

BUCKINGHAMSHIRE COUNTY COUNCIL

A Report on Objections to the Second Deposit Draft of the Buckinghamshire
Minerals and Waste Local Plan 2004-2016

By

Mr B C Wilkinson BEng DipTP MRTPI

Inquiry Held Between 26th April and 19th September 2005

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COMMON ABBREVIATIONS USED

AONB	-	Area of Outstanding Natural Beauty
BAP	-	Biodiversity Action Plan
BCC	-	Buckinghamshire County Council
BPEO	-	Best Practicable Environmental Option
CAA	-	Civil Aviation Authority
CC	-	County Council
CCTV	-	Closed Circuit Television
CPRE	-	Council for the Protection of Rural England
DC	-	District Council
EA	-	Environment Agency
FDD	-	First Deposit Draft
FoE	-	Friends of the Earth
GOSE	-	Government Office for the South East
HWRC	-	Household Waste Recycling Centre
LDD	-	Local Development Document
LPA	-	Local Planning Authority
MBT	-	Mechanical and Biological Treatment
MPA	-	Mineral Planning Authority
MPG	-	Minerals Planning Guidance Note
MWLP	-	The Buckinghamshire Minerals and Waste Local Plan
MSP	-	Buckinghamshire Minerals Subject Plan 1981
mt	-	million tonnes
mtpa	-	million tonnes per annum
the Plan	-	The Buckinghamshire Minerals and Waste Local Plan
PA	-	Preferred Area
PC	-	Parish Council
PPC	-	Pollution Prevention and Control
PPG	-	Planning Policy Guidance Note
PPS	-	Planning Policy Statement
QPA	-	Quarry Products Association
RAD	-	Rail Aggregates Depot
RAWP	-	Regional Aggregates Working Party

RDF	-	Refuse Derived Fuel
RMLP	-	Buckinghamshire Replacement Minerals Local Plan 1991
RPG	-	Regional Planning Guidance Note
RWMS	-	Regional Waste Management Strategy
SDD	-	Second Deposit Draft
SEERA	-	South East England Regional Assembly
SP	-	Structure Plan
SPG	-	Supplementary Planning Guidance
SSSI	-	Site of Special Scientific Interest

GENERAL MATTERS

1. During the course of the inquiry and the writing of this report several national policy documents have been issued. These have been taken into account in my comments and the recommendations made.
2. In considering this plan I have also taken into account that the Council are to prepare, within the next two or three years, policy documents under the recent new planning legislation. In making recommendations on matters concerning preferred areas and omission sites, I have relied on assurances by the Council that some issues which may arise during the last few years of the present plan period will, by then, have been addressed in these new documents. I have made more detailed comments in the appropriate parts of the present report.
3. In this report objections are, in general, listed under the heading of the policy or section referred to. In some cases this has not been clear and I have chosen the heading I consider most appropriate, even if this judgement does not coincide with a similar decision made by the Council, or even in a few cases the heading selected by the objector. This has, occasionally, led to some duplication but I have tried where appropriate to include cross-references.
4. I have listed objections to (or support for) Policy 14 in an appendix because there have been so many of them. A further appendix lists those representations where there was a "no comments" response or general support for the contents of the Plan.

CHAPTER 1 – INTRODUCTION

FIRST DEPOSIT

Objections

81 / 5000 Robert Brett & Sons

Conditional Withdrawals

138 / 5003 GOSE

138 / 5716 GOSE

Unconditional Withdrawals

138 / 5715 GOSE

138 / 5717 GOSE

Supporters

123 / 5001 Chiltern Society

137 / 5002 English Heritage

SECOND DEPOSIT

Conditional Withdrawals

138 / 8000 GOSE

Unconditional Withdrawals

138 / 8001 GOSE

138 / 8002 GOSE

MAIN ISSUES

1. Robert Brett and Sons consider Paragraph 1.6.2 to be incorrect in that it implies that the minerals landbank is enough to allow extraction to the end of 2023. This is dealt with in the context of objections to Policy 2.
2. GOSE considers that in Paragraph 1.3.1 the words “need to dispose of waste” should be replaced by “need to manage waste” to reflect the fact that disposal is only one way of dealing with waste. References to specific government documents should also be made in footnotes. Paragraph 1.5.2 should include reference to Waste Strategy 2000 and the

need to consider the waste implications of the Sustainable Communities Plan and the current growth area proposals.

3. The Second Deposit Draft includes all of the suggested changes to the main text referred to in the preceding paragraph. These changes meet the objections made in respect of these matters. None of the changes made would be inconsistent with the views expressed by the supporters of this element of the Plan.
4. However whilst there is no objection to the sentiments expressed in the amended 1.3.1 (b), it is pointed out that the quotation identified in Footnote 5 as being from MPG1, is actually a misquotation since the original refers only to minerals operators and facilities and makes no mention of waste. It is suggested that the support for the "quotation" should also include PPG10 Paragraphs 29 and 33-34. In my view the correct course would be to remove the quotation marks from the relevant text and to extend Footnote 5 as suggested by the objector.

RECOMMENDATION

1. *That the plan be modified by removing the quotation marks from sub paragraph 1.3.1 (b) and by altering footnote 5 to the following :*

MPG1 – General Considerations and the Development Plan System 1996 (Paragraph 15) and PPG10 – Planning and Waste Management 1999 (Paragraphs 29 and 33-34).

CHAPTER 2 – MINERALS

2.1 POLICY 1 - OVERARCHING MINERALS EXTRACTION PRINCIPLES

FIRST DEPOSIT

Objections

81 / 5005 Robert Brett & Sons
99 / 5006 D K Symes Associates
108 / 5007 BAA/Heathrow

SECOND DEPOSIT

Objections

99 / 8003 D K Symes Associates

Supporters

40 / 5004 Surrey CC

MAIN ISSUES

1. Robert Brett and Sons feel that, to be consistent with the dictates of sustainability, Policy 1 should be altered to encourage processing at the mineral sites. The Council note that this policy is intended to safeguard deposits in the longer term, and that encouragement towards processing on the site would only be appropriate where mineral extraction is beginning sooner rather than later. They do not regard this as a reason for extending the life of the site.
2. In terms of sustainability there are advantages in processing minerals on their extraction site, but it may give rise to environmental problems of similar or greater magnitude. Whether or not on-site processing is acceptable depends upon the balance of these and other factors on any particular site. There are several policies in the MWLP relating to the determination of applications which provide advice on such matters in a more appropriate and logical context. Policy 1 is a restrictive or safeguarding policy and I see no advantage in including within it a provision relating to matters of detailed development control.
3. Symes Associates suggest that Policy 1 should resist only the "unnecessary sterilisation" of mineral reserves (as advised in MPG1). They believe, too, that it is wrong to resist development which "prevents" extraction rather than that which would, in the words used in MPG6, be a "serious hindrance" to that extraction. They consider that the policy as

worded does not accurately reflect the balance advocated in government guidelines and is too inflexible. Furthermore it appears to state that mineral extraction will be given priority over other forms of development. They suggest overcoming this by deleting the second sentence of Policy 1. The Council believe that the policy gives positive support to Government guidance in protecting significant deposits of aggregate from other types of development. They suggest that adding "normally" to the second sentence would introduce the necessary degree of flexibility.

4. Whilst local policies have to take due account of government guidelines they do not have to use precisely the same wording. In this case "unnecessary sterilisation" is used in a list of objectives for sustainable development for minerals planning. I believe that the second sentence of the policy, with its inclusion of terms such as "likely to", "ultimate" and "significant" would be sufficiently flexible to meet this objective within the terms of the policy as currently proposed. Furthermore the term "unnecessary", in this context, might be very hard to define and the suggested policy could, in practice, be very difficult to interpret.
5. It is suggested that Policy 1 could be interpreted as giving priority to mineral extraction over other forms of this development but it would, at worst, only delay the other development until the minerals had been extracted. That is consistent with my interpretation of government policy. It is conceivable that in rare cases there might be such a pressing need for a development that the loss of minerals would have to be accepted. However, that would have to be assessed under the prevailing circumstances and other planning policies and it seems to me that such assessment would be better carried out in the context of a strongly worded Policy 1. On balance, I do not consider that the amendment suggested by the objector would be justified.
6. In contrast, the substitution of "cause serious hindrance to" for "prevent" would be easy to define and understand in most cases, would better reflect national objectives, and would allow the Council greater control in less clear-cut situations. I believe such a change to be justified along with the addition of the qualifier "normally" suggested by the Council.
7. BAA suggest that the policy be amended to include a requirement to consult the operator of Heathrow Airport where development within 13 Km of the area identified on the Aerodrome Safeguarding Map is proposed. The Council believe that this point is met by a new policy, namely Policy 33 and I agree, subject to my comments on objections to that policy.

RECOMMENDATION

1. *That the plan be modified by substituting, in the second sentence of Policy 1, the words "cause serious hindrance to" for "prevent" and the addition of "normally" in front of "be permitted".*

2.2 POLICY 2 - AGGREGATES LANDBANK

FIRST DEPOSIT

Objections

40 / 5008 Surrey CC
74 / 5009 Berkshire JSPU
113 / 5011 Voaden Sandbrook
71 / 5012 Summerleaze Ltd
81 / 5013 Robert Brett & Sons
117 / 5014 Maidenhead Aggregates
144 / 5015 Quarry Products Association
146 / 5016 RMC (UK)
152 / 5017 Lafarge Aggregates Ltd
152 / 5713 Lafarge Aggregates Ltd
152 / 5714 Lafarge Aggregates Ltd
40 / 5718 Surrey County Council
113 / 5719 Voaden Sandbrook
117 / 5720 Maidenhead Aggregates
117 / 5721 Maidenhead Aggregates
144 / 5722 Quarry Products Association
146 / 5723 RMC (UK)
146 / 5724 RMC (UK)
81 / 5740 Robert Brett & Sons
81 / 5741 Robert Brett & Sons

Conditional Withdrawals

99/5010 D K Symes Associates

SECOND DEPOSIT

Objections

71 / 8004 Summerleaze Ltd
81 / 8005 Robert Brett & Sons
138 / 8006 GOSE
152 / 8007 Lafarge Aggregates Ltd
152 / 8008 Lafarge Aggregates Ltd
117 / 8009 Maidenhead Aggregates
144 / 8010 Quarry Products Association
146 / 8011 RMC (UK)
56 / 8012 South Bucks District Council

Conditional Withdrawals

99 / 8013 D K Symes Associates

FURTHER AMENDMENTS

Objections

117 /9507-8 Maidenhead Aggregates

71 /9510-14 Summerleaze Ltd

MAIN ISSUES

Preliminary Comments

1. The various figures, and some of the wording, used in Section 2.2 have altered more than once in the course of the inquiry, most recently in changes to the Plan issued in May 2005. A number of objections and comments made at earlier stages in the process have been superseded by such changes and other events such as the issue of policy documents. I have not, therefore, commented upon them unless there is a particular need to do so. My analysis and recommendations are based upon the Council's most up-to-date proposals, essentially the "Further Proposed Changes".
2. For sand and gravel MPG6 indicates that MPAs should aim to maintain a landbank sufficient for at least 7 years extraction. On the basis of 0.99mtpa this indicates a landbank requirement for Bucks of 6.93 years. MPG6 (and RPG9) also advise that MPAs should be able to demonstrate that sufficient resources have been identified, or can be identified, to ensure that the landbank can be maintained at the same level throughout the plan period. MPAs do not, at the start of the plan period, have to make full provision for the period beyond the end of the plan but they do have to be able to demonstrate that such resources can be brought forward should it prove necessary.

The Wording of Policy 2

3. Voaden Sandbrook suggested a rewording of Policy 2 to allow greater flexibility and annual review of apportionment as set by the RAWP. D K Symes Associates and the Berkshire JSPU suggested that the regional apportionment figure might change during the plan period and that the policy ought to reflect this possibility. The Council made changes in the SDD to meet these objections but Lafarge Aggregates Ltd suggest reversion to the original wording. They consider that the apportionment figure will be the current figure whenever it is agreed and the added words do not clarify the matter further. The County Council wished to endorse its commitment to regionally agreed apportionment figures and any changes to it. They therefore seek to retain the new wording in Policy 2 (and paragraphs 2.2.1 and 2.2.3).
4. Robert Brett & Sons find Policy 2 too detailed. They suggest that it need not refer to the maintenance of at least a 7 year supply at all times until 2016, nor to refer to the environmental protection policies in Chapter 4 of

the MWLP. The Council believes it clarifies their approach and do not consider the policy to be too detailed.

5. In my view the policy, sets out briefly and with reasonable clarity the Council's general stance. I accept the reason in referring to Chapter 4 policies and I find the term "the latest" and the last sentence of Paragraph 2.2.1 to be an accurate reflection of the position. I see no reason to alter Policy 2 or supporting text in response to these objections.

Annual Aggregate Requirement

6. In the FDD the annual apportionment figure for Buckinghamshire was 0.94mtpa. This was based upon the figure set by SEERA after having rejected a working party recommendation of 1.19mtpa. Some objectors have questioned this figure and advocated the adoption of, for instance, the recommended 1.19mtpa. There was considerable debate upon the point at the Inquiry's round table session. However, following the examination in public of the Regional Minerals Strategy, the examining panel recommended a figure for Buckinghamshire of 0.99mtpa. This has very recently been accepted by the Secretary of State and confirmed in RPG9. I have considered the alternative suggestions made but I find no evidence sufficient to justify the use of any figure other than the 0.99mtpa approved after a full examination in public.

Initial Permitted Reserves

7. Since the FDD, the figure for the initial permitted reserves (set out in Table 1) has been altered more than once following discussion with objectors and the updating of information about some of the sites used in the calculations. Following the publication of the "Further Proposed Changes" in May 2005, some objectors maintained their objections at the final session of the Inquiry. At the end of that session those participating acquiesced to the final figure for permitted reserves subject to two significant areas of disagreement. The first of these relates to the site known as Springfield Farm.
8. The Council based their most recent calculation of available reserves upon figures supplied by the operator of that site, at a base date of 31st December 2003. The total available reserves were assessed at 12.26mt on the basis of a contribution of 5.89mt from Springfield Farm. Since 2003 the operator has gained a better understanding of the site and now realises that the original estimates did not allow sufficiently for the presence of fines within the mineral and clay pillars throughout the site. Having now taken them into account, and corrected an error involving the use of cubic metres rather than tonnes, the operator now calculates that at the base date the available reserves were approximately 3.0mt.
9. The Council believe that this reduction should not be reflected in the figure for available reserves because the calculations should be based upon an initial date. Some objectors disagree, believing that the most accurate figures available should be used. I take the view that the

purpose of these calculations is to give as realistic a position as possible regarding the production of aggregates within Buckinghamshire. I agree that it is important to base figures upon a particular date. However, if a wrong figure was used in good faith initially, and then further information emerges which allows that initial figure to be corrected, it would be irrational not to use the corrected figure. It would still be based on (and relevant to) the initial base date. I am satisfied, therefore that the figure of 12.26mt should be reduced by 2.89mt (the difference between 5.89mt and 3.0mt). The corrected figure should be 9.37mt.

10. Objectors suggest that this figure should be further reduced to allow for the fact that the site at Rammamere Heath has been dormant for many years and there is no indication that it will be worked during the plan period. However, Paragraph 82 of MPG6 indicates that the landbank at any time should include reserves whose extraction has been authorised by a planning permission, even if the site is currently non-working or dormant. On that basis I am satisfied that the Council are correct to include the reserves at Rammamere Heath.

