	Minerals & Waste Local Development Scheme
MWLP	Buckinghamshire Minerals & Waste Local Plan
NPPF	National Planning Policy Framework
¶/para	paragraph
PPG/PPS	Planning Policy Guidance/Planning Policy Statement
RAWP	Regional Aggregates Working Party
RPB	Regional Planning Body
SA/SEA	Sustainability Appraisal/Strategic Environmental Assessment
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEAWP	South-East Aggregates Working Party
SEPRSS	South-East Plan Regional Spatial Strategy
SERTAB	South-East Regional Technical Advisory Body
SEWPAG	South-East Waste Planning Advisory Group
SPD/SPG	Supplementary Planning Document/Planning Guidance
SSSI	Site of Special Scientific Interest
SWC	Strategic Waste Complex
UK	United Kingdom
WTS	Waste Transfer Station
WPA	Waste Planning Authority

## Non-Technical Summary

This report concludes that the Buckinghamshire Minerals & Waste Core Strategy Local Plan provides an appropriate basis for the planning of the County over the next 15 years providing a number of modifications are made to the plan. The County Council has specifically requested that I recommend any modifications necessary to enable the plan to be adopted. All of the modifications to address this were proposed by the County Council, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The main modifications can be summarised as follows:

- Clarification about mineral safeguarding in relation to "exempt" sites;
- Amendments to the aggregates provision figures, reflecting the latest approach set out in the NPPF, including further information and clarification about the amount of additional provision to be made;
- Clarification of the approach to safeguarding aggregate depots and waste management sites at Richings Park/Iver, including reduction of HGV traffic;
- Amendments to the policy on waste prevention;
- Amendments to the baseline figures and future estimates of total additional waste management capacity, including revised estimates for commercial and industrial (C&I) waste;
- Amendments to the policy on providing additional recycling and composting capacity at district level;
- Amendments to the policies for the Calvert Strategic Waste Complex and associated waste transfer stations;
- Amendments to the environmental policies, including development in the AONB and minimising the transport of waste by road;
- Including a section and policy reflecting the national presumption in favour of sustainable development;
- Including a list of "saved" policies superseded by policies in the MWCS;
- Amendments to the Key Diagram to fully illustrate key elements of the minerals and waste spatial strategy in diagrammatic form.

## Introduction

- i. This report contains my assessment of the *Buckinghamshire Minerals & Waste Core Strategy* (MWCS) Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (¶ 182) confirms that to be sound, plans should be positively prepared, justified, effective and consistent with national policy.
- ii. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted Core Strategy (September 2011) [CS1.1], together with the accompanying Schedule of Proposed Changes [PS2.1].
- iii. This report deals with the Main Modifications that are needed to make the MWCS sound and legally compliant, as identified in bold in the report [MM]. In accordance with section 20(7C) of the 2004 Act, Buckinghamshire County Council (BCC) has requested me to make any modifications needed to rectify matters that make the plan unsound or not legally compliant, and thus incapable of being adopted. These Main Modifications are set out in the accompanying Appendix.
- iv. The Main Modifications that go to soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, BCC prepared a *Schedule of Proposed Changes* [PS5.3.1], which was subject to consultation over a 7-week period, including sustainability appraisal [PS5.3.10]. I have considered all the representations made on the Main Modifications, along with the subsequent minor changes suggested by BCC [PS5.3.15].
- v. Since the MWCS was submitted before the relevant section of the Localism Act 2011 came into effect, Section 33A of the 2004 Act, relating to the Duty to Co-operate, does not apply. However, BCC has consulted and engaged with the constituent and adjoining local planning authorities when preparing and amending this plan.
- vi. My approach to the Examination has been to work with BCC and other participants in a positive, pragmatic and proactive manner, with the aim of resolving any elements of unsoundness in the MWCS. In so doing, I have considered all the points made in the representations and during the discussions at the hearing sessions. References to documentary sources are provided thus [ ], quoting the reference number in the Examination Library.

## Legal and procedural requirements

- vii. At the end of my report is a summary of my assessment of whether the MWCS complies with the legal and regulatory requirements, and I conclude that all the necessary requirements are met. However, at the hearing sessions, there was considerable debate about the adequacy of the sustainability appraisal (SA), consistency with national policy and European Directives, the status of the Regional Spatial Strategy, and the nature and extent of the consultation undertaken during the preparation of the MWCS. These issues are addressed first, since they are a necessary pre-requisite to the assessment of soundness.
- viii. SA was undertaken by independent consultants throughout the preparation of the MWCS, including initial Scoping, Preferred Options and the published plan [CS1.2-1.3; CS3.2; CS4.2-4.3a/b]. It is comprehensive and objective, and applies a consistent approach using an established set of objectives. It also shows how

the SA influenced the final plan, including mitigation measures. Although some participants challenge the outcome and some of the detailed assessments, the SA process meets the requirements of the SEA Directive and contemporary national guidance [CS1.3; Appx A]. As regards the Habitats Directive/Regulations, a Stage 1 Appropriate Assessment Screening of all mineral and waste sites was undertaken to the satisfaction of Natural England [CS 11.1/11.2a-c; PS4.15; PS4.56], including additional atmospheric dispersion modelling work relating to Burnham Beeches SAC and nearby SSSIs [CS11.3/11.4].

- ix. The MWCS was prepared in the context of national planning policy as it then applied, including the various PPS/PPG/MPS policy statements and the draft National Planning Policy Framework (NPPF) [CS3.3]. Reference is made to the Government's Review of Waste Policy (2011) [PS2.20]. However, this is not a statement of new policy, but a statement of intent to review national waste policy and release a consolidated National Waste Management Plan in 2013; it does not replace the National Waste Strategy (2007) or PPS10. Most European Directives relating to waste management and planning have been incorporated into UK legislation and guidance, details of which are covered later in this report, and alternative spatial strategies for minerals and waste management have been considered. Detailed aspects of consistency with national policy, including the minerals and waste strategy, robustness of the evidence base and the site-selection process in terms of flood risk, are dealt with later.
- x. At the time of submission, the draft NPPF had little weight, since it was only a consultation document. Since then, the new NPPF has been published, which has cancelled most of the PPS/PPG/MPS policy statements, but most of the Companion/Practice Guides and annexes remain, as does PPS10 (Planning for Sustainable Waste Management). BCC has assessed the soundness of the MWCS against the new NPPF [PS5.3.3] and I have taken account of the views of consultees on the implications of the NPPF for the MWCS.
- xi. Some participants were unsure about the status of the Regional Strategy, but at the time the MWCS was prepared, published, submitted and examined, the South-East Plan Regional Spatial Strategy (SEPRSS) was formally part of the statutory development plan and local plans are required to be in general conformity with it. The legal requirement to seek a certificate of general conformity was abolished when the RPBs and Government Offices ceased to exist [PS4.11]. However, BCC consider the MWCS takes forward the regional context, reflecting local issues and objectives, and is in general conformity with the SEPRSS; I share that view. Although the SEPRSS is to be abolished, the Chief Planner has confirmed that LPAs can use the technical data used as the basis for the Regional Strategy [CS6.1].
- xii. Some participants challenge the adequacy of the consultation process, but this fully accords with the legislation and Regulations, and with the approach set out in the adopted SCI. All statutory bodies, district, town and parish councils were consulted on several occasions, along with other stakeholders and local communities. BCC confirms that, in some cases, the consultation process exceeded the minimum requirements, including Local Area Forums, travelling road shows, radio adverts and technical events. Some refer to guidance from the Audit Commission/DEFRA about consultation, and financial details about waste projects, but these relate to BCC's role as *Waste Disposal/Collection Authority*, rather than as *Waste Planning Authority*. Consequently, there are no shortcomings in meeting these legal and procedural requirements.

## Assessment of Soundness

### Overview

1. The Buckinghamshire Minerals & Waste Core Strategy (MWCS) establishes the strategic planning framework for minerals and waste planning within the county to 2026. During this period, the main challenges are to provide sufficient sand and gravel to enable planned house-building and construction projects to take place, and to move quickly from the current over-reliance on landfill in terms of managing waste. The MWCS sets out some of the key drivers for the strategy, including national policy and legislation, deliverability and flexibility, fiscal and other drivers, climate change, the water environment and sustainability. It also sets out the key factors in Buckinghamshire that influence minerals and waste planning, including cross-boundary elements affecting neighbouring areas. The MWCS is the culmination of a significant process of consultation and evaluation, which began in 2005. It is accompanied by an extensive evidence base, including Topic Papers [CS3.1-3.11], technical reports, transport and strategic flood risk assessments, site appraisals and sustainability appraisal reports.
2. For minerals, the proposed strategy is essentially based on:-
  - safeguarding existing mineral resources, by identifying an Area of Search and Preferred Areas;
  - achieving a sustainable supply of minerals by meeting the required apportionment for aggregates;
  - safeguarding sites for recycled/secondary aggregates, along with rail aggregate depots and wharves.
3. For waste, the proposed strategy:
  - encourages waste prevention, recycling, re-use and composting of waste (with specific targets);
  - plans to manage an equivalent amount of waste generated within the county (net self-sufficiency) by establishing a single Strategic Waste Complex with energy recovery capacity at Calvert in the north of the county, supported by two Waste Transfer Stations in the south at High Wycombe and Amersham;
  - safeguards existing and potential waste sites.

### Main Issues

4. Taking account of all the representations, supporting evidence, written statements and the discussion at the examination hearings, there are six main issues upon which the soundness of the plan depends.

### ***VISION AND STRATEGIC OBJECTIVES***

**Issue 1 – Are the Vision and Strategic Objectives for minerals and waste planning in Buckinghamshire soundly based and appropriate for the county, consistent with national policies, reflecting community views and locally distinctive, and do they provide a sound basis for the strategies and policies in the Core Strategy?**

5. The basis for the Vision and strategic objectives of the MWCS is set out in the supporting statements [PS2.13]. The Vision presents the future strategy for minerals and waste development in Buckinghamshire in 2026. It envisages more efficient use of primary minerals, mainly from the Thames Valley, increased use of recycled/alternative materials, meeting future needs through planned provision, and extracting minerals in more sustainable ways. It also envisages more sustainable waste management by increased recycling, composting and energy generation from waste, rather than sending waste to landfill, maximising the use of existing waste management facilities and

providing new facilities to meet local needs, along with a network of waste facilities that contribute to the efficiency of the county's transport infrastructure. Other evidence [CS3.3] sets out the key objectives and targets that have informed the Vision and strategic objectives, with the aim of ensuring a sustainable provision of minerals and waste management, whilst protecting Buckinghamshire's environmental assets and habitats.