Continuity of Supply

11. On the basis of the above it is clear that the landbank at the beginning of the plan was sufficient to meet the County's apportionment requirements. However, as reserves are worked they need to be replaced to maintain the landbank. To meet this need the Council initially identified two "preferred areas" where aggregates are present and planning permission for their extraction is likely to be granted. In the light of information which came to light during the inquiry they proposed adding a third via the "Further Preferred Changes".
12. It has been calculated that these three areas have reserves approximating to 9.2mt. Planning applications at all three have either been submitted or are shortly to be submitted. However, because of access restrictions, only 0.25mt of the 4.5mt present in Preferred Area 1 will be worked during the plan period. Should the relevant planning permissions be granted, the preferred areas will add a total of 4.95mt to the 9.37mt identified in Paragraph 9 above, giving a total for the plan period of 14.32mt. At the end of the plan period, assuming the current apportionment rate of extraction and the granting of no more permissions, the reserves will have declined to 1.45mt (equivalent to a landbank of about 1½ years. I consider that all of these figures should be summarised in an amended Table 1.
13. Using the same assumptions, aggregate reserves at the end of the plan period will be 3.2mt (1.45mt plus 1.75mt from Preferred Area 1), equivalent to a landbank of about 3½ years. Given that matters are, in any event, prone to change considerably between now and 2016, and the fact that a new minerals and waste plan is due to be prepared by 2009, I do not regard it as imperative that this future potential shortfall is remedied at this juncture. However, the figures also imply that from about 2010 or 2011 the landbank will begin to fall increasingly below 7

years unless further reserves are identified, planning permission is granted, and extraction operations have begun.

14. Several objectors point out that it takes 3 or 4 years for a new site to become operational and deduce that, if such sites are not identified until the MWLP's first review in 2010, they will not contribute towards reducing the shortfall until almost the end of the plan period. They also draw attention to the fact that virtually all of the extraction sites in the County, as well as the preferred areas, are in the southern third of the County, even though there are proposals for considerable growth in and adjoining the northern part of the County. They also suggest that the MWLP's calculations fail to allow sufficiently for the variation in type and quality of the aggregates. They suggest that an allowance of 10% - 20% ought to have been made for such factors and also to allow the Council to respond quickly to any changes to the apportionment or other factors. They consider that the plan ought to include further sites within Preferred Areas.
15. The Council takes the view that there is more than enough flexibility in the plan to meet the apportionment requirements of the County. The recent production has been at approximately 1.4mtpa, mainly due to 2 major windfall sites, and it is likely to fall dramatically once these are completed. Furthermore the figures assume that operators allow some safety margin in the figures they submit, i.e. they are on the small side. Most significantly, the County Council intend to commence work on a Minerals & Waste Local Development Document following the adoption of the MWLP. Therefore the latter will be reviewed by way of the new LDD which will be in place by the end of 2009.
16. Even taking into account the factors referred to by the Council, I accept that if no sites other than those in the preferred areas come forward there is a strong possibility that the landbank may, by 2010, begin to fall below 7 years, and will continue to decline further. I also accept that this is contrary to the advice in national guidelines. However, this would only become a serious problem if further permissions were not granted for aggregate extraction, and the Plan's policies do make allowance for the granting of permission for suitable sites. I have no doubt that the proposed LDD will consider the problem and make provision for measures to cope with any shortfall.
17. I accept that, because of the time needed to bring forward sites, there may be one or two years where the landbank will drop below 7 years but that need not be a serious problem so long as new sites are emerging. Under all of the circumstances, I see no reason to make alterations in the plan to meet these objections.

Other Matters

18. Summerleaze suggests that the inclusion in Paragraph 2.2.4 of the words "before consent can be issued" implies that the decision on the application has already been made and should be replaced with "before it can be considered". I agree.

19. South Bucks DC are concerned that too many sites are in the south part of the County and believe that the plan should give more encouragement to operators to explore the potential for workable sites in the Area of Search (the whole county other than the inset area). It suggests replacement of the last sentence of Paragraph 2.2.5 with: "If, in due course, additional resources are required; then the County Council will consider potential sites in the Area of Search first, before considering sites in Inset Area A."
20. The Council believe that any proposal for the working of minerals must comply with the criteria set out in the policies contained in the local plan. However, it draws attention to Policy 27's aim (Paragraph 4.5.2) to afford protection from the cumulative impacts of mineral working. The plan therefore encourages proposals for mineral working throughout the Area of Search, but it must be recognised that it cannot force operators to develop sites in particular areas.
21. Although this objection has been legitimately made to Policy 2, it has major implications for Policy 3. I have therefore considered it in respect of South Buckinghamshire's objection to the latter.

RECOMMENDATION

1. *That Section 2.2 be modified as proposed in the "Further Proposed Changes" subject to the following additional alterations.*
2. *That, in Paragraph 2.2.4 the words "before consent can be issued" be deleted and replaced with "before it can be considered".*
3. *That Tables 1 and 2 be deleted and replaced by the following :*

TABLE 1 : Reserves Workable during the Plan Period subject to the Granting of the necessary Planning Permissions.

<i>Estimated tonnage of sand and gravel in mineral sites with planning permission on 31/12/03</i>	<i>9.37mt</i>
<i>Broad Lane</i>	<i>0.25mt</i>
<i>New Denham</i>	<i>3.00mt</i>
<i>Denham Park Farm</i>	<i>1.7mt</i>
<i>TOTAL LIKELY TO BE AVAILABLE BY 31/3/06</i>	<i>14.32mt</i>
<i>Less 13 years production @ 0.99mtpa</i>	<i>12.87mt</i>
<i>Total Remaining at end of Plan Period</i>	<i>1.45mt</i>

2.3 POLICY 3 - PREFERRED AREAS FOR SAND AND GRAVEL EXTRACTION

FIRST DEPOSIT

Objections

81 / 5019 Robert Brett & Sons
99 / 5020 D K Symes Associates
152 / 5024 Lafarge Aggregates Ltd
100 / 5027 Environment agency
108 / 5028 BAA/Heathrow Airport
108 / 5038 BAA/Heathrow Airport
81 / 5725 Robert Brett & Sons

Conditional Withdrawals

47 / 5039 Thames Water Services

Unconditional Withdrawals

151 / 5023 Joseph Rochford & Co
134 / 5040 National Grid Transco

Supporters

40 / 5025 Surrey County Council
17 / 5026 G Benjamin
137 / 5029 English Heritage

SECOND DEPOSIT

Objections

117 / 8015 Maidenhead Aggregates
56 / 8017 South Bucks District Council
99 / 8019 D K Symes Associates
117 / 8020 Maidenhead Aggregates
100 / 8021 Environment agency
235 / 8023 W.E. Wingrove & Sons

Unconditional Withdrawals

151 / 8018 Ms C Padfield

Supporters

213 / 8014 English Heritage South East Region
56 / 8016 South Bucks District Council

FURTHER PROPOSED CHANGES

Objections

117 /9501-6 Maidenhead Aggregates

99 / 9519 D K Symes Associates

MAIN ISSUES

1. Some of the objections initially recorded as being to Policy 3 relate to individual sites, either preferred areas defined in the plan or others suggested by objectors (Omission Sites). For convenience I deal with these under the heading of Appendix A – Preferred Areas. Here, I deal with all other objections to Section 2.3 and Policy 3.
2. Lafarge Aggregates Ltd believes that Policy 3 conflicts with Policy 4. They consider that there is a need for explanation of the requirements to be met for exceptions to be permitted under Policy 3 outside preferred areas. Otherwise viable, potentially better, options than the preferred areas cannot be considered. The Council's comments do not appear to address this point directly and I do not find them very helpful. Maidenhead Aggregates complain of the lack of clarity in some parts of Policy 3 and the differences between the policy approach to development in Inset Area A and the Area of Search. South Bucks DC make a somewhat similar point but are particularly concerned that there would be even more extraction sites in a part of the County which has suffered from the presence of such sites in the past.
3. In terms of approach to sand and gravel extraction, the MWLP appears to envisage three types of area, namely Preferred Areas, the remainder of Inset Area A, and the Area of Search. Policy 3 sets out the policy provisions for sites within either of the first two areas, and Policy 4 does the same for the third area. I find the policy relating to Preferred Areas clear enough, but I have doubts regarding the approach in the other two areas.
4. Briefly, Policy 3 states that for sites in the Inset Area A planning permission will not normally be given unless they "meet the 'least environmental damage' criteria including those set out in Policies 23 and 24 of the Plan". In the Area of Search (essentially the rest of the County) planning permission will only be given where such applications would meet the criteria used to define Preferred Areas as set out in Policies 23-25 of the Plan and would be consistent with other relevant policies of the Plan. Policy 25 deals with the protection of agricultural land and it is not clear why it is referred to in one instance but not the other. I also have other concerns.
5. Firstly, I have doubts as to the provenance and meaning of Inset Area A. MPG1 advocates three types of area; Specific Sites, Preferred Areas and Areas of Search. Inset Area A seems to be a fourth type, somewhere

between the second and third. The Plan contains no explanation as to why it employs such a category, except to suggest that it is the area of best-known and workable deposits. That does not seem to me to be, in itself, a reason for applying different policies from the Area of Search should a suitable site be found.

6. Secondly I do not understand some of the criteria referred to in Policies 3 and 4. I cannot find a definition for "least environmental damage" criteria and it is not clear how or why this is mentioned, in Policy 3, in conjunction with Policies 23 and 24 and not, for instance, Policy 10. Policy 4 refers to the "criteria used to define Preferred Areas as set out in Policies 23-25". However, insofar as Preferred Areas are defined, those criteria seem to come not from Policies 23-25 but rather from Paragraph 2.3.1 which refers only to Policies 23 and 24. Moreover, Policy 4 is couched in significantly different terms from Paragraph 2.3.1 or Policy 3. The matter is not clarified by Paragraph 2.4.2 which contains elements from both policies and refers to additional matters. Finally, there is no explanation why aggregate extraction to serve roads and major infrastructure projects might be acceptable in an Area of Search but not in Inset Area A.
7. I find it very hard from the plan to decide whether the policy and criteria for applications in Inset Area A are intended to be significantly different from those for applications in the Area of Search, or whether the plan intends them to be the same. I regard the phrasing "will only be given ... where ... " as being functionally the same as "will not normally be given ... unless ...". However, there is some doubt as to whether the plan reflects a similar view. Overall, I cannot see any logical reason why a different approach should prevail in respect of the two areas, but if that is the Plan's intention it should be clearly set out as such, the policy differences should be precisely differentiated, and the reasons for having different policies should be explained. If this approach is followed I think that there is considerable merit in having three policies rather than two, covering the three types of area (Preferred areas, Inset Area A, and the Area of Search).
8. Should there be no intention to differentiate, in practical terms, between Inset Area A and the Area of Search (which seems more rational to me) then two policies could be retained. However, it would be sensible to redraft the policies and supporting text so that Policy 3 would relate solely to Preferred Areas and Policy 4 to all other areas.
9. Robert Brett and Sons consider that Policy 3 should not require a blanket refusal for applications outside Preferred Areas as it is contrary to advice in MPG1 para 62, which requires applications to be dealt with in accordance with development control policies of the Plan. They note that MPG1 states that extensions to existing sites may be preferable to new greenfield sites and point out that this is not reflected in Policy 3. They regard the last part of the policy as contrary to Paragraph 63 of MPG1 which states that working and phasing limits should only be applied where known constraints have been identified in the Plan. D K Symes and Associates also find the policy too restrictive for sites other than

preferred areas and suggest a more flexible approach based upon the policies of the plan as whole.

10. I do not consider that Policy 3 is too inflexible or applies a blanket refusal. It includes the phrase "not normally", and makes it plain that any application submitted would be assessed against all the policies set out in the plan. On that basis the plan would incorporate the national advice regarding both extensions to existing sites and working and phasing limits. I would criticise, however, the phrase "'least environmental damage' criteria", the meaning of which is not clear. I consider that this phrase ought to be clarified and/or the policy reworded.
11. Both objectors also doubt that two preferred areas would be sufficient to meet the identified need but I deal with these matters in response to objections to Policy 2. D K Symes consider that the planning permission on the site in Preferred Area 3 has not lapsed, but the circumstances of that site, as explained to me, do not support their position.
12. The Environment Agency's objection has been met by appropriate changes in the SDD, and those from BAA by a new policy in the same document.
13. The Environment Agency notes that Paragraph 2.3.1 refers to safeguarding sensitive environmental features such as those mentioned in Policies 23 and 24. However, they are concerned that those policies do not mention features such as protected species, BAPs, river corridors and other matters previously raised by the Agency. The Council observe that when new preferred areas are identified, they undertake consultations with relevant bodies (including the Environment Agency) prior to the publication of new local plans. In addition, the Environment Agency is also consulted on all planning applications received by the authority. New Policy 32(b) also provides protection for such concerns.
14. I consider that these important features are adequately protected by the policies referred to (including the amendment I have suggested to Policy 24) and other policies in the plan. I see no reason to make additional mention of the subject in Policy 3.
15. Maidenhead Aggregates' believes that the Council has not carried out a rigorous analysis of the competing merits of potential preferred areas before selecting Denham Park Farm. MPG1 (Paragraph 26) imposes upon MPAs a duty to demonstrate that all options have been assessed, and that those selected represent the best balance of costs and benefits. The objector believes that it is implicitly acknowledged in "The Proposed Changes" that there is no logical or transparent basis for the identification of Denham Park Farm as the third preferred area.
16. PPG12 imposes upon local authorities the duty to carry out a full environmental appraisal of their development plans and use that to explain how and why policy and proposal options have been chosen. It also requires the written statement of a Local Plan to include a 'reasoned justification' of the Plan's proposals. The objector considers that there is

no evidence that the new preferred area has emerged from any form of environmental appraisal and suggests that the Further Proposed Changes make no attempt at a reasoned justification. Paragraph 2.3.4 refers to the fact that a previous planning consent has lapsed, and indicates that an environmental statement will be needed before an application for a renewal of that permission can be determined. The County Council have also confirmed that they have not undertaken an appraisal of the land use merits of the omission sites.

17. The Council points out that a rigorous analysis of most of the sites in Buckinghamshire was carried out for the 1981 MSP and again for the 1991 RMLP. The Inspector at the 1991 inquiry recommended the inclusion of Denham Park Farm as a preferred area in the RMLP and the deletion of several other sites including Lake End, Shreding Green, and part of New Denham. The process was not revisited prior to the MWLP because the Council felt that the necessary reserves were available without the need for new sites. However, when a need re-emerged the Council reviewed their previous analysis of the sites available and the previous Inspectors' comments upon those sites. They concluded that, as nothing of significance had changed since 1991, they could rely on the previous data and analysis. They consider that the procedure clearly shows why policy and proposed options were chosen.
18. It was clear to me from the round table session and other parts of the inquiry that Council officers and the representatives of most of the companies who participated in the process were very familiar with virtually all of the sites which have emerged during the inquiry. Nearly all of them have been prospective sites for over 20 years and have been considered in inquiries into minerals plans throughout that period. It is clear that most of the information relevant to those sites was already in Council records and had been available in the framework of previous minerals plans. The Council used that information to select the first two Preferred Areas and, when the need for a third emerged, they used it to select a third.
19. Appendix A includes relevant details of the Preferred Areas and it is likely that the Council has indicated that they have similar information about the other sites under consideration (including the "omission sites"). I have no doubt that the choice of Preferred Areas was made on the basis of this and other information following a proper analysis and assessment of the sites available. However, the method of selection was not clearly set out and transparent and to that extent the process was not fully in accordance with national guidelines.
20. In this report I discuss other sites in relation to objections relating to Appendix A and Omission Sites. It will be seen that many of the suggested sites have considerable merits and may well emerge as preferred areas in future plan. Nonetheless, given their circumstances, planning history, and the results of inquiries into objections to previous plans, the Preferred Areas seem to me to be such obvious candidates for that status that I think it unlikely that, even if the details had been published, other sites would have been chosen in preference to them. I

conclude, therefore, that I have no persuasive reasons to recommend that the selection process be carried out again.