6. Overall, the Vision clearly sets out the future strategy and spatial pattern of mineral extraction and waste management, with social, environmental and economic sustainability at its core. It also contains sufficient local and spatial distinctiveness, addresses key elements and local issues relating to minerals and waste planning in the county, and reflects the vision, key challenges, themes and outcomes in the SCSs. Some challenge detailed aspects of the Vision, mainly related to minerals provision and the associated 7-year landbank, but these matters are best addressed under the relevant policies. Issues about economic prosperity are covered in the supporting evidence [CS3.3].
7. Ten strategic objectives follow from the Vision, which are clear, specific and locally distinctive. They reflect relevant objectives in other strategies and plans for the county, including the SCSs, JMWMP, LTP, Chilterns AONB Management Plan, Landscape Plan & Green Infrastructure Strategy [CS1.3; CS3.3; CS3.9]. The MWCS (Table 1) shows the relationship between the Vision, objectives and relevant policies of the plan. The SA work has tested the plan's objectives, which led to amendments to some policies, and BCC has made further minor changes to the wording of some objectives as a result of the discussions at the hearings. Although some challenge detailed aspects of the objectives, particularly in terms of minerals provision and the waste strategy, these are best dealt with under the relevant policies.
8. Consequently, the Vision and Strategic Objectives provide a sound, relevant and locally distinctive basis for the spatial strategy, reflecting community views and the SCSs, and **no changes** are needed in the interests of soundness.

### **MINERALS PLANNING STRATEGY**

**Issue 2 – Does the Core Strategy ensure that the best integration of social, economic and environmental costs and benefits is achieved, by applying the principles of sustainable development and by carefully considering how best to maintain an adequate, steady and sustainable supply of minerals, commensurate with protecting the environment and securing the prudent use of natural resources, in line with national guidance?**

#### ***Minerals Planning Strategy***

9. There are three key elements of the Minerals Planning Strategy:
  - sustainable provision and supply of minerals, including providing sites for the processing and production of recycled, secondary and alternative aggregates, and safeguarding existing rail aggregate depots and wharves;
  - identifying a *Minerals Safeguarding Area* from which *Preferred Areas* will be identified to maintain a supply of primary minerals in line with the required apportionment for the county, with *Areas of Search* for further minerals supply;
  - maintaining a supply of material to meet the demand for traditional Chiltern bricks.
10. This approach is appropriate for Buckinghamshire, since it safeguards economically workable sand and gravel resources from sterilisation, whilst maintaining a sustainable level of supply to meet the county's needs. It also encourages more use of alternative aggregates, and safeguards existing and potential sites for the transfer of aggregates. It is based on the best available

geological information from the BGS and is consistent with the latest national policy in the NPPF. A variety of alternative mineral strategies were considered and evaluated at the Preferred Options stage, including various levels of minerals production, alternative means of providing the supply, and options related to the need/demand, location and transport of minerals, all of which were subject to extensive SA work [CS1.2; CS3.6; PS2.14]. Alternative spatial options are restricted, since minerals can only be worked where they exist, but BCC has considered options for future mineral extraction in both the north and south of the county, by identifying an Area of Search in the north and by establishing the principle of identifying Preferred Areas in the south.

11. The commitments to meeting the required provision level for aggregates in Buckinghamshire and providing a 7-year landbank throughout the plan period help to ensure that sufficient, deliverable and sustainable minerals provision is made, meeting national policy for aggregates. The strategy is flexible enough to accommodate changes in the provision level, as well as enabling minerals to be produced in the north of the county, if this should prove viable.
12. The MWCS encourages the use of alternative (recycled/secondary) aggregates, in line with national policy, by enabling the provision of further facilities for producing such materials and safeguarding existing rail aggregate depots and wharves. This approach contributes to a sustainable transport strategy, by encouraging the transport of minerals by rail or water, rather than by road. The strategy reflects the Vision and strategic objectives, and BCC confirms that it has co-operated effectively with neighbouring MPAs, discussing cross-boundary issues with adjoining counties, including import/export of minerals and the provision of aggregates for the growth area in the north of the county. Wider regional/sub-regional matters have also been discussed with the RAWP.
13. BCC proposes to amend the Key Diagram to illustrate the minerals spatial strategy in diagrammatic form, including the locations where minerals will be safeguarded and worked, as shown on an illustrative plan (Map 4) **[MM3]**. This would overcome any shortcomings in the submitted Key Diagram. With this amendment, the minerals planning strategy is clearly expressed, soundly based on a robust, credible and up-to-date evidence base, appropriate for Buckinghamshire and consistent with national policy.

### ***Safeguarding Mineral Resources***

14. Policy CS1 establishes a Mineral Safeguarding Area (MSA) covering sand and gravel resources in the south of the county [CS3.6; CS6.4b; PS2.14]. This approach follows from MWLP Policy 1 and is based on the latest BGS mineral resource information, reflecting the advice in the NPPF and BGS guidance.
15. There is some concern about the extent of the MSA, particularly the inclusion of mineral resources within the Chilterns AONB, SSSIs and SACs. However, mineral safeguarding need not be precluded by national/international environmental designations; it is intended to protect economically viable mineral resources in the longer-term, and there is no presumption that such resources will be worked. Policy CS5 confirms that Preferred Areas (from which future mineral provision will be made) will avoid national/international designations and locations that conflict with the purposes of designating the AONB, reflecting MWCS Policy CS21, whilst Policy CS18 provides the necessary safeguards for SSSIs and other environmental assets. Further policies in the Minerals LP will provide detailed criteria to assess development proposals for mineral working.

16. The minerals industry is also concerned about safeguarding existing mineral resources from incompatible neighbouring development. BCC explains that the MSA incorporates a Mineral Consultation Area (MCA) including a “buffer zone” to address this concern, reflecting the approach in saved MWLP Policy 29. Further details about the application of Policy CS1, including buffer zones around the MSA, will be addressed in the subsequent Minerals LP. BCC confirms that, by definition, the MSA only applies to economically workable mineral resources and where prior extraction is practicable. BCC also confirms that Policy CS1 will not apply to “exempt” types of new development, as currently set out in SPG5 [PS4.10], and confirmed in **[MM5]**. On this basis, Policy CS1 provides a sound framework for safeguarding existing mineral resources and identifying possible locations for future mineral extraction, is effective, consistent with national policy and appropriate for Buckinghamshire.

### ***Minerals provision (sand and gravel)***

17. Policy CS4 confirms that a minimum 7-year landbank of sand and gravel will be maintained throughout the plan period to 2026, based on the prevailing apportionment for the county. As submitted, the accompanying text confirms that the MWCS uses the latest sub-regional apportionment for Buckinghamshire of 1.05mtpa set out in the proposed changes to SEPRSS Policy M3, as advised by DCLG’s Chief Planner [CS6.1], extended to 2026, which also takes account of growth proposals in the north of the county. By maintaining a landbank of *at least 7-years supply*, the policy confirms that this is the minimum requirement.
18. However, latest national guidance in the NPPF (¶ 145) advises that MPAs should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA), based on a rolling average of 10 years sales and other relevant data; the landbank remains at a minimum of 7 years. Although a full LAA has not yet been prepared, BCC has reviewed the level of sand and gravel provision using the latest approach, and proposes to amend the MWCS to provide for a total of 10.93mt over the plan period to 2026, equating to 1.09mtpa [PS5.2.2]. Taking account of permitted reserves, this would require an additional provision of about 6.5mt of sand and gravel. Consequential amendments are proposed to Policy CS4 and the accompanying text, including details of the current landbank and additional provision required, with reference to maintaining an *adequate and steady* provision of aggregates. Following further consultation, BCC confirms that a LAA will be prepared to inform the Minerals LP, taking on board the advice of the SEAWP, clarifies the need for new *operational capacity*, the total permitted landbank and time period, and confirms that a landbank of at least 7-years will be maintained **[MM6-MM10]**.
19. These amendments will ensure that the MWCS reflects the most up-to-date national policy. It will also meet most concerns of the minerals industry about the level of provision proposed, and ensure that there is sufficient information to monitor this element of the plan. However, it is not essential to specify the actual figures in the policy itself, since the requirement to meet the prevailing local annual supply figure provides the flexibility to respond to amended provision figures during the plan period.
20. BCC has calculated the landbank in line with national guidance, based on up-to-date evidence using the latest available (end-2010) sales figures. Most of the minerals industry is generally content with the basis of the latest calculations, which seem to be reliable, robust and soundly based. The assumptions underpinning the revised provision level are based on production, demand and resource availability methodology, as set out in the supporting evidence [CS3.6;

PS2.11; PS5.2.2]. Taking a 10-year period evens out periods of high and low production, and there is certainly no case for excluding periods when supply levels have been low. Issues about dormant mineral sites have largely been resolved in the updated calculations, and BCC explains why “inactive” sites should be included [PS4.28]. The position will be regularly reviewed, ensuring that the landbank and required provision is kept up-to-date.

21. Some in the minerals industry suggest that, at the outset, the MWCS should provide for a 7-year landbank at the end of the plan period (ie. to 2033). However, national policy does not require this approach, and BCC confirms that the MWCS will be reviewed every 5-years, updating and monitoring the position through the AMR process and when planning applications are submitted. This will ensure that there is a minimum 7-year landbank throughout the plan period, rolling forward at the end of the plan period.
22. Some mineral operators suggest that the MWCS should plan for a higher level of provision, to give flexibility. This was one of the options considered at the Preferred Options stage, but was rejected following SA. BCC is prepared to meet its fair share of minerals provision, but there is no requirement in national policy to plan for a higher level of provision. This could lead to the premature release of sites and a less sustainable use of mineral resources, as well as prejudicing national and local objectives which seek to make more prudent use of primary resources and increase the use of alternative materials.
23. Some are concerned that other MPAs may not meet the agreed minerals provision level in their forthcoming Minerals Local Plans. These issues will need to be debated at SEAWP level and through discussions and co-operation with the MPAs concerned. There is certainly no case at present for BCC to make increased minerals provision to take account of the possibility of lower provision levels proposed in adjoining counties, particularly since none of these other plans have been adopted.
24. There is also a need to ensure that additional minerals provision is made in a timely manner, reflecting the lead-in time for new quarries. BCC explains how further provision will be made when the landbank falls below the 7-year level [CS3.6; PS2.14], predicted to occur sometime in 2014, by allocating sites within the Preferred Areas as part of the Minerals LP process. Phasing the release of new sites will help to ensure that a steady supply of minerals is maintained. Issues about much of the landbank being tied up in a few sites, production capacity, constraints and limitations on output, and location of existing sites relative to markets and demand relate to the management of the landbank, and can be addressed in the Minerals LP when allocations are considered. The theoretical output of each of the sites has been assessed [CS3.6], and there is little evidence to suggest that provision levels will not be met in the early periods of the plan. If reserves are restricted to a few large sites, further sites may need to be released sooner than expected if an adequate and steady mineral supply is to be maintained. There is certainly no case to increase the provision level by 15%, as some suggest, to take account of this factor, particularly since the situation will be regularly reviewed. Further flexibility in future minerals provision is provided by identifying an Area of Search in the north of the county, along with increased use of recycled and alternative materials and the provision of processing facilities (Policy CS6).
25. Consequently, as amended, Policy CS4 will ensure that adequate, steady and sustainable provision of sand and gravel is made during the plan period, with enough flexibility to accommodate changes in the level of provision, in line with the latest national policy and soundly based on robust and up-to-date evidence.