21. Maidenhead Aggregates also throw doubt as to the extent that the plan can rely upon reserves from the sites at Rammamere and Broad Lane. I have given my views regarding Rammamere in dealing with objections to Policy 2. In relation to the site at Broad Lane an application is shortly to be submitted and the Council are confident that any highway problems are capable of being overcome and there is a reasonable possibility that planning permission will be granted. I see no reason, therefore, why they should not be regarded as being included in the Council's calculations.

RECOMMENDATION

1. *That Policies 3 and 4, and the supporting text be reworded so that Policy 3 relates solely to development within Preferred Areas and Policy 4 relates to proposals for the extraction of sand and gravel on sites within the Area of Search.*
2. *That the Area of Search be expanded to include Inset Area A, and references in the policies and supporting text be altered to reflect this change.*
3. *That, should the term "least environmental damage criteria" be retained in Policy 3 or 4 it should be clarified and/or defined.*

2.4 POLICY 4 - AREA OF SEARCH

FIRST DEPOSIT

Objections

152 / 5024 Lafarge Aggregates Ltd
56 / 5045 South Bucks District Council
81 / 5046 Robert Brett & Sons
99 / 5047 D K Symes Associates
117 / 5048 Maidenhead Aggregates
152 / 5712 Lafarge Aggregates Ltd

Supporters

40 / 5044 Surrey County Council

SECOND DEPOSIT

Objections

56 / 8026 South Bucks District Council
56 / 8027 South Bucks District Council
203 / 8028 BPA

MAIN ISSUES

1. South Bucks D C welcomes the fact that no further preferred areas in South Bucks are proposed. However, they feel that the County Council should be more proactive in encouraging operators to explore the viability of working deposits in the area of search to reduce pressure on the south of the county at a later stage. They suggest a rewording of Paragraphs 2.4.1 and 2.4.2 to achieve this end by requiring potential sites in the area of search to have been explored before turning to the south of the county. The objector suggests that the Council provide resources to support such exploration.
2. The County Council have undertaken surveys and believe it to be unlikely that viable deposits in the area of search would supply the South Bucks market. They do not believe that the suggested change is necessary. They recognise the need to encourage proposals for mineral working in the areas of search but such proposals must meet other policies of the Plan, including environmental protection policies. However, the Council has in mind its intention in Policy 27 to afford protection from the cumulative impacts of mineral working and would therefore encourage proposals for mineral working in the Area of Search.
3. It is hard to see that the Council can take a more proactive role regarding deposits in the area of search without distorting the main elements of its

overall strategy. Moreover, the encouragement of sites well away from the main market areas could undermine the proximity principle. I do not support the suggestions made by the objector to achieve this end.

4. Robert Brett and Sons believes that the constraints imposed under Policy 3 (and linked to Policy 4 by Paragraph 2.4.2) make the latter unimplementable. Furthermore the term "least environmental damage" is unclear and inconsistent. The Council agree that Paragraph 2.4.2 is not clear enough and agree that it should be amended to improve clarity. However they do not accept that Policy 4 is unimplementable. They point out that the major constraints imposed on all sites are set out in Policies 23 & 24.
5. I consider that the changes to Paragraph 2.4.2 introduced in the SDD make its advice clearer and are to be welcomed. However, my views on the relationship between Policies 3 and 4 are set out in dealing with objections to Policy 3 (Paragraphs 3-8). I consider that my assessment and recommendations in respect of those objections also apply to the objections to Policy 4 by D K Symes Associates and Maidenhead Aggregates.
6. Lafarge Aggregates Ltd consider that neither Policy 3 nor Policy 4 adequately explain in what circumstances new sites for the excavation of aggregates will be permitted outside preferred areas. Without such explanations viable and acceptable sites may not come forward. The Council believes that the policy does give such guidance and cites the criteria implicit in Policies 23 and 24. In my view the policies do give some guidance but I have expressed my concerns over the lack of clarity and consistency in that guidance in dealing with objections to Policy 3 (referred to in the preceding paragraph).
7. BPA consider that this section of the Plan should include reference to safety requirements for development within 3 metres of pipeline under Pipelines Act 1962 and Pipeline Safety Regulations 1996. The Council considers that this is a matter to be dealt with in the context of a planning application. I agree and I do not consider that this factor merits any alterations to the Plan.

RECOMMENDATION

1. *See the recommendation in respect of objections to Policy 3.*

2.5 POLICY 5- WINDFALL SITES

FIRST DEPOSIT

Objections

102 / 5050 Little Marlow Parish Council
99 / 5051 D K Symes Associates
152 / 5052 Lafarge Aggregates Ltd

SECOND DEPOSIT

Objections

56 / 8029 South Bucks District Council
99 / 8030 D K Symes Associates

Supporters

40 / 5049 Surrey County Council

MAIN ISSUES

1. Little Marlow PC considers that this policy does not give sufficient protection to nearby residents because it allows environmental considerations to be overridden on the grounds of need. The Council suggests that borrow pits alongside new road proposals may well, in some circumstances, be more environmentally beneficial than imposing construction activities on more sensitive locations. They consider that the policy provides the flexibility to select the best option.
2. There are clear advantages to borrow pits in terms of sustainability and they are frequently used in the circumstances envisaged in Policy 5. I believe that there are other policies within the MWLP which provide adequate environmental protection and I see no reason, on such grounds, either to add provisions to Policy 5 or delete the policy entirely.
3. D K Symes Associates believe Policy 5 should be divided into two separate policies, one relating to borrow pits and the other to "windfall" reserves arising from major works. The first should relate to all construction projects rather than merely to road projects and should give positive encouragement to the use of borrow pits. The second, they feel, is probably not necessary to enable the reserves released to be added to the landbank.
4. The Council accepts some of these comments and the second deposit draft was been altered accordingly. The objector supports the amendments in principle but finds the reference to "infrastructure" too restrictive and suggests it be deleted. They also suggest that the text be

altered to clarify the point that once the windfall projects are completed any remaining reserve unused for the project should be deleted from the landbank.

5. The change made by the Council to include other major projects seems sensible to me but I do not think that the word "infrastructure" is necessary. I see no reason why the advantages of borrow pits might not apply to, for instance, the construction of an industrial estate with as much force as a power station. I consider, too, that the need for a balance between environmental benefits and disadvantages ought to be mentioned in the Policy
6. The first part of Policy 5 deals almost entirely with borrow pits and the reference to reserves arising from construction projects appears only in the last paragraph. This leads to a lack of clarity and I believe that the last paragraph would be better included as supporting text rather than in the policy itself. Furthermore, I consider that the extent to which the minerals are added to the landbank ought to reflect the realities of the situation, i.e. the extent to which the mineral will be available. I see no reason for including reserves of materials which are unexploitable because, for instance, the construction project is completed. However, if it is considered that once a borrow pit is opened it would be environmentally acceptable for it to remain open until all of the reserves are consumed, then in such a case the full amount ought to be added to the landbank. The present wording does not quite say that and I believe that it ought to do so.
7. Lafarge consider that the inclusion of reserves resulting from windfall sites should not be accepted as part of the landbank unless such reserves are counted in their entirety, regardless of whether they are used for the particular project which gave rise to them. The Council confirms that the total permitted useable aggregate to be extracted from such sites is included in the landbank figure. I have dealt with this point in paragraph 6 above.
8. South Bucks D C accepted the wording of Policy 5 in the first draft but consider that the new wording could result in unacceptable impact on South Bucks by extraction to meet the needs of major projects elsewhere such as Heathrow Terminal 5. Such projects should be properly planned for and form part of the apportionment not additional to it. The phrase "other major infrastructure" should be deleted.
9. I can understand the anxiety of South Bucks regarding mineral demand stemming from huge construction projects such as Heathrow Terminal 5. However, a borrow pit may be the most sustainable way of obtaining the minerals for such projects. I see no reason to modify a policy of countywide application simply to meet localised concerns which may not prove to be a source of problems in any event, particularly as the MWLP does contain environmental protection policies.

RECOMMENDATION

1. *That the first part of Policy 5 should be reworded to "Where no other appropriate source of minerals for specific road or other major projects is reasonably available, planning applications to work minerals from land which is affected by the environmental constraints listed in Policies 23-25 of this plan will be considered on the basis of a balance between the extent to which the proposals would conflict with those policies and the environmental benefits of the mineral extraction."*
2. *That the last paragraph of Policy 5 be deleted.*
3. *That an additional paragraph be added to the supporting text as follows :*
 - 2.5.3 *Aggregates from "windfall sites" such as borrow pits and construction projects will be included as part of the County's permitted reserves for landbank purposes on the basis of the actual amount of aggregates likely to be exploited.*

2.6 POLICY 6 - ALTERNATIVE AGGREGATES PRODUCTION

FIRST DEPOSIT

Objections

39 / 5053 South Northamptonshire County Council
59 / 5056 Milton Keynes Council
71 / 5057 Summerleaze Ltd
77 / 5058 Cheddington Parish Council
81 / 5059 Robert Brett & Sons
82 / 5060 Highways Agency
100 / 5062 Environment Agency
154 / 5064 Gerrards Cross Parish Council

Conditional Withdrawals

99 / 5061 D K Symes Associates

SECOND DEPOSIT DRAFT

Objections

81 / 8031 Robert Brett & Sons
100 / 8035 Environment Agency
133 / 8036 Waste Recycling Group Ltd
81 / 8037 Robert Brett & Sons
71 / 8184 Summerleaze Ltd

Conditional Withdrawals

99 / 8034 D K Symes Associates

Supporters

40 / 5054 Surrey County Council
56 / 5055 South Bucks District Council
102 / 5063 Little Marlow Parish Council
152 / 8032 Lafarge Aggregates Ltd
56 / 8033 South Bucks District Council

MAIN ISSUES

1. South Northants DC consider that the first part of Policy 6 should be worded more strongly to ensure that the exploitation of recovered and recycled materials is maximised before turning to new reserves or increasing annual production of primary aggregates. This will preserve primary sources and the landscape above them and help support the performance target in Paragraph 2.6.5. The Council do not consider this

to be operable. They have set an ambitious target for recycling and are not proposing any further preferred areas in the plan.

2. Whilst it is important to maximise the use of recycled materials it would be wholly impracticable to delay opening new reserves until this takes place. The target in Paragraph 2.6.5 is set for 2015 and there is no guarantee that there will be enough production to meet legitimate needs before then without opening new reserves or increasing annual production. The Council has a duty to ensure that meet such needs.
3. Surrey County Council supports the policy in principle but believes that, whilst it gives locational criteria, it fails to identify sufficient sites to meet the 60% recycling target. Nor does it demonstrate that the target is capable of being met within the plan period. Milton Keynes DC queries the Council's ability to monitor the situation.
4. The Council has calculated that, to meet the target, the increase in recycling will have to be about 1.7% per annum. The Council considers that this rate will be achievable, given the operation of incentives such as the landfill and aggregates taxes but will lead to a need for more than 10 new facilities plus a contribution from "windfall" sites and temporary facilities. No sites for permanent facilities have emerged from the consultation process but the Council has revised Policy 6 to provide criteria for such facilities. It accepts that the monitoring of the target will not be a simple matter, but considers that arrangements are in place to allow confidence that such monitoring will be possible.
5. Given the failure of new sites to emerge at this stage I consider that the Council have acted appropriately by widening the range of the criteria for suitable sites. I see no reason why it should not be able to adequately monitor the situation and there is no purpose in altering the plan to meet the objection on this point.
6. Summerlease Ltd find the policy confusing and believe that it overlaps with Policy 21. They believe the two policies should be combined and expressed more clearly. The Council have sought to achieve the latter in the SDD but do not wish to combine the policies. Summerlease recognise an improvement in clarity but still advocate combination. They consider it misleading to have two policies dealing with demolition and construction wastes. Waste Recycling Group Ltd take a similar view.
7. The changes made to Policy 6 have resulted in a much clearer exposition of the Council's position. Policy 21 was also changed in the second deposit draft and the first paragraph of that policy as amended says much the same as Policy 6. However, Policy 21 refers back to Policy 6 and, as there is no significant contradiction between the two, I see no reason why anyone should be misled. Given that there is a logical cross-reference between the two, I see no reason why both policies should not retain the references to the recycling of inert wastes and similar materials.

8. Cheddington PC urges the County Council to ensure adequate access to a particular quarry. That seems to me to be a development control matter with little relevance to the wording of Policy 6. I see no reason to alter the latter for such reasons.
9. Robert Brett and Sons criticised the first version of Policy 6 but it was subsequently altered in the second draft, partly in response to their criticisms. In response to the second draft they complain that Policies 6 and 10 are inconsistent. Whilst the penultimate paragraph of Policy 10 allows for waste facilities in open countryside where there is proven need, Policy 6b limits the life of such proposals. The Plan needs to make clear which takes precedence. The objector also complains that the Plan fails to identify any recycling sites, and incorrectly excludes the potential for existing temporary mineral and waste sites to be considered for permanent recycling facilities.
10. The Council points out that whilst Policy 6b indicates that the Council will support temporary proposals, Policy 10 addresses new permanent facilities and simply indicates that sites in open countryside are not precluded. Both forms of provision will coexist over the plan period, but the Plan seeks an increasing contribution from higher quality permanent facilities. Policy 10 supports new permanent facilities on sites previously put to a previous or existing waste management use (including temporary sites). However, the aim is to ensure that new permanent facilities should be proximate, satisfactory in environmental & amenity terms, and accessible. Not all temporary facilities could meet these requirements. The plan does not identify recycling sites but relies on comprehensive criteria policies. This is an approach which is in accord with national guidelines such as PPG10.
11. Policy 10 is a general, overarching policy whereas Policy 6 has a more specific application. Their stances are somewhat different. I see no inconsistency between the way in which they deal with temporary and permanent waste management facilities. I am also satisfied that it is acceptable, and consistent with national advice, to use criteria policies rather than identify specific sites in the circumstances prevailing in Buckinghamshire at this time. I see no reason to alter Policy 6 in response to these objections.
12. The Highways Agency expresses concern over the reference, in Policy 6, to the need for access to the primary road network. They believe this to be contrary to national policy which sets out a general presumption against provision of new direct accesses onto motorways and high-speed trunk roads. The Council agrees and the revised Policy 6 no longer includes this sub-paragraph. Instead the matter of access is now addressed by a cross-reference to policy 10. In my view this accords with the HA's request and the presumption against new accesses is referred to in the supporting text for policy 10.
13. The Environment Agency feel that the reference to water links in Policy 6 simplifies the position too much and ignores possible implications in terms of ecological, water quality, and other issues. The Council

accepted this point and proposed removal of this reference and inclusion of a reference to the point in the supporting text to Policy 10. This seems to me to be an appropriate response but, in fact, they omitted to make the necessary changes to the SDD. This was, I understand, an oversight and it should be remedied.