### **Area of Search and Preferred Areas**

26. The Area of Search (AoS) aims to safeguard potentially workable mineral resources in the north of the county from sterilisation until further investigation demonstrates the viability of extracting the minerals [CS3.6; PS2.14]. Policy CS2 encourages further investigation of mineral deposits in this area, to support proposed growth in the north of the county. This results from studies of aggregates supply in this “growth area” [CS6.2/CS6.4], in line with the BGS advice and MPS1 Practice Guide, and following SA work [CS1.2/1.3]. Although there is some uncertainty about the level of proposed growth and the extent and viability of mineral resources in this area, this approach represents a feasible, pragmatic and deliverable strategy, supported by the minerals industry.
27. There is some concern about the proposed extent of the AoS to the east and south-east of Buckingham, but this is based on the best available information in the technical studies, is more accurately defined and provides more certainty to landowners, residents and other stakeholders than the AoS in the existing MWLP. There is no certainty that mineral working will actually take place until the feasibility and viability of the potential resource has been established, which will be subject to further work at the detailed planning application stage. For these reasons, the MSA does not formally encompass the proposed AoS, but the AoS will form part of the MCA, and the district councils will be expected to inform BCC of any potentially incompatible developments.
28. Policy CS5 establishes the principle of identifying Preferred Areas from within the MSA, and sets out the criteria and search sequence for identifying such areas in the Minerals LP [CS3.6; PS2.14]. Full provision of the remaining aggregates supply will be made from within the Preferred Areas, but this would not preclude further provision. Preference is given to extensions to existing sites, in line with MPS1 Practice Guide (¶ 40). The policy seeks to avoid sites which have an adverse impact on international/national designations, including the Chilterns AONB, particularly since there are sufficient resources outside the AONB to meet the county's needs. The criteria recognise the need to consider the cumulative impacts of several mineral working sites in an area, as well as the impact of transporting minerals. Some suggest that reducing road haulage should be given more weight, but this is covered in other policies and is related to encouraging more sustainable modes of transport and the spatial distribution of mineral sites, including local markets, processing plant and areas of demand.
29. There is some concern about the need for new mineral working sites to be subject to the sequential test for flood risk, highlighting several existing sand and gravel workings in the flood plain in the county. However, issues about flood risk have moved on since the MWLP was adopted, and the MWCS needs to reflect current national policy. Even though mineral working may be less vulnerable to flood risk and sand and gravel working can be a water compatible development, Technical Guidance accompanying the NPPF confirms that the sequential test should apply to all developments. All new mineral developments should be subject to the sequential test, with more detailed consideration of flood risk taking place when new sites are selected in the Minerals LP. EA suggests that this approach should be reflected in Policy CS5 and in the Sequential Test Report [CS9.2], which BCC intends to amend accordingly **[MM11]**. Concerns about the potential impact of mineral working on SSSIs are covered by Policy CS18 and in subsequent policies in the Minerals LP. On this basis, the approach is soundly based and effective, appropriate for Buckinghamshire, and consistent with national policy.

### ***Non-aggregate minerals***

30. Policy CS3 covers other minerals, mainly clay and chalk, including meeting the demand for traditional Chiltern bricks and other non-aggregate minerals [CS3.6; ¶ 3.11-3.24]. The manufacture of high-grade vernacular bricks from the Chiltern Hills is an important small-scale enterprise, and further reserves of brick-clay exist at some quarries and landfill sites. The positive criteria-based approach of Policy CS3 accords with national guidance in the NPPF and the Chilterns AONB Management Plan, and also follows from MWLP Policy 8. The link to other policies ensures that proposals do not conflict with the aims and purposes of AONB designation, including the conservation of natural beauty.
31. Chalk forms a prominent feature of the Chiltern Hills, but in Buckinghamshire chalk is no longer extracted for the production of cement, although it is still used for agricultural purposes and as low-grade aggregate and fill material. Policy CS3 provides a criteria-based approach, which reflects the lack of increased demand for chalk, but enables mineral proposals to be considered in terms of need, viability and markets, along with other relevant policies. BCC intends to make some minor changes to the wording of the text accompanying Policy CS3, but these do not affect the overall soundness of the policy.

### ***Recycled and secondary aggregates***

32. Policy CS6 sets out a positive criteria-based approach to encourage the provision of additional facilities for the processing of recycled and secondary aggregates, including CD&E waste, at suitable minerals and waste sites, with further justification in the supporting evidence [CS3.6; PS2.14]. This approach is fully in line with national policy, and provides enough flexibility to accommodate the range of facilities needed, on both a temporary and permanent basis. The specific criteria reflect national policy and SEPRSS Policies W2, M1 & M2, and support the overall minerals and waste planning strategy. Policy CS6 is also flexible enough to enable new facilities to be located on any suitable site, including industrial areas, subject to the specific criteria. The environmental impact of particular proposals, including mitigation, is covered in the specific criteria and by MWCS Policies CS19 & CS23. Policy CS6 will also help to deliver the increased recycling target for CD&E waste, reflecting the overall scale of additional provision for recycling such waste in Policy CS9. BCC proposes a minor change to the accompanying text, to recognise the local importance of *witchert*, but this does not affect the overall soundness of the policy.

### ***Rail Aggregate Depots and Wharf Facilities***

33. Policy CS7 safeguards two existing rail aggregate depots and encourages the provision of new depots and wharves in appropriate locations. This helps to promote the sustainable transport of minerals, particularly by rail, reflecting national policy and continuing the approach of MWLP Policy 7. These sites represent rare opportunities to encourage transport of aggregates by rail, which should be safeguarded for this purpose in the face of competing pressures for other development, as explained in the supporting evidence [CS3.6; PS2.14]. Consequently, the approach is fully justified, effective and soundly based.
34. The main concern relates to safeguarding an enlarged area of the existing rail aggregates depot at Thorney Mill, Iver, particularly the impact of HGV and other traffic movements through Iver village and Richings Park. This issue forms an important element of Core Policy 7 in the South Bucks Core Strategy, acknowledged in BCC's LTP & Transport Paper [PS3.20], and concerns five industrial/business areas in the Thorney Mill/Iver area. After discussion at the hearings, BCC recognised the need for a consistent approach to this issue for

these safeguarded sites, particularly in reducing HGV movements in this locality. A revised policy and explanatory text has now been put forward (including a further minor change), specifically recognising the need to reduce HGV movements at this site from the current baseline **[MM12]**; further details will be considered at the planning application stage. This will ensure a sound and consistent approach to developments in this locality and largely meet the concerns of the local communities and most representors.

### ***Other issues***

35. The NPPF advises that plans should include policies for the restoration and after-care of mineral sites. MWLP saved Policy 31 currently deals with the restoration and after-care of minerals and waste sites which, along with MWCS Policies CS22 & CS23, will apply to the restoration and after-care of minerals and waste sites [CS13.1; PS2.14]. BCC confirms that it will consider including such a policy in the Minerals LP, which will ensure that this aspect is specifically addressed and that the MWLDF as a whole is sound.
36. Consequently, with the proposed changes, the proposed minerals strategy applies the principles of sustainable development to minerals and delivers an adequate, steady and sustainable supply of minerals, whilst protecting the environment and securing the prudent use of natural resources. Accordingly, it is soundly based, deliverable, effective and consistent with national policy.

### ***WASTE PLANNING STRATEGY***

**Issue 3 – Does the Core Strategy set out a soundly based planning strategy for sustainable waste management, which enables sufficient opportunities for new waste management facilities to be provided in appropriate locations, in line with the plan's strategic objectives, helping to implement the requirements of the Joint Municipal Waste Management Strategy, and is it supported by a robust, credible and up-to-date evidence base and consistent with national and regional policies, including PPS10 and the National Waste Strategy?**

#### ***Waste Planning Strategy***

37. The key elements of the Waste Planning Strategy are:
  - planning for net self-sufficiency in managing the county's waste and meeting the prevailing targets for recycling and diversion from landfill;
  - encouraging waste prevention and safeguarding existing waste management capacity, while increasing recycling and composting provision;
  - for waste that cannot be recycled, proposing a single Strategic Waste Complex (SWC) at Calvert, with an energy recovery facility, supported by two waste transfer stations in the south of the county;
  - reducing the disposal of waste to landfill, including waste imported from London;
  - making contingency provision, should the Calvert SWC not be operational by 2015;
  - safeguarding existing/potential waste sites.
38. The strategy is clearly expressed in the MWCS, and the accompanying evidence shows that it is consistent with national, European and regional policies [CS3.3; CS3.5; PS2.15]. It is supported by a comprehensive evidence base, including technical studies, topic based reports, area/site appraisals and SA work. Even though some of the evidence, including the waste estimates, is based on historic information, it uses robust assumptions to underpin the various studies and has been thoroughly tested and verified. The strategy has been fully consulted upon, with neighbouring WPAs and other bodies such as SERTAB/SEWPAG, and reflects the overall Vision and strategic objectives of the MWCS. It also encompasses waste prevention, as the starting point for waste management.

39. The MWCS and the supporting evidence demonstrate that the strategy is appropriate, effective and deliverable, taking full account of national and local initiatives and targets for waste minimisation, recycling/composting and re-use, and diversion of waste from landfill. The waste hierarchy is at the heart of the MWCS; the strategy will help to drive waste up the waste hierarchy and away from landfill by encouraging waste prevention, recycling and re-use, and by providing a significant amount of new energy recovery capacity. The current lack of capacity for energy recovery from waste indicates that substantial further provision of such capacity is needed as soon as practicable if Buckinghamshire is to divert the waste that is currently going to landfill sites.
40. The sustainability of the strategy has been tested on several occasions, including considering the positive carbon benefits of driving waste up the waste hierarchy and greenhouse gas emissions. The fact that the strategy focuses on a single location to provide most of the required energy recovery capacity reflects the pressing need for such capacity to be delivered in the face of environmental and other constraints, particularly in the south of the county.
41. The strategy helps to prevent generating waste at source and minimises the impact of waste facilities on the environment by maximising the use of suitable existing sites, and by encouraging the co-location of waste facilities accessible from the main urban areas. It also allows proven and emerging waste technologies (including energy recovery) to be considered, reflects prevailing targets for recycling, composting, re-use and recovery of waste, and enables sufficient new waste management facilities to be provided. As such, it would support the JMWMS [CS2.9], as well as the waste management initiatives of the district councils, without being unduly influenced by the waste procurement process. It is flexible, without being specific about the type of waste technologies, and can accommodate changes in waste generation and recycling/recovery targets. It also recognises that sustainable development can be achieved by addressing waste as a resource, in line with PPS10 (¶ 3).
42. The strategy for MSW and C&I waste is similar, starting with waste prevention, encouraging recycling, composting and re-use, and providing new capacity for energy recovery from residual waste, with the residue going to landfill. This fully reflects the waste hierarchy and national policy. Most CD&E waste will be recycled or re-used, with some inert material being used to restore landfill and mineral working sites. The strategy will meet the current and future needs for managing the waste likely to be generated, and address the needs of the waste industry. Most hazardous waste not currently landfilled is exported, due to the lack of suitable sites in the county, and sewage treatment works and sewage waste are dealt with in Policy CS17. The MWCS and its supporting evidence explain why no new capacity is planned for other waste streams [CS3.5]. Safeguarding existing waste management sites helps to protect land and facilities under pressure from competing uses, and enables co-location of waste facilities. The strategy also proposes a spatial network of waste facilities, in line with the proximity principle set out in European and national waste legislation.
43. Some suggest that this is the *wrong strategy with the wrong facilities in the wrong place, based on the wrong technology and the wrong information about waste generation*, but no-one puts forward a comprehensive and deliverable alternative strategy. Many challenge the strategy on the basis that it plans to manage the total amount of waste generated with infrastructure within the county (net self-sufficiency), which the latest Review of National Waste Policy [PS2.20; ¶ 263] suggests is not necessary.

44. However, the principle of net self-sufficiency is at the heart of the MWCS, consistent with national policy in PPS10 and the 2007 National Waste Strategy, which remain in force after the recent policy review, and reflects earlier regional advice and policies. Most of the WPAs in the South-East are planning for net self-sufficiency in waste management, in line with the SEPRSS and, following discussions at regional level and with neighbouring WPAs, the MWCS needs to be consistent with this wider approach. To adopt a different strategy, relying on provision of waste management capacity elsewhere, would merely shift the burden of provision to other locations, most of which would have similar constraints and local opposition, and could also involve longer distances to transport waste. Moreover, it would not be consistent with national policy, which advises that local communities should take more responsibility for their own waste and enable sufficient and timely provision of facilities to meet their own needs (PPS10; ¶ 3).
45. Some suggest that BCC has not taken EU Directives on waste management and disposal into account in preparing the MWCS. However, the relevant EU Directives have been transposed into UK law, either in legislation or regulations, most of which are directly related to the environmental permitting regime, which is the responsibility of the EA. EU Directives relating to waste planning, including refining the waste hierarchy, have been included in the updated PPS10 (2011), and I am satisfied that BCC has taken proper account of the relevant EU requirements in drawing up the waste strategy and policies of the MWCS. In response to criticism that insufficient account has been taken of opportunities to transport waste by rail, BCC confirms that this has been fully examined, but is not viable in the short-term or over short distances [CS8.1/8.2].
46. There is some concern about the waste strategy being “technology neutral” in terms of waste management capacity. Apart from specifying additional capacity for recycling, composting and energy recovery, the MWCS does not specify any particular type of waste management technology, or stifle innovation in line with the waste hierarchy, reflecting national policy in PPS10. “Energy recovery” could cover a range of energy recovery facilities, including anaerobic digestion, MBT or thermal treatment, as well as more advanced or emerging energy recovery technologies. Nor does the strategy specify any particular scale of waste management facility; the strategy could be met by providing the required capacity in several locations at a variety of sizes, including smaller-scale waste technologies. Although the preference is to locate the required capacity in a few locations (namely Calvert and the two waste transfer stations), the policies allow for other forms of provision, including contingencies.

*Alternative strategies, including out-of-county waste management capacity*

47. The proposed waste strategy emerged after a thorough consideration of spatial and other alternatives, including over 200 sites with a variety of waste management facilities and scenarios, all of which were subject to ongoing SA work, evaluation and re-evaluation [CS1.2; CS14.1a; CS3.5]. Although a two-centre strategy comprising two SWCs was originally put forward at Preferred Options stage, the selection of a single-centre SWC reflects the difficulty of accommodating such a development in south Buckinghamshire, given Green Belt, AONB and other constraints, as well as the need to ensure deliverability of the strategy. The SA work [CS1.2; Tables 5.2/5.4] explains why alternative options were rejected and demonstrates that this is a sustainable and appropriate strategy for Buckinghamshire.

48. Those challenging the MWCS argue that BCC has never considered a more radical, holistic strategy involving managing Buckinghamshire's waste at a dispersed network of smaller sites, close to where the waste is generated, with smaller-scale waste management technologies. However, a wide range of sites and alternative technologies were considered during the plan-making process, which show that the chosen strategy is appropriate and deliverable. At the Preferred Options stage, no-one suggested a decentralised strategy, and even at this late stage in the process, no-one has put forward a comprehensive, fully worked-up alternative strategy for the MWCS, with specific sites and waste management technologies, that has the support of the waste industry, local communities and other stakeholders. Nor is there any evidence to show that such a strategy would be effective, deliverable and soundly based.
49. At the hearing sessions, there was much debate about the potential availability of "out-of-county" waste management capacity, referring to permitted schemes at Rookery South (Stewartby) in Bedfordshire and Ardley (Oxfordshire), as well as the existing plant at Colnbrook (Slough). Stewartby is planned as a sub-regional facility, which at one stage in the waste procurement process had been considered for Buckinghamshire's waste, but this has now been replaced by Calvert. At my request, BCC's consultants undertook further work to update the position, looking at all existing, permitted and proposed waste management capacity in the surrounding counties [PS4.21/ PS4.46]. Much depends on the assumptions and estimates of waste capacity/generation, but the general picture is one of a broad balance between planned capacity and the amount of waste needing treatment. Even if an energy recovery plant of the scale envisaged is built in Buckinghamshire, it would be unlikely to lead to an over-provision of capacity, since there seems to be a strong demand for further energy recovery capacity in this sub-region arising from the amounts of waste likely to be generated and needing treatment, including unsecured MSW & C&I waste competing for the existing capacity [PS4.46]. Moreover, when considering the need for additional energy recovery facilities, it is more relevant to take account of existing operational capacity, since there is no guarantee that that permitted or proposed schemes will actually be implemented.
50. Since other WPAs are planning to manage amounts of waste equivalent to that generated in their areas, the sub-region should be in broad balance in terms of waste management capacity, particularly since the waste industry is unlikely to build plants if the waste is not available. In a more free-market regime (such as for C&I waste), there are few ways of controlling the movement and management of waste, and there will inevitably be movements of waste across county boundaries. BCC has consulted and engaged with neighbouring WPAs, but none wish to see waste coming into their areas and none are planning to make under-provision in terms of net self-sufficiency in managing waste. Only two operational plants exist within 1 hour travel time of Buckinghamshire, including Colnbrook (which is currently working at full capacity), and little spare capacity is likely to be available for Buckinghamshire's waste at other existing plants outside the county. There could also be issues about the sustainability of a strategy which involved transporting waste to plants outside Buckinghamshire.
51. Furthermore, if BCC was to rely on out-of-county capacity to manage its waste, the MWCS would have to demonstrate that this was the most appropriate, effective, deliverable and sustainable strategy for Buckinghamshire and the receiving area(s). It would have to be consistent with the Waste Local Plans of the receiving WPA(s), including the required infrastructure, and ensure that it was deliverable, notwithstanding the process could be outside BCC's control. It

would also have to demonstrate that the relevant waste management capacity exists and is available (with no double-counting), with the necessary contracts and agreements in place. Consultation and engagement would have to take place with the receiving communities, with no objections from the receiving authority. Consequently, even if BCC was to consider the use of waste management capacity outside the county, there is currently no evidence that such a strategy would be sustainable, effective, deliverable or sound.

52. Having considered all the evidence and points made during the examination, I conclude that the proposed waste planning strategy is clearly expressed, effective and deliverable, soundly based on a comprehensive and robust evidence base, appropriate for Buckinghamshire and consistent with national policy. BCC proposes to amend the Key Diagram to clearly illustrate the waste spatial strategy in diagrammatic form, including the locations where waste management sites will be safeguarded and developed, as shown on an illustrative plan (Map 5) **[MM3]**. This would overcome any shortcomings of the submitted Key Diagram and ensure that it is clear and effective.

### ***Waste prevention***

53. National policy seeks planning strategies that ensure the design and layout of new development supports sustainable waste management and encourages the minimisation and recovery of waste during and after construction. EU Directives [2000/76/EU & 2008/98/EC] also confirm that waste prevention should be the first priority in waste management. As submitted, Policy CS8 adopted a bold and challenging approach that went beyond current statutory requirements and the policy in the MWLP. It was subject to considerable criticism from the constituent district councils, on the basis that it imposed unreasonable, onerous and unjustified burdens on developers, duplicated the Site Waste Management Plan regime and lacked sufficient detail. Consequently, it was unsound.
54. As a result, BCC has drawn up an amended policy. This seeks to make efficient use of resources in design, construction and operation by encouraging design principles that minimise the use of primary materials, encourage the use of alternative building materials and re-use and recycling of materials, and minimise waste production, with on-site facilities for separating, recycling and storing waste generated. Further guidance will be prepared in a subsequent SPD. This revised policy remedies the deficiencies of the submitted version, overcomes the objections from the district councils, and would ensure a sound approach to waste prevention in new developments **[MM15]**.
55. Some participants argue that the MWCS should adopt a more positive and proactive approach to waste prevention, since this is the starting point of waste management, at the top of the waste hierarchy. However, the overall Vision for the MWCS envisages reducing the amount of waste produced to a minimum, and the plan outlines many of the measures being undertaken to reduce the growth in waste, including those at national level and local initiatives promoted by BCC and the district councils in their roles in municipal waste management and in the JMWMS [CS2.9]. The MWCS can make a positive contribution by supporting waste reduction and prevention, particularly as part of new development. But many of these other measures are outside the scope of a waste spatial plan, whose key focus is to drive waste up the waste hierarchy by ensuring that developers use sustainable options for waste management. I deal with the growth rates of waste generation later, but in terms of a strategic spatial plan, the MWCS gives sufficient emphasis to waste prevention and, with the amended policy, this aspect of the waste strategy is sound.