14. Gerrards Cross PC believe that, bearing in mind the high percentage target for the recycling of waste, new permissions for mineral extraction and subsequent landfill should require recycling facilities to be provided. The Council accept that there will be residues from the recycling of C&D waste streams which will have to be landfilled, but anticipate that the amount of such residues will decline as the level of reuse increases. Policy 6 will also increase levels of recycling. Furthermore recycling on the site is likely to produce different materials with different destinations.
15. I recognise that on some sites it will be practicable and sustainable to require recycling facilities, but on others it will have no particular advantages and might be environmentally unsatisfactory. I do not consider that it would be appropriate to add to Policy 6 a requirement for all mineral extraction sites to have recycling facilities.
16. D K Symes Associates criticised the policy on the grounds that it failed to reflect adequately government encouragement for recycling at minerals and waste sites. However, following the extensive changes to the policy by the Council the objection has been withdrawn on the basis of the new policy being adopted.

RECOMMENDATION

1. *That the reference to water links be omitted from Policy 6 and that, instead, a reference be in the supporting text to Policy 10.*

2.7 POLICY 7 – IMPORTATION OF AGGREGATES

FIRST DEPOSIT

Objections

99 / 5067 D K Symes Associates
152 / 5069 Lafarge Aggregates Ltd
33 / 5070 Waddesdon Parish Council
80 / 5071 Aylesbury Vale District Council
56 / 5072 South Bucks District council
66 / 5073 Iver Parish council
100 / 5074 Environment Agency

Unconditional Withdrawals

59 / 5066 Milton Keynes Council
100 / 5068 Environment Agency

Supporters

40 / 5065 Surrey County Council

SECOND DEPOSIT

Objections

99 / 8041 D K Symes Associates
202 / 8043 Bardon Aggregates
100 / 8044 Environment Agency
56 / 8045 South Bucks District Council

Unconditional Withdrawals

100 / 8039 Environment Agency

Supporters

213 / 8038 English Heritage SE Region
152 / 8040 Lafarge Aggregates Ltd
228 / 8042 Network Rail

MAIN ISSUES

1. D K Symes suggests that the title of this section be re-worded "The Transport of Aggregate" and should reflect both the import and export of materials. It should also encourage mineral production sites where water and rail transport can make a contribution. The Council points out that Buckinghamshire is a net importer of aggregates and that, as exports

travel to London by road, it would be uneconomic to use rail. The objectors' rejoinder is to observe that where sand and gravel extracted in the county can be moved to existing market by alternative modes of transports then this should be encouraged. They believe that encouragement to alternative means of transport should carry the same weight for both importing and exporting in which case it would be simpler to cover it in one Policy, i.e. 29

2. Given that the principles of Policy 7 apply to both the import and export of aggregates I believe the alternative title suggested would be more appropriate. The policy already refers to "the transport of bulk materials" but it seems to me that the meaning would be clearer if the second part of the first sentence was linked to the first by "including" rather than "and for". Otherwise, I see no reason for changes in the wording. I believe that the Plan's support for alternative means of transport is adequately expressed in Policy 29 and that no change in this respect need be made to Policy 7.
3. Lafarge Aggregates suggests that the term "wharves" should be added to references to rail depots. The Council agrees and have made such a change in the Second Deposit Draft.
4. Waddesdon PC suggests that the siting of the aggregates depot at the old coal sidings in Aylesbury should only go ahead if the effect upon local traffic, particularly the A41 in Waddesdon, is acceptable or can be made so by mitigation measures. The Council believes that such effects would be minimal, a view that gives rise to scepticism from the Parish Council.
5. I have seen no evidence which would allow me to assess the effects of the development upon traffic. However, Policies 27 and 29 indicate that any necessary planning permission would only be granted if traffic generated by the proposal was acceptable in terms of safety and environmental impact. I see no reason to alter Policy 7 as a result of these objections.
6. Aylesbury Vale DC considers that the Plan needs to clarify its intentions regarding the safeguarding of land off Griffin Lane, Aylesbury including the impact of traffic generated. The Council emphasises the importance of providing such a depot in Aylesbury, which is a growth area with no locally occurring aggregates. I recognise the importance of the issue but I believe this to be a matter for a planning application. It is not appropriate to go into such detailed matters in a Local Plan, and I see no reason to alter Policy 7 on this account.
7. South Bucks DC recognises the importance of rail depots for aggregates but believes the site at Thorney Mill Road Iver to be poorly located. They point out that it is within a sensitive area of the Green Belt and consider that it would be a source of traffic problems. They suggest that the operator should be encouraged to find an alternative site so that the safeguarding of this one might end. The plan should reflect this possibility by deleting the site from Policy 7 and Appendix A. As a last resort the site could be safeguarded for a period of 10 years when the

Heathrow Logistics Site would become available for use as a rail depot. Iver PC share many of these concerns and point out that all of the traffic from this site would have to go through Richings Park.

8. The Council restates the importance of safeguarding rail facilities (which none of the objectors seriously dispute) and points out that such a policy reflects other local and regional planning documents. It may not be an ideal site but the logistics site for Heathrow's fifth terminal is unlikely to be available for a number of years. Other sites, perhaps in Hillingdon, may emerge but the Council cannot rely on that and feel it would only be prudent to reserve the only site that has emerged, i.e. that at Iver.
9. It seems to me that the Council's analysis of the position is a rational one and merits support. Moreover, it has not been demonstrated that any problems associated with the Iver site cannot be overcome. Bearing in mind that Policy 7 only seeks to safeguard the site, not to issue a binding commitment to a rail aggregates depot upon it, I see no reason to alter Policy 7 in regard to this objection.
10. The Environment Agency's comments on Policy 7 have been met by alterations in the wording proposed in the Second Deposit Draft. Their concerns regarding the Rail Aggregates Depot at Iver are over the impact of any development there. I recognise the importance of the issue but I believe this to be a matter for a planning application and that it would not be practicable to go into such detailed matters in the context of the Local Plan.
11. Bardon Aggregates consider that the development of the rail aggregates site at Aylesbury is unlikely, given existing developments. They suggest that vacant land on the opposite side of the railway line has its own access and might be a more appropriate location. The Council have agreed to make inquiries regarding this site. I see no reason to modify the plan on this account

RECOMMENDATION

1. *That the title of Policy 7 be altered to "The Transport of Aggregates".*
2. *That, in the first sentence of the policy, the words "and for" be deleted and replaced by "including".*

2.8 POLICY 8 - OTHER MINERALS

FIRST DEPOSIT

Objections

40 / 5075 Surrey County Council

SECOND DEPOSIT

Objections

213 / 8047 English Heritage SE Region

Supporters

208 / 8046 Chilterns Conservation Board

MAIN ISSUES

1. Surrey County Council objects to Policy 8 on the grounds that it is negative and inconsistent with its policy target or implementation statement. They consider that the need to maintain a continued supply of brick clay and to favourably consider proposals which do not conflict with other policies should be stated in Policy 8. The Council agree and have altered the text of the policy in accordance with the suggestions made.
2. English Heritage believes that the use of the word "However" introduces an element of ambiguity and suggests that this policy overrides the advice in the first part of the policy. Bearing in mind the protection provisions in Policy 23 they suggest the deletion of the word "However" from the policy. The Council agrees.
3. The wording they use does not go as far as the suggestion made by Surrey but in my view it meets the objectives of the comments made. I do not believe the use of the word "however" introduces ambiguity to the extent suggested by English Heritage but neither does it add to the policy. On balance I believe that it should be deleted.

RECOMMENDATION

- 1 *That the word "However" be deleted from Policy 8.*

2.9 POLICY 9 – OIL EXPANSION

FIRST DEPOSIT

Objections

100 / 5077 Environment Agency

Supporters

40 / 5076 Surrey County council

SECOND DEPOSIT

Objections

100 / 8048 Environment Agency

MAIN ISSUES

1. The Environment Agency considers that the wording of the policy implies that only SSSIs and internationally designated sites are of sufficient significance to override the national interests associated with oil exploration. The Council disagree and I am in accordance with their views on this matter. The wording used is "local environmental impacts" and in my interpretation this means just what it says. There is nothing in the wording that restricts it to statutorily designated areas, let alone those of the highest status. This interpretation is consistent with the way such matters are treated elsewhere in the plan, for instance in Policies 23 and 24.

RECOMMENDATION

That no modifications be made.

CHAPTER 3 – WASTE

3.1 POLICY 10 – OVERARCHING WASTE MANAGEMENT PRINCIPLES

FIRST DEPOSIT

Objections

39 / 5078 South Northamptonshire Council
56 / 5080 South Bucks District Council
74 / 5081 Berkshire JSPU
84 / 5082 Aylesbury Vale Friends of the Earth
115 / 5085 Shanks Waste Services
127 / 5086 Fulmer Parish Council
84 / 5727 Aylesbury Vale Friends of the Earth
138 / 5729 GOSE
133 / 5087 Waste Recycling Group Ltd

Unconditional Withdrawals

100 / 5083 Environment Agency
100 / 5728 Environment Agency
100 / 5742 Environment Agency

Supporters

40 / 5079 Surrey County Council
102 / 5084 Little Marlow Parish Council
138 / 5088 GOSE

SECOND DEPOSIT

Objections

100 / 8053 Environment Agency
84 / 8055 Aylesbury Vale Friends of the Earth
127 / 8057 Fulmer Parish Council
220 / 8058 Great Brickhill Parish Council
220 / 8059 Great Brickhill Parish Council
220 / 8060 Great Brickhill Parish Council
56 / 8062 South Bucks District Council
207 / 8093 Chiltern District Council
207 / 8094 Chiltern District Council
242 / 8095 Cllr M Tipton

Unconditional Withdrawals

100 / 8051 Environment Agency

100 / 8052 Environment Agency

100 / 8188 Environment Agency

Supporters

84 / 8054 Aylesbury Vale Friends of the Earth

84 / 8056 Aylesbury Vale Friends of the Earth

82 / 8061 Highways Agency

207 / 8092 Chiltern District Council

MAIN ISSUES

1. South Northants DC thinks that “not to inhibit or prevent” should be replaced by “encourage” to ensure all options are considered before landfill and to better achieve the target in 3.1.10. The former could be seen as prejudging future applications. The Council don't agree, thinking their version is clearer. Neither term is very specific but, of the two, I regard the Council's choice as being clearer and more consistent with the supporting text.
2. South Bucks DC think that Criterion b(iii) provides opportunity for several developments in the green belt, thereby undermining green belt policy. Whilst recognising the importance of waste management and recycling it considers that such facilities on contaminated/derelict land or in agricultural buildings should not be acceptable as a general principle. It might be allowed on specific sites but these should be treated as exceptions to the general policy. Reference to these categories of land/buildings should be deleted. Bucks CC doesn't accept this but points out that the categories referred to are consistent with Policy W17 of the RWMS. It agrees that clarification on waste development in green belts should be provided elsewhere in the Plan, e.g. Policy 26.
3. Waste development is increasingly necessary and opportunities for it are relatively restricted in urban areas. Of necessity many facilities must be in the countryside and, in counties such as Bucks, much of that countryside lies within the green belt. I find that the categories of land provided for waste management in Policy 10 to be rational and reasonably consistent with national guidance such as that in PPG2. I welcome the Council's addition to Policy 10 a reference to the need to conform to other policies (which would include Policy 26). I see no reason to alter Criterion B(iii).
4. Berks Joint Strategic Planning Unit JSPU was concerned over the lack of reference to regional or net county self-sufficiency. The Council accepted this criticism and include a reference to the matter in the SDD.
5. Friends of the Earth (FoE) consider that there should be more encouragement (possibly fiscal) for residents to reduce and recycle their own wastes. However the collection of green waste, whilst welcome, should not be at the expense of householders composting at home. Attention is also drawn to regional guidance which encourages local plans to provide support for development which minimises waste production

and associated impacts. It is suggested that the recycling and compost target for 2005 should read 36% (rather than 34%) of municipal waste as quoted in previous waste documents.

6. The Council's waste strategy emphasises operational initiatives to minimise waste but the task of the local plan is to provide for any land use requirements to support the waste strategy. Bucks CC supports the regional guidance referred to but its pursuance will mainly rest with district councils and successor local documents. The figure of 34% for the compost and recycling target has been recommended as appropriate by the Council's Waste Management Officer. Consequently, whilst the Council does not seriously differ from FoE on many of these points, there is nothing in them which necessitates an alteration to the MWLP.
7. In respect to the Second Deposit Draft FoE supports the plan for net self-sufficiency of waste within the country but urges BCC to exclude waste exports to out of county locations that burn waste. They further strongly object to any facilities that provide energy from waste through any thermal process. All "burn" methods undermine recycling, use too much energy, produce pollution and carcinogens and contribute to global warming. Exceptions can sometimes be made in respect of the collection of methane gases from anaerobic digestion or landfill. FoE welcome the new composting facilities but considers that BCC should be more imaginative in the range of composting and collection points, e.g. by approaching farmers to compost green waste.
8. The Council confirm that they will not export waste to facilities that simply incinerate wastes and will consider further the possible contribution from farm composting schemes. The plan's stance towards energy from waste is consistent with national guidelines. It is not accepted that thermal processes cannot represent BPEO, particularly in respect of residual wastes.
9. The main matter between the parties lies in the fundamental matter of energy from waste. I understand the concerns made by FoE and I do not disagree that the minimisation of the waste at source is of increasing importance. However, it is only realistic to conclude that, without a significant contribution from processes such as energy from waste and other "high tech" processes, and with the continuing decline in the amount of waste acceptable for landfill, the amount of waste to be dealt with would at best decline only slowly and might for some time increase, even if minimisation at source were to increase at the hoped-for rate. It should be borne in mind, too, that responsibility for influencing the rate of waste minimisation at source rests with the County Waste Strategy, not with the MWLP.
10. Without facilities such as those I have referred to it is hard to see that the waste produced by society can be effectively dealt with, even if the anticipated reduction in levels of waste takes place. The Council's provisions in respect to such facilities (mainly Policies 10 and 17) reflect the national stance and I do not believe that they should alter them as suggested by FoE.