***Additional waste management capacity and net self-sufficiency***

56. The estimates of future waste generated, the targets for recycling, composting, recovery and landfill, and future waste management capacity required are at the heart of the waste strategy, and are subject to serious and sustained challenge. There are long-standing difficulties in obtaining accurate data for waste, since not only are future estimates of waste generation and growth difficult to predict, but the baseline figures are not always reliable, with a variety of assumptions that can significantly affect the calculations. The MWCS should be founded on sound evidence using the best available data on the various waste streams. However, PPS10 advises against spurious accuracy and undue precision, with uncertainties being recognised, managed and reduced by regular monitoring and review. Documents and studies from DEFRA show wide-ranging assumptions and predictions, which can change over relatively short periods of time, but much of the uncertainty derives from the unreliability of the baseline information on waste, particularly for C&I waste.
57. The basis of the waste estimates in the MWCS is given in the supporting evidence [CS3.5; PS2.15]. In essence, the submitted MWCS plans to manage up to 45.3mt of waste by 2026, including 5.61mt of MSW, 19.8mt of C&I waste, 17.5mt of CD&E waste and 2.3mt of imported waste from London. After taking account of recycling/composting, recovery and landfill diversion targets, along with growth rates and existing waste management capacity, Policy CS9 seeks to provide an additional 1.252mt of waste management capacity by 2026, including 760,000t of recycling, 135,000t of composting and 357,000t of recovery capacity. However, following discussions during the examination, revised estimates reduce the total additional waste management capacity to 956,000t at 2026, including 554,000t of recycling, 112,000t of composting and 290,000t of recovery capacity [PS4.113; PS5.2.3] **[MM16-MM19]**.
58. The basis of these figures lies in the ERM model used for the SEPRSS, updated and tailored to fit the circumstances of Buckinghamshire, and subjected to testing and verification [CS5.1-5.3]. The fundamental assumptions in the MWCS modelling work support its strategy of driving waste up the waste hierarchy, and ensure that national policy requirements are met (including the waste hierarchy, and recycling/recovery targets), as well as meeting or exceeding regional targets in the SEPRSS. They broadly reflect the guidance in PPS10, and are seen as providing a sufficiently precise estimate of the amount of waste to be managed in the future for the strategic purposes of the MWCS. They also reflect the likely level of population and household growth in the county over the period to 2026, which BCC proposes to clarify in the introduction to the MWCS (¶ 1.32 [PS4.112]) **[MM2]**. It is also relevant to note that Policy CS9 would preclude the provision of additional waste management capacity significantly in excess of the levels of provision specified.
59. Some participants seriously challenge these estimates, particularly for MSW and C&I waste, focussing on the overall amounts and growth rates of waste, arguing that the MWCS significantly over-estimates the amounts of waste that need to be managed (particularly by energy recovery) over the plan period. They suggest lower estimates of waste throughout the plan period in an attempt to obviate the need for a single high-capacity energy recovery facility, as proposed in the MWCS. However, this approach seems to strain the basic data and its interpretation, and introduces several unsubstantiated assumptions, with no guarantee that such a significant reduction in waste would actually be achieved. Although there is sustained criticism of the estimates in the MWCS, it was not

until the end of the hearings that anyone produced a fully worked-up alternative calculation [PS4.108]. This included some fundamental errors, with incorrect baseline figures, growth rates and recycling targets, flawed assumptions, no working model, and has not been subject to independent verification; later estimates have similar shortcomings, are incomplete and unverified.

60. Dealing firstly with MSW, BCC's projections use a high growth rate, since other more optimistic assumptions could lead to an under-provision of waste capacity and fail to achieve net self-sufficiency and landfill diversion targets. Even though a high overall growth rate is used, the rate of growth reduces over the plan period, in line with PPS10. The baseline figures support the figures and targets for MSW used in the JMWMS. Updated actual figures of MSW generated in 2010 are somewhat less than the baseline figures used in the MWCS model, but make little difference to the overall scale of additional recycling, composting and recovery capacity needed at the end of the plan period. Using the original MSW estimates in the MWCS helps to ensure that the future need for energy recovery is met, based on BCC's comprehensive modelling, which reflects the waste procurement process. Using the current growth and recycling targets provides a buffer to ensure that if demand appears greater, recycling targets can be achieved, with the added benefit of moving waste up the waste hierarchy. These figures and assumptions remain under challenge, but there are no compelling reasons which make them unsound. Consequently, the assumptions in the MWCS for MSW are realistic, robust and sound.
61. The difficulties in estimating C&I waste are widely-recognised. The baseline source in the MWCS goes back to the EA survey (2002/2003) used for the SEPRSS, updated and refined to reflect Buckinghamshire's circumstances, with a 2009 baseline figure of 993,000t rising to 1.285mt in 2026. Recent DEFRA studies [PS4.48/4.58] indicate that in 2009, C&I waste arisings were 29% lower than in 2002/03. However, the report advises caution in interpreting these results, since this survey is for a single year in the depths of the recession, is subject to limitations, was voluntary and tended to focus on companies that were more progressive in managing their waste. It was a national survey, not specific to Buckinghamshire, may have under-estimated waste quantities, and could be seen as somewhat atypical when planning over a longer period of time.
62. Nevertheless, BCC's consultants have reconsidered the baseline figures for C&I waste and BCC agrees to apply a mid-range reduction of 14.5%, recognising likely trends, but also the caveats and uncertainties in the data. This results in a 2009 baseline figure of 721,000t [PS4.113]. The estimates use a progressively declining growth rate, reducing from 2.5%-1.0% per annum, in line with the PPS10 Companion Guide, along with current recycling and recovery targets, reflecting the SEPRSS and Waste Strategy 2007. This reduces the overall requirement for additional C&I waste management capacity at 2026 from 749,000 to 453,000t, with a similar reduction in additional recovery capacity from 245,000 to 178,000t, reducing the overall 2026 additional energy recovery capacity requirement from 357,000 to 290,000t **[MM13-14; MM16-19]**.
63. These amended figures go some way to overcoming criticisms that the MWCS has over-estimated the amount and growth in C&I waste over the plan period and reflect more recent studies on the amount of C&I waste. Other methods, such as checking the amount of residual C&I waste at landfill sites and working backwards, do not tell the full picture. Until more reliable data is available, the revised figures in amended Policy CS9 provide the best available information.

64. There is much less concern about the estimates of CD&E waste, even though it forms the largest waste stream totalling over 17.5mt (2010-2026), equating to 1.032mtpa. The MWCS uses the latest recycling target of 70%, with no growth over the plan period. Since most CD&E waste is recycled, the MWCS plans for an additional 280,000t of recycling capacity at 2026, with the remainder being used in restoration of landfill and mineral working sites, in line with the minerals strategy. Baseline figures for CD&E waste are notoriously unreliable, but given that most of this waste stream is re-used or recycled and requires no recovery capacity, the MWCS uses the best available information with soundly based assumptions, consistent with national and regional policy.
65. There is some concern about the targets used in the calculations for waste minimisation, recycling, composting and re-use, since reducing waste and increasing these forms of waste management can reduce the need for recovery capacity and eventual disposal to landfill. However, the MWCS uses established national, regional and local targets, in line with PPS10, which in many cases are ambitious and represent a significant increase over the current situation. Taking more optimistic assumptions about reduced amounts of future waste arisings and more challenging recycling rates could risk the ultimate achievement of the sustainability and environmental benefits of the overall waste strategy, as well as resulting in under-provision of the necessary waste management capacity. The targets used in the MWCS seem realistic, achievable and in line with national policy, and are soundly based.
66. Taken together, the revised estimates of the waste likely to be generated in Buckinghamshire in the period to 2026, including the additional capacity proposed for recycling, composting and recovery, are based on robust assumptions, using the most reliable and recent information and technical data available, with targets and growth rates established at national, regional and local level. They take a reasonable and balanced view over the plan period, taking account of future population growth, without being unduly optimistic or pessimistic, or being influenced by short-term variations in waste generation, and have the support of many in the waste industry. By taking a "worst case" scenario, they provide flexibility and ensure the required waste management capacity is provided. The estimates are underpinned by the need to achieve net self-sufficiency in Buckinghamshire, as well as the pressing need to ensure that waste is treated higher up the hierarchy and divert waste from going to landfill sites. In the face of uncertainties and limitations of the baseline figures, BCC has taken a realistic approach, founded upon the best available statistics and forecasts which, with the proposed amendments, is robust and soundly based.

### ***Recycling and composting***

67. Policy CS10 sets out indicative levels of additional recycling/composting capacity for each of the district council areas in Buckinghamshire, along with criteria for identifying suitable sites in the Waste LP, reflecting national guidance in PPS10 (¶ 21). The overall capacity figure (615,000t) is based on the estimates used in Policy CS9, taking account of increased recycling targets and following "soft-market" testing [CS3.5; CS5.9; PS2.15].
68. It is important for communities to take responsibility for managing their own waste and for each district to play its role in providing additional recycling facilities, in line with PPS10 (¶ 3) and the JMWMS [CS2.9]. However, the basis of the distribution of new capacity to each district is questionable, since the figures are essentially based on the percentage of waste arisings related to its population. This may be relevant to MSW, but should not be used as a proxy

for C&I waste, since it takes no account of the number and nature of businesses or jobs, or the pattern of C&I waste in each district. There is no guarantee that the indicative provision would meet the specific needs of each district, since that would depend on the actual amount and distribution of C&I waste within the district. Moreover, the collection, management and treatment of C&I waste is subject to commercial contracts and cross-district movements. The proposed levels of additional capacity are untested at district level, in terms of the amount of capacity and the practical constraints to provision, and in some cases, give a disproportionate and unrealistic level of capacity.

69. As the district councils say, it is a flawed approach which would not provide a sound and robust basis on which to plan future provision. Alternative estimates were put forward, based on the number of jobs, but these are not complete or based on an agreed methodology. BCC has attempted to provide an appropriate and workable method to establish the indicative levels of future recycling/composting provision, but recognises the shortcomings of this approach. Following discussion at the hearing sessions, BCC puts forward an amended policy, reducing the overall level of additional capacity required (386,000t) and setting out the criteria for identifying sites, but deleting any references to district provision levels and the minimum sizes and indicative numbers of new facilities [MM19-MM20]. Although this would be less specific in terms of district-wide provision, it is preferable to an approach which is based on questionable assumptions and theoretical estimates. Most of the district councils accept the principle of apportionment and the site-selection criteria, but the overall scale and location of existing and additional recycling/ composting facilities should be assessed by the subsequent Waste LP. This would ensure that the overall MWLDF is comprehensive and soundly based in this regard.

### **Landfill capacity**

70. Policy CS15 confirms that no additional landfill capacity for non-hazardous waste will be provided in the county up to 2026. This reflects the fact that at the end of 2010, existing landfill capacity was estimated to be almost 21mt (including 13mt of non-hazardous waste capacity); applying the relevant landfill diversion targets, over 6mt of capacity would remain at 2026 [CS3.5; PS2.15]. It also recognises that disposal of waste by landfill is at the bottom of the waste hierarchy. More recent actual figures [PS2.18] show that at the end of 2011, there was over 27mt of existing landfill capacity (with nearly 20mt of non-hazardous waste capacity), demonstrating the robustness of the approach. These figures include an allowance for disposing of a declining amount of waste from London. Further landfill capacity may result from new mineral sites being permitted in the future, but the overall demand for landfill capacity is likely to reduce by encouraging waste prevention, more recycling/composting, managing waste by other means, and financial/other disincentives to disposing of waste at landfill sites.
71. The main concern relates to landfill provision for “inert” waste. In the past, inert waste (often CD&E waste) has been disposed of at landfill sites, but the operation of landfill taxes has discouraged this approach, and it is now mainly used only in the restoration of landfill sites. There is some concern about the possible lack of inert material, but this may not arise due to the current availability and wide catchment area of such material. Nevertheless, the supporting evidence [CS5.2] confirms that the county is expected to have sufficient landfill capacity for inert waste in 2026 and that no further landfill capacity needs to be provided. Consequently, BCC agrees to add “*inert waste*”

to the policy, along with subsequent clarification [MM28]. This confirms the lack of need to make further specific provision of landfill capacity for this type of waste, but enables inert material to be used in the restoration of mineral working sites, ensuring that the policy is sound in this regard.