11. Shanks Waste Services notes that the waste input figures are dated and will not, for instance include inputs relating to the East London Waste Authority or CTRL contracts. The Council indicates that the plan is based upon the latest comprehensive figures available. In the absence of detailed information on this point I have no grounds for recommending changes.
12. Fulmer PC thinks that over-riding priority should be given to the recycling of materials but is concerned that the Green Belt is now vulnerable to development. The Council agrees with the former but does not consider that the green belt is threatened in this regard. Its position is that the plan pays full regard to the provisions of PPG2, for instance in Policy 26 and Paragraph 4.4.2. These matters are essentially the same as those referred to in Paragraphs 1 and 2 of this section and my views on the point are contained in Paragraph 3.
13. GOSE considers that the title of PPG10 should be correctly recorded in the second sentence of Paragraph 3.1.1. The Council agree and have made the suggested change.
14. As a result of changes in the Second Deposit Draft the EA has withdrawn its objections to Policy 10 and Para 3.1.10. However, it maintains its objection over Criterion b(iii) on the grounds that it is wrong to assume that derelict/brownfield land has no ecological value. It considers that, where appropriate, there should be a requirement for an EIA. In addition further changes should be made to Policy 36 to make clear the ecological importance of brownfield land.
15. The Council refute the suggestion that Criterion b(iii) contains the implication placed upon it by the EA. However, Policy 36 and associated text is to be amended to make this clear. My recommendation is made in respect of that policy.
16. The Waste Recycling Group believes that the constructive use of waste, for instance to create specific landforms, should be recognised and provided for in Policy 10 and supporting text. These could create useful and substantial "windfalls". The Council believe that the wording suggested by the objector is too wide and seeks to embrace matters best considered on their merits when relevant applications are made. I agree that such detail is not appropriate in a very general policy such as 10 and, given the very specific nature of the examples mentioned by the objector, I do not consider that it would be appropriate to alter any other policies to meet this possibility. I share the view that this is a matter to be dealt with in the context of a particular application.
17. Great Brickhill PC object to the recovery of energy from waste by thermal means, for reasons similar to FoE (Para 9 above). They also consider that agricultural buildings or their location are not suitable for waste management facilities, and suggest the deletion of Category b(iv). Finally they consider policy performance targets such as 50% recycling

and composting by 2015 to be grossly inadequate and suggest an increase to 50% by 2010 and 65% or more by 2015.

18. My conclusions on the first two points are similar to those set out in Paragraphs 9 and 3 respectively. In respect of the last objection, as these targets are consistent with Policy W6 of the RWMS and exceed those in the annual waste strategy I do not believe they should be altered.
19. Chiltern DC, and Mr Mark Tipton, note that there is no policy in the plan to safeguard existing waste management sites from other forms of development. The former also points out that Bucks CC will not always be responsible for determining planning applications and suggest that throughout the plan they should use a term such as "determining authority" rather than "The County Council".
20. The Council state that not all waste management sites will be proximate to arisings and suggest that this may be significant in the move towards permanent facilities. Whilst this may be true I can see no relevance in the point to the objection made. I recognise the value of such sites but there is no way of compelling the continuation of waste activities if the owner of the site wants to end operations, perhaps because they cease to be profitable. I do not, therefore, think that it would be very useful or appropriate to include a policy such as that suggested. I do, however, agree with the objector that there may be some decisions under the aegis of the MWLP where the County Council are not the decision maker. It would, therefore, be more appropriate to use the term "determining authority" instead of County Council where referring to the granting of planning permission.
21. Finally, there is one change to Policy 10 and its supporting text that was discussed in relation to objections to Policy 6. The relevant paragraphs are referred to in my recommendation

RECOMMENDATION

1. *Throughout the plan use "determining authority" instead of "county council" where referring to determining planning applications.*
2. *That the reference to water links in Policy 6 be deleted and a reference to the point be added in the supporting text to Policy 10. (Paragraph 13)*

3.2 POLICY 11 - IMPORTED WASTES

FIRST DEPOSIT

Objections

81 / 5091 Robert Brett & Sons
84 / 5092 Aylesbury Vale Friends of the Earth
115 / 5093 Shanks Waste Services
108 / 5095 BAA/Heathrow Airport
123 / 5096 Chiltern Society
115 / 5709 Chiltern Society

Unconditional Withdrawals

133 / 5094 Waste Recycling Group Ltd

Supporters

40 / 5089 Surrey County Council
66 / 5090 Iver Parish Council

SECOND DEPOSIT

Objections

220 / 8063 Great Brickhill Parish Council
133 / 8064 Waste Recycling Group Ltd
220 / 8146 Great Brickhill Parish Council

MAIN ISSUES

1. I find the title of the section uninformative and somewhat misleading and suggest that it be changed to include a reference to landfilling. Furthermore, Part b) seeks to make three provisos. Of these (i) and (iii) clearly are provisos but (ii) is not and I find it impossible to understand. I consider that it should be reworded to make its meaning clear.
2. Robert Brett & Sons believe that Policy 11 is contrary to regional strategy and takes no account of the proximity principle and BPEO. They do not consider that it should include a requirement to provide demonstrable benefits to the County. They do not make any suggestions for any alterations and, I assume, consider that the Policy should be deleted. The Council does not accept this criticism and suggests that Policy 11 follows RWMS Policy W3 and is responsive to public opinion.
3. Whilst landfilling with waste is declining it is bound to make a significant contribution for a number of years to come. It is necessary to have a policy dealing with the issues it raises and the general thrust of Policy 11

appears to be consistent with regional and national guidance on the subject. In the absence of any evidence or arguments I see no reason to alter or delete it for this reason.

4. FoE complain that Policy 11 is inconsistent with past dealings by the Council in relation to waste development of various kinds in void spaces left by mineral extraction. However, their complaints are very site specific and relate to past decisions by the Council. The objectors do not explain how or why I should make any changes to Policy 11. I make no recommendations for alterations arising from their representations.
5. Shanks Waste Services support a move towards more sustainable waste management supported by landfill but are concerned that attempts to impose importation restrictions linked to the National Waste Strategy may be flawed for a number of reasons. The recycling and recovery targets in the National Waste Strategy and Landfill Directive are very challenging and will require additional reprocessing infrastructure. The speed at which authorities can progress varies and depends upon the number of suitable sites. During the early periods large regional sites will need to play an important role. Sites served by rail confer substantial national environmental benefits. A limitation on imports would unnecessarily restrict the benefits to be gained from such sites. It would also reduce the commerciality of such sites, and deter or delay new applications based around environmental need and timely restoration. In this last regard it would be inconsistent with Policy 30.
6. The Council believe the policy to be consistent with national policies and SEERA's aim to encourage London to achieve more sustainable waste management practices. Continued export of waste into the region for landfilling is unlikely to represent BPEO compared with recovery processes where the waste arises. The targets are challenging but authorities must move towards them to reduce reliance on landfill. It is not in doubt that landfilling will continue to make a contribution for a number of years and there is no reason why the policy should not allow the benefits of regional sites such as Calvert to be fully realised.
7. I accept the importance of ensuring that existing major sites, particularly those served by rail, continue to make a substantial contribution to meeting the waste needs of the South-east Region and the County. However, I see nothing in Policy 11 which would prevent that or would be seriously inconsistent with Policy 28. The policy would make it more difficult to gain new permissions and could impose substantial restrictions upon any new permissions on existing sites. I recognise that this may sometimes affect the profitability or even viability of such sites. However commercial concerns, whilst important, have to be balanced against environmental considerations and national objectives. Policy 11 seems to me to represent a reasonable balance between such potentially conflicting issues. I am aware of no reason to believe that it should be altered as radically as this objector implies.
8. BAA make suggestions for an addition to the end of Policy 11 relating to the need for them to be consulted in respect of landfilling proposals

within 13Km of Heathrow Airport. The Council accept the point but in propose adding a new policy to cover the matter (Policy 31). This is, in my view, the best location for this matter to be covered.

9. The Chiltern Society suggest the addition of a further criterion as b(iv) requiring that waste vehicle routings should be agreed by the Council to prevent them taking inappropriate roads to reach the site. This should be reflected as well in the "access proposals" of Appendix A. The Council does not consider this to be appropriate in that the routing of heavy vehicles should be regarded as part of the general assessment of any proposal's impact.
10. I have no doubt that the impact of heavy traffic must be a material consideration in the determination of any planning application. However, whether or not it is appropriate to deal with problems of this kind via control of vehicle routings will vary from site to site and proposal to proposal. It will not always be possible or practicable to use a routing agreement. I consider that there are references to such matters in several parts of the plan which allow such measures (and require them to be considered) if they are appropriate. I think that to include the suggested addition to Policy 11 could predetermine the resolution of such issues and might confuse matters rather than assisting them.
11. Great Brickhill Parish Council applauds the principle of reducing imported waste but believe it should be eliminated entirely. This should be reflected in the policy and targets. It believes local landfill sites to be a scarce resource which should be preserved for local waste only. They further consider that Paragraph (iii) should exclude waste from energy recovery processes. However, as the Council point out, a substantial proportion of the waste imported into Bucks involves period contracts and the Council has no power to eliminate such contracts. I believe that the best way to achieve a reduction is to apply restraints on new planning permissions. I have explained why it is impracticable to accede to the other point made in relation to Policy 10.
12. The Waste Recycling Group suggested changes to the original wording of Policy 11 to allow for short cross boundary movements of waste. The Council agreed with the point, but not the suggested remedy, and instead made alterations to Policy 10, in my view an appropriate response. On that basis the objection was withdrawn.
13. However, the Group also objected to Policy 11 in the SDD. They consider this part of the plan to be so lacking in detailed analysis of anticipated waste arisings and available void space as to undermine its statistical basis. They regard Part (a) as unclear and are concerned that it could be used to frustrate the proposed improvements to the restoration scheme at Calvert. It might also preclude the adjustment of the approved pre-settlement contours to comply with modern waste management guidance and environmental standards. They suggest that the policy should be reworded and their suggestions include allowing necessary alterations to existing permissions, and use of the phrase "planning applications for

new landfill sites" instead of merely "proposals". They also believe that Bucks should be placed in a regional context in the policy.

14. The Council disagrees. This policy, they believe, seeks to meet objectives of a declining amount of imported wastes in a regime of greater control and in both respects it is in accordance with national policy and modern practice. Its ability to directly influence existing permissions will be limited.
15. The analysis of arisings/void space made by the Council is discussed in the context of objections to Policies 2 and 3, and I have explained my views on other criticisms in Paragraph 7 above. I am satisfied that there are remedies in the appeal system should the Council refuse, without good reasons, to approve or determine any schemes or details submitted in pursuance of permissions already gained. To make the changes suggested by WRG would dilute the policy and could open the door to proposals for new landfill capacity embedded in or associated with restoration proposals using imported waste. I do not agree with such changes.
16. However, the parties agree that there are particular and specific problems in respect of Calvert site because of its size and character. As an alternative to amendments to Policy 11 WRG have suggested the introduction of a policy specific to the Calvert site and a form of words has been agreed with the Council. I discuss this in relation to objections to Policy 18.

RECOMMENDATION

1. *That the title of Section 3.2 be altered to include specific reference to landfilling.*
2. *That Part b)ii of the Policy be reworded in a form consistent with (i) and (ii) to make its meaning more clear.*

3.3 POLICY 12 - INTEGRATED WASTE MANAGEMENT

FIRST DEPOSIT

Unconditional Withdrawals

100 / 5098 Environment Agency

Supporters

40 / 5097 Surrey County Council

115 / 5099 Shanks Waste Service

SECOND DEPOSIT

Objections

242 / 8066 Mr Mark Tipton

Unconditional Withdrawals

100 / 8065 Environment Agency

MAIN ISSUES

1. Mr Tipton believes that, as well as waste management companies, other sectors of industry need to be considered including smaller enterprises. The emphasis on co-location could be interpreted to mean that smaller facilities are less attractive. The Council accept these points but believe that Policy 3.3.3 makes it clear that the plan provides for a range of types and scale of facilities.
2. I understand the objector's concern and I recognise that Policy 12 in isolation would not provide much support for small waste facilities. However, other policies such as 13 and 15 would, and supporting text such as Paragraphs 3.3.3 makes the overall position clear.

RECOMMENDATION

That no modifications be made.

3.4 POLICY 13 - RECYCLING/COMPOSTING FACILITIES

FIRST DEPOSIT

Objections

40 / 5101 Surrey County Council
48 / 5103 Buckingham Town Council

Supporters

2 / 5100 Mr Holdsworth
47 / 5102 Thames Water Property Services
84 / 5104 Aylesbury Vale Friends of the Earth
115 / 5105 Shanks Waste Service
138 / 5106 GOSE

MAIN ISSUES

1. Surrey County Council favours encouragement for new recycling and composting facilities but is concerned that Bucks CC is seeking to rely on a criteria based policy rather than identifying sites. Paragraph 3.1.8 indicates that Bucks may need 17 composting facilities and 48 small recycling sites. There is no indication whether the sites in the Appendix or the types of location in Policy 10 are sufficient to achieve this or obviate the need for the larger recovery facilities outline in Policy 17.
2. The Council points out that the Plan doesn't identify land commensurate with the indicative facilities contained in the RWMS, largely because of uncertainty. Where there is a detailed proposal a site is identified but otherwise the plan, like almost all others, falls back on a criteria based approach. The Council is confident that this will provide an adequate means of guidance/control when demand for facilities develops. In any event they believe that Government will "raise the game" to ensure that diversion/recycling targets are met.
3. Whilst I agree that identifying individual sites is usually the ideal solution, it is unlikely to be practicable to employ this procedure when so many sites are involved. Under the circumstances I believe that a criteria based policy such as Policy 13 is an appropriate approach and I have seen no evidence that such an approach will fail to bring forwards enough sites.
4. Buckingham Town Council thinks that composting should be subject to the same restraints as silage making, especially with respect to nutrient levels and water-course contamination. The Council do not disagree and have referred the matter to the County Waste Manager. However, this is not primarily a matter for a local plan or planning policy.

RECOMMENDATION

That no modifications be made.

3.5 POLICY 14 - HOUSEHOLD WASTE RECYCLING CENTRES (HWRCS)

For list of objections, supporting representations etc. see schedule prepared by the County Council

MAIN ISSUES

Introduction

1. Policy 14, and in particular the identification of a site for a household waste recycling site (HWRC) at Aston Clinton, has been by far the most controversial policy of the MWLP. It has given rise to a very large number of objections and other representations, expressing various views. Several days at the inquiry were devoted to discussion over the issues raised. Because of these factors I have set out my report on objections in a different way to that relating to most other policies. In essence, it deals with the subject on a topic-by-topic basis followed by overall conclusions. It is also much longer, because of the degree of involvement by the public and the range of topics covered.

The Background

2. In the First Deposit Draft Policy 14 identified a site for a Household Waste Recycling facility (HWRC) on land to the north of London Road at Aston Clinton. This attracted some support but a great deal more opposition on a variety of grounds. The Council, having taken into account representations received, published a Second Deposit Draft of the MWLP in September 2004. The wording of Policy 14 remained virtually the same but a paragraph was added to the supporting text which described how a number of other sites had been considered. These included a site at College Road North, Aston Clinton which was thought to be unsuitable on traffic grounds. This aspect of the SDD gave rise to many objections on much the same grounds as those to the FDD.
3. In the light of the representations received the Council issued further pre-inquiry changes in December 2004. In these Policy 14 identified two sites for an HWRC at Aston Clinton, and added to Appendix A a plan identifying the second site at College Road North. The Council has made it plain that the intention is only to provide one HWRC at Aston Clinton, but that the plan proposes the safeguarding of two alternatives for the siting of that facility. These changes attracted numerous further representations. Some writers maintained their objection to both sites, some withdrew their original objections, and many supported a facility at College Road North but not on the London Road site.

The Need for such Facilities in General

4. The Plan's objectives include reducing waste and moving the means of disposal further up the waste hierarchy. A generally accepted means of

achieving such aims is the reduction of waste taken to landfill by recycling more household wastes. Kerbside collections are an essential element of achieving this end but an important adjunct to it is, and has been for a number of years, the use of HWRCs. This is recognised in national guidance as well as in the Regional Waste Management Strategy. Many objectors to the proposed site in Aston Clinton, as well as other contributors to the plan, have expressed support for the principle of providing HWRCs.