### ***Management of imported waste***

72. Policy CS16 provides for up to 2.3mt of landfill capacity to accommodate waste imported from London up to 2026 and generally resists other proposals involving the import of waste from outside the county, except where energy recovery from imported waste would bring demonstrable benefits.
73. Provision for accommodating a declining amount of waste from London has its origins in the SEPRSS (Policy W3), which requires such provision to be made up to 2025. BCC has amended the provision figures, based on various SERTAB modelling assumptions and selecting the option that puts most emphasis on proximity to London. Up to 2015, the SEPRSS figure is used (0.212mtpa), with a reduced provision of 0.127mtpa up to 2026, totalling some 2.3mt (2010-2026) [CS3.5; PS2.15]. This represents a marginally lower provision than that envisaged in the SEPRSS, but is not inconsistent with the latest adopted London Plan and no concerns have been expressed by the Mayor of London or SERTAB/SEWPAG. Consequently, it is a positive, realistic and sound approach.
74. Some representors resist the principle of importing any waste from outside the county, but the MWCS has to have regard to current plans and policies. Although BCC would resist importing waste for recycling/composting, there can sometimes be benefits in importing waste for energy recovery, such as improving the viability of recovery activity in the county. Such activity could encompass a variety of "energy recovery" facilities, including thermal treatment, anaerobic digestion and MBT, which can vary in capacity and scale. Facilities could be built to accommodate the anticipated amount of waste input, without necessarily requiring waste to be imported from outside the county. The fourth clause of the policy would give the flexibility to enable some waste to be imported in exceptional circumstances, such as where the county's energy recovery targets could not be met in any other way. This does not necessarily assume that the energy recovery facility at Calvert would need to import additional waste to ensure the viability of the plant, since this would be a detailed matter, to be addressed at the planning application stage.
75. The main concern is whether an exception should be made for the existing Calvert landfill site, to allow waste to be imported for composting, given the permission for an IVC, the existence of a rail link and its designation as a SWC. However, as BCC says, composting should generally be undertaken in line with the proximity principle, close to where waste is generated. The use of the rail network does not necessarily make the importing of waste for composting more sustainable, and may deflect from the overall objective of London becoming self-sufficient in waste management in future years. This policy would not directly affect current waste contracts, and since the IVC is already permitted, it would not affect the future operation of this plant. Consequently, no further changes are needed to this policy.

### ***Proposed Strategic Waste Complex at Calvert***

#### **Issue 4 – Is the proposed Strategic Waste Complex at Calvert soundly based, deliverable and fully justified, including the sustainability appraisal and site-selection process, proximity principle, the need for and nature of the energy recovery facilities, environmental and other impact, road and rail access, associated waste transfer stations and alternative sites?**

##### *Basis and justification for the proposal*

76. Policies CS11 & CS12 allocate land at the Calvert landfill site for a Strategic Waste Complex (SWC), to include an energy recovery facility and other associated waste facilities, subject to specific criteria, and set out the essential supporting infrastructure needed, including a new access road and sites for waste transfer stations at High Wycombe and Amersham.
77. This is the most contentious proposal in the MWCS, with objections from some district councils, local communities, other organisations and individuals. Many representations refer to proposals for an Energy-from-Waste (EfW) plant at this site, which at the time of the examination was subject to a planning application. Some participants found it difficult to appreciate the extent to which these processes are separate and independent of each other, and to understand that the examination of the MWCS is not an examination into the waste procurement process or a specific planning application. Since the MWCS does not specify any particular form of waste technology at this site (other than an energy recovery facility), it is not the purpose of this examination to consider the details of any specific proposal, or particular types of energy recovery facilities/technologies, or any proposals arising from BCC's waste procurement process. This view is supported by BCC's unchallenged legal opinion [PS2.7]. Evidence relating to the current planning application has only been considered insofar as it relates to the soundness of the MWCS and the proposals for Calvert in this plan.
78. At first sight, BCC's description of Calvert as the *least worst* site that can be found in Buckinghamshire inspires little confidence that it is the *best option* as part of the *most appropriate* strategy. However, the proposal is supported by a substantial evidence base, covering the site-selection process, alternative sites, sustainability appraisal and detailed site and topic-based assessments, including site capacity, transport, climate change, ecology, landscape, flood risk and other detailed work. Examining the supporting evidence reveals that, overall, it is the best performing potential SWC site in the county and the most appropriate sole choice for a SWC throughout the MWCS site-selection process.
79. The proposal emerged as a result of an extensive site-selection process, which considered nearly 200 sites, with many alternative sites, options and ranges of technologies, but yielded only a few potential strategic sites for consideration at Preferred Options stage. During earlier stages of the plan-making process, no other specific, suitable, available or alternative sites were suggested by other parties, apart from Wapseys Wood. Calvert is clearly the most appropriate and deliverable site in the north of the county, and there appears to be no suitable, available or deliverable site(s) of the size and nature required in southern Buckinghamshire outside the Green Belt or AONB [CS12.4; CS14.1a].
80. The main advantages of the Calvert site are its location outside the Green Belt, in existing waste management use with direct rail access and with the opportunity for the co-location of other waste facilities, outside any groundwater protection zones and with most of the site not subject to any flood risk. It also covers over 200ha, comprising one of the largest landfill sites in the sub-region,

with sufficient unworked land to accommodate a SWC of the area required, and with the potential to co-locate other waste management uses. It is a long-term waste management site, with full restoration unlikely much before 2047.

81. Without this allocation, the pressing need for energy recovery capacity in Buckinghamshire is unlikely to be met, and the objective of driving waste up the hierarchy, moving away from disposing of waste to landfill, is unlikely to be achieved. The SA work [CS1.2-1.3] confirms that the proposal accords well with the principles of sustainable waste management and use of natural resources and energy. It would also reflect national policy, by identifying a site where co-location of waste management facilities can take place. Consequently, the Calvert SWC is a crucial element of the waste strategy, without which the strategy could probably not be delivered.
82. Its main disadvantage is poor access to the strategic road network, but the MWCS recognises the need for a new/improved road access to the main A41. Furthermore, although the site is not far from Aylesbury, one of the main generators of waste and a town which is subject to considerable future growth, it is not well located to serve the main towns and settlements in the south of the county. However, by establishing two new waste transfer stations at High Wycombe and Amersham, close to where waste is generated in the south, waste can be bulked-up, sorted and recycled, before the waste suitable for energy recovery is transported in bulk to Calvert. In the short-medium term, this will probably be by road transport, involving considerable "lorry miles", but the availability of waste transfer facilities at Calvert direct from rail, means that rail transport could take place in the longer term.
83. There is some concern about the type of waste technology envisaged at the Calvert site, which I have covered in general terms earlier in this report. In the case of Calvert, the plan specifies the general type of waste facility (energy recovery) that would be located on this site, without stifling innovation, in line with the waste hierarchy and reflecting national policy in PPS10. The evidence base has assessed the implications of alternative technologies [CS5.5], and the proposal would help to implement the JMWMS [CS2.9], supporting BCC's waste procurement proposals, but without being unduly influenced by these other processes. The MWCS is not specific about the precise type or scale of technology at this site; it could encompass any type or scale of energy recovery facility. Since no specific energy recovery technology is specified or precluded, the acceptance of a particular technology at Calvert will be a matter for a specific planning application/permit and the relevant regulatory authorities.
84. However, the current proposals for an EfW plant on this site indicate that the waste industry supports the principle of an energy recovery facility at this location, and points towards the successful delivery of the waste strategy. The fact that the site is already used for waste management, with landfill capacity and proposals for an IVC and associated plant, also supports the suitability of the site for this form of SWC. The possible future availability of a hazardous waste cell, as part of the current landfill proposals, provides another advantage in dealing on-site with any residual waste arising from whatever energy recovery facility is employed. After the hearings had closed, BCC's Development Control Committee considered the planning application further and resolved to grant planning permission [PS5.2.5]. The Secretary of State subsequently declined to call-in the application for his determination. The latest position, with a commitment to grant planning permission, supports the principle that this allocation is realistic, deliverable and soundly based.

85. Following discussions at the hearing sessions, BCC proposes several important amendments to Policy CS11. These will ensure that any proposals do not inhibit the movement of waste up the waste hierarchy; ensure that proposals for other waste management facilities complement existing uses and the sustainability benefits of co-location; give priority to existing users of any heat generated; give more emphasis to considering the use of rail to transport waste; and set up a community liaison group **[MM23]**. These amendments will partly allay the concerns of some representors, and ensure a sound framework to implement the proposals for a SWC at this site.

*Environmental and other impacts of the proposed SWC*

86. The site-selection process has taken full account of the environmental impact of the proposed Calvert SWC. The landscape and visual assessment [CS10.2a] confirms that the proposal may have some limited impact; much will depend on the detailed design of the development, particularly its visual impact and impact on the setting of, and views from, nearby listed buildings (such as Claydon House and Waddesdon Manor) and other heritage assets. The site has been subject to extensive ecological assessments [CS10.1a/10.2a], including the existing SSSIs, sites of local nature/wildlife interest and areas of ancient woodland, also involving atmospheric dispersion modelling [CS11.4]. The reports confirm that the proposal is likely to have some impact on biodiversity, for which mitigation/compensation measures will be needed, but given the size of the site and its distance from such assets, this does not preclude its allocation as a SWC. Moreover, neither Natural England nor EA now have any objections to the current planning application for an EfW on this site [PS4.20d; PS4.98].
87. The proposal has been subject to a transport evaluation [CS7.1]. This concludes that, although there would be a substantial number of HGV journeys involved in transporting the waste to Calvert, particularly from the south of the county, the overall impact on the strategic road network would be small; daily traffic levels would increase by less than 10%, with minimal increases in HGV traffic. Additional traffic on the main A41 would be indistinguishable from normal daily variations in traffic flow, and HGV movements along local roads around the site and through nearby villages would actually be reduced as a result of the proposed new access to the site from the main A41. The transport assessment has also compared the existing situation with other options in terms of haulage distance, CO<sub>2</sub> emissions and implications for climate change. BCC has examined the potential for greater use of rail access [CS8.1/8.2], which is addressed under Policies CS11(e) & CS14(c), and amendments to Policy CS11 highlight the need to consider rail transport of waste **[MM23]**. Current evidence suggests that, subject to detailed route alignments, HS2 and the East-West Railway proposals would be likely to have only a minimal impact on the operation or deliverability of the proposed SWC.
88. There is some concern that the site was not subject to a full sequential assessment at the site-selection stage in terms of flood risk. However, BCC confirms that all potential sites were subject to sequential assessment during the plan-making process. Work undertaken as part of the Sequential Test report confirms that Calvert passed the sequential test, subject to mitigation conditions, and that there are no available alternative sites entirely within Flood Zones 1 or 2 (as confirmed in the latest proposed change **[MM21]**); most of the site lies within Flood Zone 1 and there is sufficient developable land for a SWC to be located within this area [CS9.1-9.2]. EA is broadly satisfied with this approach, subject to clarification in the Sequential Test report [PS3.21.2; PS4.23].