5. Some objectors suggest that, instead of providing more HWRCs, it would be more efficient to increase and expand kerbside collection. I have no doubt that the latter will make a valuable contribution towards meeting the relevant objectives. Nevertheless, there are many objects and materials which it would be impracticable to deal with by kerbside collection. Even though some such items may well eventually end in landfill, there are many which can be recycled. Many HWRCs achieve recycling rates of 70%-80% and most better than 60%. Moreover, they provide a useful and valued service to householders and the existing ones are well used. I have no doubt that without sufficient convenient facilities of this kind less materials would be recycled and the incidence of fly-tipping, already a growing problem, would be likely to significantly increase.
6. Some objectors have suggested that, rather than identify sites, the Plan should achieve its ends by a criteria based policy for the location of HWRCs. Very recently PPG10 has been replaced by PPS 10, but both suggest that where new waste facilities are needed, preferred locations should, wherever possible, be indicated in the Waste Local Plan. In the present case I am satisfied that there is a general and pressing need for household waste recycling sites and that it is appropriate for the Council to seek to identify appropriate sites.

The Need for a Facility to the East of Aylesbury

7. At present Buckinghamshire has 9 HWRCs, 7 in the southern part of the County, one in Aylesbury, and another near Buckingham. However, the majority of the population live in the south, and the evidence available indicates a need for new facilities in all three parts of the County. The County's Waste Strategy recommended new or remodelled sites in all three areas. Policy 14 of the MWLP reflects that recommendation as well as providing general support for new HWRCs. Aylesbury is a sizeable town, and likely to grow considerably larger in the foreseeable future. There is evidence that the main existing facility, at Rabans Lane, has been subject to queuing and congestion at levels sufficient to generate complaints from users and nearby industrial concerns. Public response to the MWLP revealed considerable support for the provisions of an additional facility.
8. I understand that more efficient site management has reduced some of the problems and further improvements may be possible, albeit limited by the relatively small size of the site. I recognise, too, that kerbside collection and composting of green wastes are likely to increase in the

future. Nevertheless, balancing these matters against the imminent and substantial growth of the town and the need to increase levels of recycling, I am satisfied that there is a need for another HWRC in the Aylesbury area.

9. The major growth in Aylesbury is likely to be in the south and south-east and the existing HWRC lies to the west of the town. The importance of minimising travel distances indicates that a second site would be best located to the east or south-east of the town. In such a location it would complement the facility at Rabans Lane without being too close to it. It would also provide a convenient location for residents of the group of sizeable villages to the east and south-east of Aylesbury.
10. It has been suggested that it should lie within Aylesbury itself but, whilst that would be a possibility, I do not regard such a location as essential. Almost everyone drives to an HWRC so it is not a priority that it should be within walking distance of its users, only that it be within a reasonable distance for car journeys. Furthermore, it is not routine to combine a visit to an HWRC with journeys for other purposes so there is no need for such a facility to be, for instance, close to shops. Bearing in mind all of the relevant factors, I find the decision of the Council to concentrate their search for a new site on the area to the east of Aylesbury to be appropriate and reasonable.

The Site Selection Process

11. Having concluded that a site to the east of Aylesbury was needed the Council identified an area of search bounded broadly by the A41 in the north and the A413 in the south, from the eastern fringes of Aylesbury to the western side of villages such as Aston Clinton and Weston Turville. They identified site characteristics to be used in the search and adopted a sieving method. At this stage the search was carried out by officers of the County Council and Aylesbury Vale District Council. They looked, initially, for sites which met the criteria set out in Paragraph A51 of PPG10 (industrial areas, derelict land etc) but met with little success.
12. The search was then extended to include other possible types of site, and four were identified. Two were ruled out on grounds of highway safety, and a feasibility study was carried out on the other two, including assessment of matters such as landscape, ecology and archaeology. One of these last two sites was discarded because it was a crucial part of the Aylesbury Redevelopment Scheme and so only the site at Aylesbury Road, Aston Clinton (Site 2a) remained when the FDD was published.
13. This gave rise to widespread opposition to the Aston Clinton site and led to the investigation of a number of other sites suggested by various people and organisations. Some were outside the originally defined area but the Council carried out an appraisal of all feasible suggestions based on criteria similar to those adopted in the first search. It concluded that none of the appraised sites adequately met the criteria except that at College Road North. However, further examination revealed possible traffic problems and the site was not included in the Second Deposit

Draft. Eventually, further investigations suggested that such problems were capable of solution and so the College Road site (Site 2b) was added to the MWLP via the Pre-Inquiry Proposed Changes issued in December.

14. A substantial number of objectors to the Aylesbury Road Site supported the inclusion, instead, of the College Road site but others maintained objection to both sites. There has been criticism of the Council's selection process, and many feel that there are more suitable sites, both in the list of those already rejected and in sites not included in the selection process.
15. Turning first to the process itself I find some criticisms to be valid. I believe that the initial stages of the process considered too few sites, and were too inflexible in the area of search. In addition there appear to have been some changes in the criteria used for sieving the candidate sites, and it would have been useful to have involved more parties at an earlier stage in the procedure. The process could have been more transparent, and it would have been helpful if its details had been set out in either the FDD itself or in a supplementary document.
16. However, these criticisms are made with the advantage of hindsight, and apply to the process rather than the intentions of the Council. The situation was an evolving one and I believe that the Council did try to respond to criticisms and suggestions as they arose. The main purpose of the consultation process is to explore public reaction and, if appropriate, to respond to it. In effect, this is what has happened in relation to the selection of a site for a HWRC to the east of Aylesbury. I find no persuasive evidence that highway matters have been applied inconsistently, as some objectors have suggested, or that the Council has been unduly influenced by the fact that the site was in Council ownership. In the final analysis I believe that a combination of the Council's investigations and the local plan process has resulted in adequate assessment of all realistic alternative sites that have emerged.

Alternative Sites

17. I consider that, in the present circumstances, it is correct to interpret local and national policies as indicating that greenfield sites for this type of use should be chosen only when there are no alternative brownfield sites in the appropriate area. I believe in this case no realistic and suitable sites have emerged and it was, therefore, appropriate for the Council to turn to greenfield sites.
18. Experience shows that sites for this kind of use are not easy to find. Residents do not like them in housing areas, industrialists do not wish to share industrial estates with them, and many find them harmful to the countryside. They must be in fairly easy reach of potential users and with adequately safe access. Although it was not feasible to examine all of the sites raised at the Inquiry in as much detail as those proposed in Aston Clinton, I have been able to visit the vicinity of all of them, and

make some assessment of the means by which they would be accessed. I have also heard considerable evidence concerning a number of them.

19. I have assessed the sites suggested on the basis of the above factors, and taken into account all other relevant matters. A number of sites were subject to access problems, some have been used (or are committed to) other purposes, and several more have an impact upon the countryside comparable to (or more than) that of the sites proposed by the Council. A number were subject to more than one such drawback or other disadvantages. The two sites which appeared to find most favour with many at the inquiry were those in the vicinity of the Triangle Business Park, and at Western Mead Farm. However, both of these are greenfield sites, the former would be a source of traffic problems, and the latter is owned by the District Council who are opposed to an HWRC in the business park proposed.
20. I have reached two main conclusions. The first is that there are no acceptable sites which meet the circumstances outlined in PPG 10 (referred to in Paragraph 11 above). The second is that whilst there may be one or two other alternative sites which might, given appropriate conditions, prove acceptable for such a use, there are none which I would regard as being as appropriate as the better of the two sites suggested by the Council.

The Aston Clinton Sites

Policy Background

21. Both national and local policies seek, in general, to resist development in the countryside. Structure Plan Policy OC1(j) provides that waste management operations in open countryside will be permitted if it accords with SP Policies WM1-6. To comply with these policies development of the type proposed here must, (among other factors) be acceptable in terms of the environment, the amenity of residential or other sensitive development, traffic safety and impact, the water environment, visual impact and the local ecology and archaeology. In addition it must not be within one of various kinds of designated areas. Neither of the sites proposed in the plan are within such areas.
22. Policy 10 of the MWLP requires proposals for new waste management facilities to meet an identified need, support the waste hierarchy, conform to the proximity principle, and allow for the recovery of materials from waste. If so, this policy does not prohibit new waste management facilities at sites in the open countryside where there is a demonstrable need for the facility, it is consistent with the proximity principle, and no other suitable alternatives sites exist. I believe that both of the sites proposed under the aegis of Policy 14 meet these requirements for reasons I have discussed above.
23. There are other local planning policies with some bearing on this issue, and I have taken them into account. However, they do not alter the conclusion I expressed in the previous paragraph. It is necessary,

therefore, to consider the detailed implications of developments upon these two sites.

Visual Impact

24. Much of Site 2a is flat farmland, and there are numerous mature trees and tall hedgerows in the area. Without detailed designs of the proposed layout and landscaping proposals it is very difficult to assess with certainty the visual impact of the development. However, in my view the existing landscaping with reasonable reinforcement could almost entirely screen the facility from the Aston Clinton Bypass. Moreover, this is fairly flat countryside and most views of the site from elevated vantage points (mainly on the Chiltern Scarp) are so far away that the visual impact of the development from them is insignificant.
25. A number of houses (and/or their rear gardens) look towards the area where the main facility would be located. The intervening hedges would provide considerable screening in summer but in winter the site would, I am sure, be visible from some properties. Any buildings or structures upon it would be visible from the upper floors of a number of houses and, in glimpses at least, from passers-by on Aylesbury road. It would be prominent from that stretch of College Road which crosses over the bypass and from footpaths which pass close to the site. The high water table on the site would probably result in a need for buildings, roads and structures such as fencing at a higher level. Any floodlighting would also have some visual impact at night. However, the Council have indicated that the site would not be appropriate for a facility within a building and such a possibility does not feature in my assessment.
26. The area bounded by the bypass, Aylesbury Road and College Road is separated by those roads from the wider open countryside but it remains an attractive rural enclave which is much valued by local residents as part of the setting of their village and an area traversed by well-used footpaths. I am satisfied that the introduction of an HWRC into this area would, despite landscaping and other mitigation effects, have a significant adverse impact upon the appearance and character of the area which would be apparent from a number of public and private viewpoints.
27. Site 2b is within a fairly flat area of open countryside and although it is mainly surrounded by hedges they are relatively low. However, there are a number of hedgerow trees in the area, particularly on or close to the site's eastern boundary, and the site is partially screened from the south by the buildings of industrial premises. The site is large enough to provide considerable areas of internal landscaping and bunding, but an HWRC upon it would be clearly visible from College Road and from some more distant parts of the area. However, this road is a cul-de-sac and although it is, I understand, well used by walkers and riders it does not have much vehicular traffic throughout most of the day and at weekends. A local resident has described its character as a "quiet country road" for lengthy periods of the day. In summer the site can hardly be seen from the canal towpath to the north.

28. Many of the properties served by the road are industrial in nature and the introduction of an HWRC would not alter the character of the area to any great extent. There are very few residential properties looking towards the site whose view would be marred by development upon it. Overall, an HWRC upon this site would have some adverse effect upon the appearance of the surrounding rural area but relatively few residential sites would be affected by the change in its appearance. Moreover, although this site is in open countryside it makes little contribution to the setting of Aston Clinton, being separated from the main settlement by the bypass. It is adjacent to a cluster of industrial development alongside a cul-de-sac which serves other such development. Whilst the visual impact of the development would have some adverse effect upon the appearance of the development it would not seriously change its character.

Traffic Safety

29. It has not been seriously disputed that access into both sites can be provided in accordance with details which meet the relevant standards in relation to road geometry and visibility splays. In addition, I have seen no evidence sufficient to refute the Council's contention, supported by a highways report, that Aylesbury Road is capable, in capacity and safety terms, of carrying far more traffic than the HWRC would generate. College Road North and its junction with the Aston Clinton Bypass are also designed to standards high enough to cope with the likely levels of traffic. Neither of the roads leading to the site have an unusual record of accidents. The main contentious points relating to traffic safety centre around the effects of queuing on or outside the sites.
30. Traffic using Site 2a would reach it via a lengthy access road between the highway and the facility itself. The length of this drive would be substantially longer than the longest normal traffic queue recorded at the Rabans Lane site. I note, too, that the times of highest use of HWRCs rarely coincide with peak times of other kinds of vehicular traffic. Even if, on rare occasions, there was some queuing on Aylesbury Road, I doubt that it would involve many cars or would last long enough to be a source of significant hazard to traffic on a straight, reasonably wide, section of road which until recently has carried much higher traffic levels.
31. At Site 2b the length of drive within the site would probably be shorter than that within or leading to the facility at 2a. Nevertheless it would still be longer than the Rabans Lane maximum queue. On the basis of the evidence before me, I think that queues on College Road long enough to extend back onto the Bypass would rarely occur during normal use of the HWRC. Even though College Road is narrower than Aylesbury Road and is used by some heavy industrial and farm vehicles, overall it carries much lower levels of traffic. Occasional instances of cars waiting on the road are unlikely to cause serious problems.
32. I understand that parked lorries waiting to enter one of the industrial enterprises close to Site 2b sometimes partially block the road and might cause conflict with vehicle visiting the HWRC. However, the evidence

indicates that a combination of land within the industrial premises and controlled by the highway authority would be enough to provide off-road parking and largely eliminate this problem. Even so I regard this factor as important enough to require its solution (possibly by planning conditions or an agreement) before any permission is granted for an HWRC on this site. Overall, I am satisfied that the use of either of the sites for an HWRC need not, subject to the imposition of appropriate conditions, adversely affect road safety to any significant extent.

The Visual and Environmental Impact of Traffic

33. There are two main components to be taken into account when assessing the impact of traffic using an HWRC. The first is the impact of vehicles using the public road system to reach the site. The second is the impact of traffic queuing to use the facility, either on the public highway or the access road within the site. I have considered the impact in terms of visual impact, noise/vibration, and exhaust emissions. I have no quantitative evidence on these so I rely mainly upon my judgement based similar facilities elsewhere.
34. The vehicles likely to visit either of the sites in Aston Clinton will come from a fairly wide area. I have little doubt that most will be come from Aylesbury but there will be a substantial number from the large villages to the south and east of the town. Some will come from Tring or other areas outside the County. Whichever site is chosen, users will have a fairly wide choice of routes to Aston Clinton. In the absence of modelling, I find it impossible to predict with any confidence which routes will be most used. It may vary with time of day and changing traffic patterns.
35. Nevertheless, I believe that on roads away from the immediate vicinity of the site traffic will be dispersed to such an extent that living conditions of those living along such routes will not be significantly affected by virtue of any of the effect I have identified. However the final stages of journeys will have to be along Aylesbury Road, in the case of Site 2a, or the Bypass and College Road North in the case of Site 2b. Traffic impact will therefore be largely limited to those affected by the last stages of the journey, and queuing. This last stage will mainly be within the site or, in the case of Site 2a, the access road leading to the site. The amount of traffic, and the level of queuing, is likely to give rise to similar levels of environmental impact whichever site is eventually chosen. The major difference between the two is the number of people who would experience those impacts and the degree to which they would be affected.
36. The properties close to Site 2b are mainly industrial in character and I think it very unlikely that they would be seriously affected by the effects of traffic visiting the HWRC. There are a small number of houses taking access to College Road North but none of them are very close to the site or between it and the bypass. Walkers and riders using the lane as a link to the canal or equestrian centre would be affected but only for a small part of their journey, and a correspondingly brief period of time. I think, therefore, that the environmental effects of traffic using an HWRC at Site

2b would cause little harm. In contrast there are many houses reasonably close to the long access road leading to Site 2a, and that stretch of Aylesbury Road which would be used by traffic visiting the site. I consider that the effects of traffic would significantly affect living conditions in many of those properties.