89. Issues about the impact of the proposal on the rural economy, including tourism, are addressed in the SA work [CS1.2; CS13.1]. Its general impact on residential and other amenity, including noise, pollution, health, air quality and climate change, have also been assessed [CS3.10; CS7.1]. Its detailed impact would be assessed when a specific proposal comes forward, as part of the planning application/environmental permit regime. As PPS10 confirms, modern, well-run and well-regulated waste management facilities, operated in line with current pollution control techniques and standards, efficiently monitored and enforced, should pose little risk to human health. On this basis, the impact of the proposed SWC on amenity is capable of mitigation and so there are no overriding constraints to the development of this site for the purposes proposed.

*Road and rail access*

90. Calvert already has a direct rail waste transfer facility, but the MWCS recognises the need to improve the existing road access to the A41. The proposed allocation does not include the land needed for the new access, since the appraisals considered five alternative route options along differing alignments; the MWCS expects detailed access arrangements to be determined through the planning application process [CS7.1; CS10.1-10.2]. Many participants focus on one option: the disused rail route, since this is the route proposed in the current planning application, but there are several other viable and practical alternative routes. The main outstanding concerns relate to flood risk and ecology.
91. Most of the alternative access routes pass across some areas of flood risk, but no detailed sequential assessment has been undertaken. EA considers that a sequential approach should be taken to steer any new road access to areas at the lowest risk of flooding. But since Calvert is the only viable site for a SWC, EA is satisfied that the sequential test of the access route can be undertaken at the planning application stage, as part of a full EIA, as the agreed amendments to the Sequential Test report confirm [PS4.23]. Policies CS11 & CS12 confirm that flood risk issues will be addressed at the detailed stage, and it is relevant to note that EA has no objections to the new access route along the disused railway line being proposed in the current planning application [PS4.49].
92. Ecological assessments of the access routes in terms of the existing SSSIs (including Stage 1 Habitat surveys) have been undertaken [CS10.1]. The main concern is the impact on the potential SSSI identified along the route of the disused railway line, and the linkages to other existing SSSIs. Natural England is considering the possible designation of this area as a SSSI, which is now rich in invertebrate species, but this may take some time. Policies CS11 & CS12 specifically refer to the need to consider nature conservation issues, and the supporting evidence [CS10.2a] confirms that the impact of the new road could be mitigated by careful selection of the alignment. Whilst the presence of protected species is an important consideration, the detailed impact on biodiversity and habitats cannot be fully determined until the design of the access is finalised. Detailed assessment and mitigation measures will be drawn up when the final route is determined, as part of any planning application. Any further explanation in the policy or accompanying text about the impact of particular route options on habitats and biodiversity is therefore unnecessary.
93. The fact that Natural England has now withdrawn its objections to the proposed access in the current planning application, subject to detailed mitigation and compensation measures [PS4.20d; PS4.33], not only supports this approach, but also demonstrates that at least one potential access route is realistically achievable. Policy CS12 also confirms that the new access should be in place

before the SWC is operational. As BCC says, there is no simple and easy option to access the Calvert SWC site, but based on all the evidence, there seems to be a reasonable prospect of providing a satisfactory new road access from the main A41 to the site without insuperable constraints or unacceptable impacts in terms of flood risk and nature conservation.

#### *Proposed waste transfer stations*

94. The two proposed waste transfer stations (WTS) at High Heavens (High Wycombe) and London Road (Amersham) are essential to the success of the waste planning strategy, since they are required to link with the proposed Calvert SWC in a single spatial system and cope with the management and transfer of waste from the south of the county. The strategy could operate with one new WTS, but this would be a sub-optimal solution. Extensive technical work has been undertaken to justify these proposals, including environmental assessment, landscape, flood risk, ecology, biodiversity, residential amenity, access, traffic and HGV routes [CS5.6; CS3.5; CS10.1/10.2]. A planning application for the WTS at High Wycombe has now been approved, subject to legal agreement, demonstrating its deliverability. A planning application has recently been refused for a WTS at London Road, Amersham, but this does not rule out the suitability of this site for such a proposal in principle. Both sites are safeguarded in the MWLP as operational waste management sites, with recycling and other facilities, are covered by MWCS Policies CS20 & CS21, and are supported by the waste industry. The sites could also provide associated/co-located waste management facilities, including recycling and composting, subject to Policy CS10.
95. Both sites lie in the Green Belt and within the Chilterns AONB, and are related to existing sites used for waste management purposes. The supporting evidence [CS3.5; CS12.4] outlines the exceptional circumstances justifying the allocation of these sites, particularly in the absence of any other suitable alternative sites in the south of the county. The detailed impact of the developments on the character, appearance and natural beauty of the AONB, along with flood risk, will be considered at the planning application stage, as the proposed amendment confirms **[MM24]**. Although some representors are concerned about these sites (particularly at London Road, Amersham), the principle of these allocations is fully justified, deliverable, effective and soundly based.

#### *Other potential sites*

96. At the Preferred Options stage, the MWCS proposed two SWCs (Calvert and Wapseys Wood), each with a reserve site. Each site was subject to extensive testing and SA, with over 30 waste scenarios [CS12.4; CS 14.1], but all sites apart from Calvert were withdrawn in the submitted MWCS, as explained in the SA work [CS1.2; CS3.5]. At earlier stages in the plan-making process, Wapseys Wood was a strong contender for allocation as a SWC, particularly to provide the energy recovery capacity to serve the south of the county. However, the site was finally rejected on the basis that it lies in the Green Belt; cumulative impact with other waste sites along the A40 corridor; landfill is likely to be complete by 2016, with restoration to greenfield condition being extended from 2012-2017; impact on air quality; and reduction in the total amount of energy recovery capacity required. There was also considerable public opposition to a SWC on this site. Moreover, the required waste management capacity could be provided on a site beyond the Green Belt (Calvert), and since the operator of Wapseys Wood is no longer a bidder in BCC's waste procurement process, there is no guarantee that a SWC on this site would be deliverable.

97. Although Wapseys Wood is well placed to serve the waste management needs of the south of the county and would provide more flexibility to manage waste, its location in the Green Belt and the completion of restoration in the short-term mean that its longer-term role in waste management is not appropriate. Some suggest that Wapseys Wood is a better site than Calvert, but this is not borne out by the detailed assessments. Policy CS14 safeguards the site for its current landfill use, with associated operations, and it would not necessarily be ruled out for waste management in the future under Policy CS13. However, it would be a lower priority and have to demonstrate the very special circumstances needed to justify inappropriate development in the Green Belt. Consequently, there is no compelling reason to allocate Wapseys Wood as a site for a SWC at this time, either instead of, or as well as Calvert.

*Conclusions on the Calvert SWC and associated facilities*

98. The proposed Calvert SWC is a crucial element of the waste strategy, in terms of providing the substantial amount of energy recovery capacity needed if Buckinghamshire is to move waste up the waste hierarchy and move away from the disposal of waste direct to landfill. Without the Calvert SWC, and the associated waste transfer stations at High Wycombe and Amersham, the strategy could probably not be delivered. Based on all the evidence, it is a realistic, deliverable and soundly based proposal, which reflects many key elements of national waste policy.

**Contingency**

99. Policy CS13 sets out the process for considering alternative proposals to meet the required energy recovery capacity if such a facility at the Calvert SWC is not operational by 2015, including sites safeguarded under Policy CS14. The supporting evidence [CS3.5; PS2.15] confirms the pressing need for additional energy recovery capacity in Buckinghamshire. BCC agrees to clarify the policy to address the possibility of only part of the energy recovery capacity being met at Calvert, by linking it to the scale of capacity identified in Policy CS9 **[MM25]**. This would ensure that it is sound, and a minor change would ensure that flood risk is an initial part of the site-selection process.
100. There is some concern about the possibility of locating new waste management facilities in the Green Belt, but the SEPRSS (Policy W17) confirms that such facilities need not be precluded from the Green Belt. The assessment criteria first seeks alternative sites beyond the Green Belt and AONB, but the two-stage sequential approach to site selection would ensure that sites in the Green Belt could be considered for energy recovery, without preventing the provision of the required strategic waste capacity or inhibiting the achievement of net self-sufficiency in waste management. Potential sites in the Green Belt, such as Wapseys Wood, would not be precluded from consideration, but would need to demonstrate that there were no suitable sites beyond the Green Belt, as part of the very special circumstances necessary to allow the development. However, the policy would not enable alternative sites outside the county to be considered, as some suggest, since this is outside the control or remit of BCC.
101. Consequently, the policy, as amended, ensures that the MWCS has a realistic contingency plan, which would provide a sound and effective framework to enable the waste industry to bring forward alternative proposals if the proposals at Calvert do not come forward within the expected timeframe.

### ***Safeguarding existing and potential waste sites***

102. Policy CS14 safeguards existing and potential waste management sites, including sites at Woodham Industrial Area and Richings Park/Thorney Mill, Iver, in line with national policy and SEPRSS (Policy W17) [CS3.5; PS2.15]. The boundaries of other existing sites will be defined in the Waste LP. As BCC says, it is important to retain the existing capacity for managing waste, and identify new sites which could be suitable for such purposes, so as to deliver the waste strategy, particularly where there are pressures from competing developments.
103. Firstly, there is some concern about the types of waste management facilities envisaged at the proposed site at Woodham. This was previously used as a brick pit and landfill site, and BCC has undertaken some work to assess geotechnical/stability issues, along with transport and landscape assessments [CS7.2; CS10.2a; CS13.4]. BCC confirms that Woodham is not being safeguarded as a direct replacement for the Calvert SWC, but it represents a suitable site for small-scale waste management capacity (such as MBT/recycling facilities, but not EfW), subject to ground conditions. This is confirmed in the amended text accompanying Policy CS14 **[MM27]**. This will help to allay the concerns and address EA's suggestion that it might be a sequentially preferable site to the Calvert SWC in terms of flood risk (with agreed amendments to the Sequential Test Appraisal sheet for the site) [PS4.23/b;PS4.88]. The site also needs to be shown as a safeguarded site on the Key Diagram and Proposals Map **[MM22/32]**. Overall, it is a well-located site with potential for smaller-scale waste management facilities, subject to detailed ground investigations.
104. Secondly, there is concern about safeguarding the sites at Iver for rail-based waste transfer facilities, particularly in terms of the amount of HGV traffic (similar to the site safeguarded under Policy CS7). Following discussions at the hearings, BCC has put forward a revised policy, which recognises the need to address and reduce HGV movements (with a minor amendment following further consultation), along with the need for a new access road to serve the Richings Park site, details of which would be considered at the planning application stage **[MM26]**. This would ensure that the safeguarded sites at Iver are considered in a consistent manner as other industrial/commercial sites in this locality, in line with the South Bucks Core Strategy, and largely meeting the concerns of representors. Other amendments suggested by the district/parish councils are too detailed for this strategic plan. BCC recognises that probably only one of the allocated sites would actually be developed for waste transfer purposes in the short-medium term. This view is challenged by one landowner/operator, but it seems unlikely that two rail-based waste transfer stations would be developed so close to one another, particularly in view of the objective of reducing road-borne traffic movements in the Iver area.
105. Wapseys Wood is safeguarded, but only as a landfill site, rather than for other waste management purposes. I have already addressed the background to this site, concluding that its longer-term role for waste management would be inappropriate, due to its location in the Green Belt and early restoration as a greenfield site to agricultural use by 2017. The current need for additional waste management capacity can be met without this site, and although it could be considered for an energy recovery facility under Policy CS13, it would be at a lower level in the sequential assessment process and would have to show very special circumstances in terms of its Green Belt location. Consequently, there is no sound or compelling case for this site to be specifically safeguarded as a SWC under Policy CS14.