The Environmental Impact of the Activities on the Site

37. The main effects referred to by objectors under this heading were vermin, dust, noise and windblown litter. The nature of materials deposited at such a site contains little that would be likely to attract either rodents or seagulls. In consequence only normal management precautions would suffice to reduce any such problems to minimal levels. Litter might be a problem at either site but, again, good site management is capable of containing the problem and reducing the harm caused to acceptable levels. I do not believe that either factor would give rise to significant problems at either site.
38. Much the same is true of dust. There is no doubt that in dry conditions there may be some dust, but most of the materials likely to be deposited at a HWRC are unlikely to be serious sources of dust. If there are occasional problems there are well-tested and reasonably effective means available to combat it. My inspection of the site at Rabans Lane revealed no evidence of dust in the area and I have heard of few complaints concerning it. I have no reason to believe think that any new site will be poorly managed and, given reasonable precautions, I do not think that dust is likely to give rise to significant problem at either of these sites.
39. The facility will give rise to vehicle noise from those visiting, and occasional louder noise from the movement of materials such as metals and hardcore from skips to lorries. The latter would mainly be during the working day, but such facilities are known to be well used at weekends when residential areas might well be entitled to expect generally quieter conditions. Background noise levels at both sites appear to be relatively high at present because of their proximity to the bypass. However, it is likely that the nature of the facility and the controversial circumstances surrounding it would increase the sensitivity of most people to noise from it for a lengthy period.
40. Site 2a is large enough for the facility itself to be located far enough away from most houses to reduce noise from the use of the site itself to tolerable proportions most of the time. There will be occasional peaks from sources such as reversing alarms on lorries or materials being tipped into empty lorries. However, as these will be during the normal working day I do not consider they would cause more than temporary disturbance. In contrast, I think that in a number of local residential properties, particularly in summer when people expect to enjoy peace in their gardens, the noise arising from use of the HWRC would be a significant source of disturbance at weekends.
41. The same sources of noise would apply to Site 2b but I believe that the harm caused would be very much less for two main reasons. Firstly

there would be far fewer houses close enough to the site to be affected. Secondly there are a number of industrial sites and farms in the area of Site 2b which may themselves be sources of some noise. The industrial sites may not be operative at weekends but almost all farms are. I take the view that disturbance to local residents from the noise created by a HWRC on Site 2b would not be significant

Other Matters

42. There is no evidence that either site possesses particular archaeological interest, although there have been some finds close to both and more might come to light during construction works. This eventuality could adequately be met by appropriate conditions such as a requirement to allow investigations prior to work beginning, and the power to require the temporary suspension of work should important finds come to light.
43. Both sites are sizeable areas of farmland with trees, hedges and some open water within their bounds. Such areas are almost bound to have some wildlife value and ecological interest, and I see no reason to doubt that this is true of both sites. There has been no systematic assessment of the value of either site, but I have no reason to think that either possesses an ecological value significantly higher than the extensive areas of similar land in the Aylesbury Vale generally. It may be that site 2b provides a nesting ground for scarce birds such as curlews and nightjars. However, as it is similar in character to large areas of farmland nearby, I see no reason why the loss of a small proportion of this type of land should adversely affect the population of such birds.
44. I take a similar view in respect of other types of wildlife referred to at the inquiry in the context of either site. There is little to choose between the two sites in terms of archaeology or ecology and I do not see either as a significant hindrance to development on these sites.
45. There has been some comment upon the effect of development on the water environment in the vicinity of each of the sites in question. However, it is the Environment Agency's responsibility to protect ground and surface water from pollution and other harm. That agency has not disputed that an HWRC could be operated on either site (subject to relevant precautionary measures) without adversely affecting the water environment. No objector has given me any persuasive reason to doubt their judgement on the matter.
46. One objector gave authoritative evidence as to the effect that asbestos can have on human health. That such material can, if not carefully handled, be dangerous is beyond dispute. However, such material is not accepted at an HWRC and such facilities are supervised by operatives, one of whose functions is to prevent the receipt of unsuitable materials. It may be that, occasionally, deceit or human error will result in the deposit of small amounts of asbestos at any facility. I think that this would be too rare an occurrence for the risk of it to outweigh the substantial advantages of providing such facilities.

47. Fly tipping at HWRCs anywhere can occur, but I am satisfied that the use of measures such as CCTV can reduce the prevalence of such problems to acceptable levels. In any event, I have no doubt that the absence of enough facilities of this kind can only result in an increase of flytipping in all kinds of area.

Overall Conclusions

48. I have taken into account, as well as those referred to above, all other matters raised at the inquiry or via written representation. I have borne in mind that I am not determining an appeal against the refusal of planning permission, and I have attached due weight to the level and nature of public reaction to both sites and the views of local authorities. Based mainly upon a balance between the advantages and disadvantages of the sites I have considered (as discussed in this report) I have reached the following conclusions :

- i. That there is a need for an HWRC on the east side of Aylesbury;
- ii. That the Aston Clinton area is a reasonable location for such a facility;
- iii. That the Council has carried out an acceptably thorough search for sites;
- iv. That of the other sites for the facility suggested at or before the inquiry there are none which I would regard as being as appropriate as the better of the two sites suggested by the Council;
- v. That Site 2b is an acceptable site for an HWRC and that such a facility upon it is capable of being in conformity with the relevant policies;
- vi. That Site 2a is not an acceptable site for an HWRC. It is unlikely that any conditions that a Council might reasonably impose would reduce the potential harm I have identified to tolerable levels and allow such a facility to be in compliance with the relevant policies.

Restrictions

49. My conclusion as to the acceptability of Site 2b is based upon implementation improvements to College Road North sufficient to allow vehicles waiting to enter industrial premises along that road to be parked free of the highway. The information before me was not sufficient to allow me to reach a firm conclusion either that the HWRC should be carried out within a building, or that it clearly should not be within a building. A decision on this matter would have to be reached in the light of detailed proposals.

RECOMMENDATION

1. *That Appendix A be altered by removing the map and supporting text relating to Site 2a (London Road, Aston Clinton).*
2. *That Policy 14, Appendix A, Map3 and supporting text, be modified to provide support to Site 2b (College Road North, Aston Clinton), but not to Site 2a.*
3. *That the supporting text includes reference to the restriction referred to in Paragraphs 32 and 49 of this Section of my report.*

3.6 POLICY 15 – WASTE TRANSFER FACILITIES

FIRST DEPOSIT

Objections

154 / 5033 Gerrards Cross Parish Council
154 / 5111 Gerrards Cross Parish Council
73 / 5544 BCC Archaeological Service
142 / 5547 Great Marlow Parish Council
42 / 5548 Mr A Oxley
56 / 5549 South Bucks District council
111 / 5550 Slough Borough Council
50 / 5551 Denham Parish Council
66 / 5552 Iver Parish Council
74 / 5553 Berkshire JCPU
73 / 5554 BCC Archaeological Service
141 / 5726 Wycombe District Council

Unconditional Withdrawals

100 / 5545 Environment Agency
100 / 5555 Environment Agency

Supporters

40 / 5542 Surrey County Council
115 / 5543 Shanks Waste Service
141 / 5546 Wycombe District Council
112 / 5556 Strategic Rail Authority

SECOND DEPOSIT

Objections

56 / 8073 South Bucks District Council
111 / 8074 Slough Borough Council
56 / 8075 South Bucks District Council
228 / 8076 Network Rail
141 / 8077 Wycombe District Council

Unconditional Withdrawals

100 / 8078 Environment Agency
100 / 8079 Environment Agency

PRE-INQUIRY CHANGES

Objections

56 / 9428 South Bucks District Council

56 / 9446 South Bucks District Council

Supporters

50 / 9095 Denham Parish Council

112 / 9357 Strategic Rail Authority

MAIN ISSUES

General

1. South Bucks DC and Gerrards Cross PC object to the omission from the plan of a statement that the HWRC site at Candlemas Lane, Beaconsfield should be relocated as soon as possible. This is referred to in Paragraph 3.5.2 but does not assign any urgency to the replacement. However, since the drafting of the plan a site has been identified and received planning consent. As the planning aspect of the replacement has been completed I see no reason to alter the wording in the plan.

Waste Transfer Facility at High Heavens, High Wycombe

2. Wycombe DC supports to the provision of a waste transfer station at High Heavens, but considers that the policy should require any approved scheme to include landscaping to a high standard reflecting the site's location in the Green Belt and an AONB, as well as the full use of any existing buildings. It also suggests that Paragraph 3.6.2 should specify that the facility would be for waste generated in the Wycombe District only. The SDD included changes to meet this last request. I accept that the objector's other suggestions have merit but, in my view, their aims are best achieved by referring, in Policy 15, to the importance of complying with other policies of the plan, particularly the General Environmental Policies in Chapter 3.
3. Great Marlow PC oppose the development of a waste transfer station at High Heavens for a number of reasons including an unsuitable location in relation to waste arisings, poor access roads, and the existence of alternatives at least as good. They suggest that the Council was unduly influenced by their ownership of the site. The Council point out that the site was chosen following extensive consultation and a rigorous site selection procedure. They see no reason to doubt that it is appropriate
4. I have no reason to doubt the thoroughness of the site selection procedure and I have seen no evidence that the site was selected for any other than good planning reasons. Its location appears to me to be consistent with national and regional guidance and, having seen the site, I believe it has many advantages and not many obvious drawbacks. Great Marlow PC's objection is the only major one arising from the public consultation procedures associated with the present local plan. I see no reason to alter Policy 15 in respect of this objection.

Waste Transfer Facility at London Road, Amersham

5. No objections in principle have been made against the promotion of this site for a waste management facility. BCC Archaeological Services have identified a potential for well-preserved deposits on the site, and the Environment Agency are concerned over the possibility of flood risk and impact upon controlled waters. However, neither objector suggests that these potential problems are incapable of resolution and I am satisfied that they would be better resolved when a planning application is submitted. I see no reason to alter the terms of the local plan to meet such concerns.

Multi-modal Facility at Richings Park

6. A number of objections were made by various objectors at the Deposit Draft Stage. These included :
 - a) The site is within the green belt in a vulnerable area which should be protected from further development. It would reduce openness and there are no very special circumstances to justify development in such an area.
 - b) The advantages of road, rail and water proximity are not limited to the defined site and road access might be better elsewhere, for instance at the County's waste transfer site on Langley Park Road.
 - c) Neither the viability of the site, the practicality of canal transport, nor the ability of the rail network and its infrastructure to cope with the additional rail traffic it would generate, have been demonstrated.
 - d) The facility ought to be built close to the incinerator at Lakeside where there is a railway line. To build it here would create further road transport; if a canal-side location is needed there is already a facility at Langley Park Road, Iver.
 - e) The proposal would only be acceptable if it incorporated a new road link to the junction of Sutton Lane and North Park/Richings Way to the south which would also serve the Bison and Ridgeway Industrial Estates.
 - f) The site is within Colne Valley Country Park and this development would be contrary to a number of local planning policies.
 - g) The site has been much improved and is in use for agricultural purposes.
 - h) The need to take materials by road to the Grundon incinerator would cause a serious increase in heavy goods vehicles on sensitive roads in Slough.

- i) The County Council has now decided not to use the site at Colnbrook and until an alternative is identified it would be wrong to safeguard the Richings Park site.
- j) The site would cause an unacceptable increase in traffic on roads ill-equipped to carry it. Such traffic would also have to pass under a constricted and unsuitable railway bridge.
- k) Given prevailing winds the proposal would affect Richings Park because of dust, odours and noise.
- l) As the site is close to the county boundary Berkshire JSPU ought to be involved in any decisions.
- m) The site has archaeological potential and evaluation should be carried out.
- n) Given the limitations applying to the carriage of waste by water the only purpose of this facility would be limited to taking London's wastes. Its use for other suggested purposes would be unlikely.

7. In response the Council makes the following points :

- a) The site is being safeguarded, not allocated for development.
- b) The plan is consistent with national green belt policy and the multi-modal facility would have to be justified as an exception to that policy at the time an application was made, probably on the basis of the need for the facility or to meet multi-modal objectives.
- c) It is accepted that improvements to the site are needed and opportunities for such improvements are being considered.
- d) This site is the only multi-modal opportunity identified by consultants. It is a very rare site that should be safeguarded against alternative development to preserve it to meet possible future need. That need would only arise if the Council could not secure appropriate recovery sites and had to use transfer instead
- e) Many of the detailed points made are best considered in the context of a planning application.
- f) The Council is not aware of any conflict between potential rail services to the site and movements on the existing rail network. No objection in principle has been received from the various authorities and companies involved in providing rail facilities.
- g) Whilst the County Council has not at present secured capacity at the Colnbrook facility, it may do so in the future. Alternatives, should it not do so, are being examined but it would be imprudent not to safeguard the site at Richings Park.

- h) It is accepted that existing access to the site is poor but a report on access options, whilst not yet completed, is sufficiently far advanced to allow confidence that acceptable access provisions are possible.
8. The reference to the multi-modal facility at Richings Park was originally in only the supporting text but, following further investigations by the Council, it was included in Policy 15 in the December Pre-Inquiry Changes. Sites providing ready access to road, rail and water transport are very rare, particularly in locations which are well-related to potential markets and users. Even though use of the present site would give rise to substantial problems, none of them seem to be insoluble. Moreover, Policy 15 does not amount to a commitment to this type of development. Instead it safeguards it from development for other purposes. I believe that the problems raised are more appropriately considered in the context of a planning application when fully detailed proposals are available.
9. Given the importance of such facilities, the scarcity of alternatives, and the importance of encouraging facilities with access to other than road transport the safeguarding of this site seems to me only prudent. I do not consider that this reference should be deleted.

RECOMMENDATIONS

- 1. That the changes to Policy 15 and its supporting text proposed in the Pre Inquiry Changes be adopted subject to the amendment below.*
- 2. That Policy 15 be amended to include reference to the importance of complying with other policies of the plan, particularly the General Environmental Policies in Chapter 4.*

3.7 POLICY 16 - ANAEROBIC AND MECHANICAL – BIOLOGICAL TREATMENT PLANT

FIRST DEPOSIT DRAFT

Objections

56 / 5560 South Bucks District Council
84 / 5561 Aylesbury Vale Friends of the Earth

Supporters

40 / 5557 Surrey County Council
154 / 5558 Gerrards Cross Parish Council
115 / 5559 Shanks Waste Service

SECOND DEPOSIT DRAFT

Objections

84 / 8080 Aylesbury Vale Friends of the Earth
84 / 8081 Aylesbury Vale Friends of the Earth
84 / 8082 Aylesbury Vale Friends of the Earth
220 / 8083 Great Brickhill Parish Council
56 / 8084 South Bucks District Council

Supporters

127 / 8050 Fulmer Parish Council

PRE-INQUIRY CHANGES

Objections

56 / 9445 South Bucks District Council

Supporters

50 / 9439 Denham Parish Council

MAIN ISSUES

1. South Bucks DC has reservations about a plant to produce Refuse Derived Fuel (RDF). Whilst RDF has a place in the waste hierarchy such a plant produces dirty, low-value recyclables and should be used only as last resort. The Council agree, and point out that Policy 16 refers to "residual" waste. They also, in the Pre-Inquiry Proposed Changes made

some revisions to Policy 16, but South Bucks felt they did not go far enough. They also consider that the text should be revised to indicate that MBT operations will only be considered after the maximum possible separation of recyclables and combustible materials at source has been achieved, and not as an alternative to waste management operations that are higher up the hierarchy.