### ***Overall conclusions on the waste strategy***

106. I therefore conclude that, with the proposed amendments, the proposed waste planning strategy is clearly expressed, effective and deliverable, sustainable and soundly based on a comprehensive and robust evidence base, appropriate for Buckinghamshire and consistent with national policy. The revised estimates of waste generation, including the additional capacity proposed for recycling, composting and recovery, are based on robust assumptions, using the best available and most reliable up-to-date information, with realistic targets and growth rates. The proposed Calvert SWC is a crucial element of the waste strategy, which is a realistic, deliverable and soundly-based proposal, supported by two waste transfer stations in the south of the county and with an effective and realistic contingency plan. The strategy also appropriately safeguards other key existing and potential waste sites, in line with national policy.

### ***PROTECTING & ENHANCING BUCKINGHAMSHIRE'S ENVIRONMENT***

**Issue 5 – Does the Core Strategy provide an appropriate, effective and soundly based framework for protecting and enhancing the environment, including nationally and locally important environmental assets, Green Belt, Chilterns AONB, design and climate change, and environmental enhancement, which is fully justified and consistent with national policy?**

#### ***Protecting Environmental assets of national and local importance***

107. Policies CS18 & CS19 aim to protect environmental assets of national and local importance, including SSSIs, Scheduled Monuments, Historic Parks, listed buildings and Conservation Areas, along with locally important nature reserves, landscapes, water resources, open spaces and other biodiversity and heritage assets. Internationally designated sites are subject to specific legal protection, and these two criteria-based policies distinguish between the level of protection afforded to national and local designations, in line with national policy. The policies have been subject to thorough SA [CS1.2; CS14.1a], and Natural England is content with the approach of the policies. BCC proposes some minor changes, clarifying the application of the policies to the setting of historic and environmental assets and wildlife sites/habitats, but these do not affect their overall soundness. Since the policies seek to protect designated areas and sites, a negative criteria-based approach is effective and appropriate.

#### ***Green Belt and Chilterns AONB***

108. Policies CS20 & CS21 seek to protect the Green Belt and Chilterns AONB, with separate policy elements for minerals and waste developments. With the proposed deletion of the "need" requirement for minerals development in Policy CS20 [MM29], the approach is consistent with national guidance. Waste facilities are not precluded from the Green Belt, [PPS10; SEPRSS; Policy W17], but any buildings could represent *inappropriate development* unless very special circumstances can be shown. Policy CS20 confirms that two proposed Waste Transfer Stations are located within the Green Belt, and are the most suitable and deliverable sites with the best spatial coverage in terms of waste arisings [CS12.1-12.4]; the policy also sets out the approach to other waste developments. This approach is consistent with national policy and is sound.

109. In the Chilterns AONB, the main consideration is that any development should not conflict with the purposes of designation. For minerals, national policy in the new NPPF confirms that landbanks for non-energy minerals should, as far as practical, be maintained from outside AONBs, but Policy CS21 allows for the continuation of the local brick-making industry, reflecting the Chilterns AONB

Management Plan. BCC confirms that there is no presumption that planning permission will be granted for other mineral working in the AONB, but existing resources are protected against development that would sterilise them.

110. Policy CS21 confirms that two proposed Waste Transfer Stations are located in the AONB and sets out the criteria for considering other proposals for waste development. Both sites have been fully appraised, and given the lack of other suitable sites in the south of the county outside the AONB, the principle of these Waste Transfer Stations is sound; the environmental and visual impact of these proposals on the character, appearance and natural beauty of the AONB will depend on the detailed designs of these developments. This approach is appropriate for the Chilterns AONB and consistent with national policy.

### ***Design and Climate Change***

111. Policy CS22 incorporates the principles of good sustainable design and takes account of climate change principles through design in a comprehensive criteria-based approach. The evolution and basis for the policy are set out in the supporting evidence [CS1.2; CS3.1/CS3.4; CS13.2; PS2.16], including the implications for climate change. The policy has been revised following SA work, with the support of Natural England and EA. It addresses the issues of climate change, including reducing CO<sub>2</sub> emissions, greenhouse gases and pollution, with links to the protection of the environment in Policy CS23. BCC proposes some minor changes to this policy, but these do not affect its overall soundness.
112. Some argue that the policy is not strong enough, particularly in terms of minimising transport of waste by road, but BCC proposes a specific clause to address this matter [MM30]. Policies CS7 & CS14 also seek to encourage transport of minerals and waste by more sustainable modes of transport, such as rail. With this amendment, the policy is comprehensive, justified, effective and consistent with national policy, and thus sound.

### ***Enhancing the environment***

113. Policy CS23 seeks to ensure that minerals and waste developments enhance the environment, including biodiversity, landscape, rights of way and green infrastructure. The policy has been subject to SA [CS1.2] and is consistent with national policy, with further justification in the supporting evidence [CS3.4; CS13.1; PS2.16]. BCC proposes minor changes to the wording of the policy, but these do not affect its overall soundness. Concern remains that the policy is too strong, with its emphasis on "must", but the words "as appropriate" would ensure that it is not unduly onerous. In response to those who consider these and other changes would weaken the policy and not conform with the NPPF (¶ 157), BCC now proposes to delete the feasibility clause and strengthen the link with Policy CS22, as well as introducing some further flexibility. As amended [MM31], the policy will help to ensure that, where practicable, minerals and waste developments bring benefits to the local area, which is a sound approach, consistent with national policy.

### ***Achieving Sustainable Development***

114. The NPPF (¶ 15) requires plans to be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. BCC proposes to include a new policy, similar to that set out on the Planning Portal Planning Inspectorate web-site<sup>1</sup>,

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<sup>1</sup> <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

in a new part of the plan (Section 3), with relevant explanatory text. Although plans should not normally repeat national guidance, the NPPF specifically requires plans to indicate how the presumption will be applied locally. It is therefore necessary and wholly appropriate to include a new over-arching policy and accompanying text which properly and explicitly reflect the national policy on the presumption in favour of sustainable development **[MM4]**.

### ***MONITORING & IMPLEMENTATION***

**Issue 6 – Are the arrangements for monitoring the policies of the Core Strategy adequate, effective and soundly based, including the indicators, baseline information, delivery mechanisms, phasing, timescales, key elements of infrastructure and targets/milestones used, and do they specifically indicate the circumstances when it should be reviewed?**

115. Table 5 in the MWCS (Section 6) sets out an Implementation, Monitoring & Review Framework for each of the policies, related to the strategic objectives, including mechanisms and limitations, responsible stakeholders/roles, local output indicators/targets and thresholds for policy review. These are related to the baseline information [CS3.5/3.6] and will be used for monitoring in the AMR. BCC proposes minor changes to Table 5, but these do not affect the overall soundness of the approach. All policies have clearly defined delivery mechanisms, phasing and timescales, with the arrangements for policy review and specific thresholds being clearly set out. In all, these arrangements provide a comprehensive, robust and effective monitoring regime for the MWCS and each of its policies.
116. Policy CS24 summarises the arrangements for implementing, monitoring, reviewing and enforcing the policies in the MWCS, including the involvement of other councils, regulatory bodies, minerals and waste industries, stakeholders and the community. BCC has a good record of monitoring minerals and waste matters, which is increasing and improving over time, with strong links with the relevant industries and other stakeholders, to ensure the most up-to-date information is used. Consequently, the arrangements for monitoring and implementing the MWCS are effective, clearly set out and soundly based, and **no amendments** are needed in the interests of soundness.

### ***Other matters***

117. Other matters were raised in the representations and at the hearing sessions which do not go to the heart of the soundness of the MWCS or relate to more detailed sites/matters concerning specific proposals or planning applications. In many cases, they suggest "improvements" to the plan, particularly in terms of the clarity and coherence of the strategy and policies. In response, BCC proposes several minor changes to the text of the policies and accompanying text, but these are not necessary in terms of the overall soundness of the plan. Having considered all the other points made in the representations and at the hearing sessions, there are no further changes needed to ensure that the MWCS is sound in the terms of the NPPF and associated guidance.

### **Assessment of Legal Compliance**

118. BCC has carried out a Self-Assessment of legal compliance [CS2.2]. My assessment of the compliance of the MWCS with the legal requirements is summarised below, and confirms that the MWCS meets all the relevant legal requirements.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The MWCS is identified within the approved MWLDS (June 2011) [CS14.3], which sets an expected adoption date of July 2012. Its content complies with the MWLDS, and any slight delays in timing are largely outside BCC's control.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in September 2007 [CS1.5]. Consultation has complied with the requirements in the SCI and Regulations during the process of preparing the MWCS [CS2.2], including consultation on <i>Main Modifications</i> .
Sustainability Appraisal (SA)	Adequate SA has been carried out at all stages during the preparation of the MWCS [CS1.2-1.3; CS3.2; CS4.2-4.3a/b; PS5.3.10].
Appropriate Assessment (AA)	A Stage 1 Appropriate Assessment Screening Report has been undertaken [CS11.1/11.2a-c] to the satisfaction of Natural England [PS4.15/PS4.56].
National Policy	The MWCS is consistent with national policy, except where indicated and modifications are recommended.
Regional Strategy	The MWCS is in general conformity with the South-East Plan Regional Spatial Strategy.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCSs of Buckinghamshire and the constituent district councils [CS2.4-2.8] The MWCS has aligned its key spatial planning objectives, vision and objectives with those of the SCSs.
2004 Act (as amended) and 2012 Regulations	The MWCS complies with the Act and the Regulations, including the arrangements for publication and consultation, and making available the necessary documents [CS1.6-1.8; CS2.2]. BCC proposes to include a list of "saved" MWLP policies superseded by MWCS policies [CS3.8] in an appendix to the MWCS, as required under the Regulations <b>[MM1]</b> .

## Overall Conclusion and Recommendation

119. The Plan has a number of deficiencies in relation to soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
120. The Council has requested me to recommend Main Modifications to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix, the Buckinghamshire Minerals & Waste Core Strategy Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

*Stephen J Pratt*

Inspector

Appendix: Main Modifications required to make the plan sound and capable of adoption