2. The Council have indicated that they are considering making such a change. In my view the wording suggested by the objector should be added to the plan somewhere, but in the policy itself it would further complicate an already rather complex wording. I think it would serve virtually the same purpose if the word "possible" was replaced by "practicable" and it was included, not in the policy, but in the supporting text, specifically Paragraph 3.7.2.
3. FoE support, in general, anaerobic digestion. However they consider that MBT is not a valid alternative to source separation and FoE believes it should be contemplated only when there is full kerbside collection. They consider that RDF which, as it mainly involves plastics and polymers, is not renewable energy and also creates large amounts of carbon dioxide and other pollutants. Great Brickhill PC takes a similar view. Both processes involve expensive plant which then necessitates a large and reliable waste stream, the achievement of which would militate against greater separation at source. The Council reworded Policy 16 in the Pre-Inquiry Changes but FoE remains critical of the amended wording. They believe that Bucks should only endorse the use of MBT plants where the waste has been sourced from an authority that has at least met its recycling targets. This should be reflected in the wording of the policy. On a separate point the performance targets in the MWLP should not commit the Council to enter into contracts to manage wastes.
4. The Council accepts that "renewable" is not accurate and should be deleted from the first sentence of the policy. They also propose to remove a reference to "contracts" from the performance targets and "inert" in Paragraph 3.7.2. However, they oppose the other suggested changes and maintain that Policy 16 is in accordance with national advice in respect of all of the processes referred to.
5. I do not doubt that there are some disadvantages to the processes criticised by FoE. Whilst the reduction of wastes, maximum waste separation at source, and recycling are desirable, targets in regard to all of these are unlikely to be achieved or even approached for a number of years. This leaves large amounts of waste to be disposed of on a regular basis in a regime where large-scale landfill is no longer acceptable on a long-term basis. There must, therefore, be some means of disposing of such wastes and whilst FoE criticises many methods proposed in the MWLP, they suggest no realistic suggestions as to alternatives, at least not on the scale necessary. The Council cannot take a utopian approach and I believe that it is right to encourage as wide a range as possible of new technologies in this field. I see no reason to amend or delete this policy on such grounds. However, I agree with the changes in wording proposed.

RECOMMENDATIONS

1. *That the changes to Policy 15 and its supporting text proposed in the Pre Inquiry Changes be adopted subject to the amendments below.*
2. *That paragraph 3.7.2 be amended by adding a sentence providing that MBT operations will only be considered after the maximum practicable separation of recyclables and combustible materials at source has been achieved, and not as an alternative to waste management operations that are higher up the hierarchy.*
3. *That the word "renewable" be deleted from the first sentence of Policy 16.*
4. *That the reference to "contracts" be deleted from the performance targets.*
5. *That the word "inert" be deleted from Paragraph 3.7.2.*

3.8 POLICY 17 – ENERGY FROM WASTE

FIRST DEPOSIT

Objections

83 / 5564 M Stasiuk
84 / 5565 Aylesbury Vale Friends of the Earth
107 / 5566 Ms G Cochrane
148 / 5567 Newton Longville Parish Council
138/ 5568 GOSE
84 / 5730 Aylesbury Vale Friends of the Earth

Supporters

40 / 5562 Surrey County Council
115 / 5563 Shanks Waste Service

SECOND DEPOSIT DRAFT

Objections

84 / 8085 Aylesbury Vale Friends of the Earth
220 / 8086 Great Brickhill Parish Council
242 / 8087 Buckinghamshire County Council

MAIN ISSUES

1. The FoE is opposed to any type of incineration and suggests that the Council withdraw from the plan any support for it. They believe it to be unpopular, dangerous, unnecessary, and liable to undermine recycling by requiring a constant waste stream to supply the incinerators. FoE disputes that incineration is a "proven technology" and advocates espousal of the "Zero Waste" concept. Newton Longville PC, Great Brickhill PC, Mr M Stasiuk and Mr J Cochrane support the main arguments advanced by FoE. The Council draw attention to the fact that RPG9 – Review of Waste and Minerals Panel Report regarded a "presumption against incineration" as being inappropriate. They also mention a reference in its favour its inclusion in the RWMS.
2. My assessment of the subject is, in essence, that set out in Paragraph 5 of this report dealing with Policy 16. I note, too, that the policy includes criteria relating to environmental protection, demonstration of need, and high pollution control standards. The Environment Agency regards incineration as being potentially acceptable. I do not doubt that some incinerators have experienced and/or led to problems but many have not. In any event, the fact that individual incinerators have problems does not

mean that the technology is unproven. I see no reason to alter Policy 17 or the supporting text for these reasons.

3. Newton Longville PC would like Policy 17 to address the safe disposal of ash, the response in the event of accident, and a commitment to respond to evolving scientific evidence when determining planning applications. These are all legitimate concerns but it is not appropriate to include them in a policy dealing with land use planning.
4. Mark Tipton queries the possibility of rewording Policy 17 to incorporate a need for prior optimisation of material recycling, and the use of a general term "thermal treatment facility" in place of the more specific terms in the original draft. He also suggest that the term "need" should be qualified to indicate for which area need would have to be established, and that the requirement to comply with appropriate directives and regulations should be incorporated. The Council points out that the policy follows the lead of Policy W12 of the RWMS with regard to energy from waste. This recognises the safeguards that will be required.
5. Policy 17 supports the various technologies "only as part of an integrated approach to management" and requires the demonstration of a need for the facility. Taken together these would, where appropriate, involve something similar to demonstration of the optimisation of material recycling. I don't see any advantages in the use of a general term rather than more specific descriptions of the processes covered by Policy 17. The need to comply with directives and regulations is implicit in those documents and I see no reason to include them in a policy dealing with land use. The area appropriate to the "need" referred to in the policy will vary with different proposals, and it would be difficult, and not very practicable, to try to anticipate all possible interpretations and include them in the policy itself.

RECOMMENDATIONS

1. *That no modifications be made.*

3.9 POLICY 18 - LANDFILLING & LANDRAISING

FIRST DEPOSIT

Objections

40 / 5569 Surrey County Council
73 / 5571 Bucks CC Archaeological Service
108 / 5572 BAA/Heathrow Airport
154 / 5575 Gerrards Cross Parish Council

Unconditional Withdrawals

133 / 5574 Waste Recycling Group Ltd

Supporters

47 / 5570 Thames Water Property Services
115 / 5573 Shanks Waste Service

SECOND DEPOSIT DRAFT

Objections

206 / 8088 Civil Aviation Authority
133 / 8089 Waste Recycling Group Ltd

MAIN ISSUES

1. Policy 18 makes no provision for new landfill voids on the assumption that, if targets are met, there will be sufficient already to meet Buckinghamshire's needs and a declining amount of London's wastes. Surrey CC are concerned that no details of the quantities involved are included within the plan. They also believe that there should be some contingency for the consideration of additional void space should targets not be met. The Council accept this and have included the necessary figures. They have not made a contingency for additional void space but rely on the husbanding of existing void space and other means of dealing with wastes. Given the national and international stance towards the use of landfill I believe this to be an acceptable response.
2. The County Archaeological Service questions the meaning of "demonstrable gain". They envisage the possibility of such gain including the restoration or enhancement of a damaged landscape or habitat creation. The Council consider that this is a contingent provision and that might cover examples such as those given. They believe that such instances will be rare but don't believe that it would help to be prescriptive on the point. I take a similar view regarding prescription of the type of gain but I believe that it should be made clear that the gain should be sufficient to outweigh any harm arising from the proposal.

3. BAA and the Civil Aviation Authority suggest the inclusion of a provision regarding landfill sites within 13 Km of Heathrow Airport. This is to be provided in a new policy 33 and meets the requests made. Gerrards Cross PC believes that the policy should encourage landraising in areas of previous mineral extraction as considerable quantities of capacity can be achieved with little environmental impact on certain sites. The Council believe that the last paragraph of Policy allows for such possibilities and I agree.
4. The Waste Recycling Group had a number of concerns which have been set out in relation to objections to Policy 11. The parties have carried out discussions and one possible compromise solution has emerged. This is in an additional policy (with supporting text) relating specifically to the Calvert Landfill Site and temporarily numbered 18A. The terms of the policy and supporting text have been largely agreed between the parties, and I endorse those terms subject only to some minor alterations in wording.

RECOMMENDATIONS

1. *That the last sentence of Policy 18 be altered to read as follows :*

Permission will not be granted for land raising using either inert or non-inert waste unless there is a demonstrable gain in benefits sufficient to outweigh harm arising from the proposal.
2. *That an additional policy, temporarily numbered 18A, shall be added after Policy 18 as follows :*

POLICY 18A - CALVERT LANDFILL SITE

Proposals to ensure that any long term environmental impacts at Calvert are satisfactorily controlled, and to ensure the long term restoration of the site, will be supported in principle so long as they satisfactorily address the following issues :

- 1. Visual impact.***
- 2. The impact on local amenity as set out in Policy 27.***
- 3. Traffic impact.***
- 4. Impact on water resources.***
- 5. The degree to which the proposal would achieve the reduction and eventual elimination of untreated waste.***

3. *That the following be added as supporting text to Policy 18A :*
1. *The restoration scheme for the Calvert Quarry and landfill site was approved in 1977 and is based on the gradients considered appropriate at that time. It is now recognised that steeper gradients may be necessary to provide adequate drainage of landfills accepting high proportions of organic wastes. (See MPG 7 – Reclamation of Mineral Workings) Good drainage is necessary to ensure satisfactory restoration and to safeguard the integrity of the landfill engineering design and environmental control measures.*
 2. *In considering any proposals the County Council will have regard to the possible impacts regarding landscape, local amenities, traffic (road and rail) and the water environment. Due to the overall scale of the site an Environmental Impact Statement will be required to accompany any comprehensive planning applications.*

3.10 POLICY 19 - LANDFILL GAS COLLECTION & ENERGY RECOVERY

FIRST DEPOSIT

Supporters

40 / 5576 Surrey County Council
47 / 5577 Thames Water property Services
115 / 5578 Shanks Waste Service

RECOMMENDATIONS

1. *That no modifications be made.*

3.11 POLICY 20 - SPECIAL HAZARDOUS WASTES

FIRST DEPOSIT

Objections

84 / 5580 Aylesbury Vale Friends of the Earth

Unconditional Withdrawals

100 / 5581 Environment Agency

Supporters

40 / 5579 Surrey County Council

115 / 5582 Shanks Waste Service

SECOND DEPOSIT DRAFT

Unconditional Withdrawals

100 / 8090 Environment Agency

MAIN ISSUES

1. FoE objects to the Council supporting an increase in the use of sites for special wastes, on the grounds that the landfill sites in Bucks pose a threat to the health of local residents and will continue to do so for centuries. They consider that the Council has a poor record of managing such sites. The Council maintains that there is a regional and sub-regional shortage of such facilities.
2. I recognise that sites accommodating hazardous waste have the potential to threaten the health of local people, but there is in place a comprehensive and well established regime for licensing and monitoring such sites. The objectors provide no evidence of substance to support their assertions that the Council manage sites poorly or that harm to public health has occurred. Such wastes must be dealt with somehow and I see no reason to doubt the Council's suggestion that there is a shortage of such facilities. The policy seems to me to contain all the necessary safeguards and I see no reason to alter or delete it.

RECOMMENDATIONS

1. *That no modifications be made.*

3.12 POLICY 21 – INERT WASTES & INERT WASTE RECYCLING

FIRST DEPOSIT

Objections

133 / 5584 Summerleaze Ltd
77 / 5585 Cheddington Parish Council
81 / 5586 Robert Brett & Sons
152 / 5589 Lafarge Aggregates Ltd

Supporters

40 / 5583 Surrey County Council
100 / 5587 Environment Agency
115 / 5588 Shanks Waste Service

SECOND DEPOSIT

Objections

71 / 8185 Summerleaze Ltd

Unconditional withdrawals

100 / 8091 Environment Agency

MAIN ISSUES

1. Summerleaze commented that Policy 21 overlaps considerably with Policy 6 and in practice would be confusing and difficult to apply. The Council revised both policies to meet this criticism, and introduced cross-references, but felt that to combine them would result in a less comprehensive treatment of the subject. The objector conceded that the changes effected an improvement but still considered that the two should be combined.
2. Policy 6 approaches the subject from the consideration of aggregate provision, and Policy 21 from the management of wastes, but both would be relevant to a planning application for a waste recycling facility. However, they do not give significantly different versions of the Council's policy regarding the determination of any such application and, indeed, Policy 21 refers back to Policy 6. There is an element of duplication but the changes made by the Council ensure that this would not lead to any serious inconsistency or confusion. I believe that both policies should be retained.
3. Cheddington PC's comments relate to a specific planning application site and no changes to Policy 21 could significantly affect their concerns.

Robert Brett and Sons believe that this policy should provide more flexibility in restoration end dates to reflect changing trends in waste production. The Council considers that this is a matter for consideration when a planning application is submitted but points out, too, that a large proportion of inert waste is unsuitable for restoration and is likely to remain so. I take the view that dates for restoration are far too detailed a matter for a local plan policy and, in any event, this is a matter significantly different from the concerns of Policy 21.

4. Lafarge Aggregates supports the policy in principle but does not consider that industrial land (as recommended in 3.12.1) is suitable for the type of uses referred to in this policy. The company considers that the recommendation fails to recognise the environmental and economic realities. The plan should instead refer to the possibility of converting temporary locations at minerals/wastes sites to permanent uses. A wording is suggested which would confer greater flexibility. The Council oppose the suggestion, indicating that sites suitable for temporary uses will often be unsuitable for permanent ones. In the SDD Policy 21 has been substantially changed and I consider that the altered version goes some way to meeting the point made by Lafarge. I do not believe that there is a need to go further

RECOMMENDATIONS

1. *That no modifications be made.*

3.13 POLICY 22 - SEWAGE TREATMENT WORKS & MANAGEMENT OF SEWAGE SLUDGE (SECOND DEPOSIT)

Supporters

47 / 8189 Thames Water Plc

047/ 8190 Thames Water Plc

047/ 8191 Thames Water Plc

MAIN ISSUES

1. Although Thames Water supports this policy (introduced in the SDD) they consider that in part (b) the word "water" should be deleted to be consistent with part (a). As drafted the meaning of the policy is unclear and I agree with the objector's suggestion. I agree, too, that the word "capability" is a wider and better term than "capacity" in this context. Their final point is that it is not appropriate for the MWLP to set, as a target, the improving of effluent standards. I agree that this is the responsibility of the Environment Agency, and the target should be amended to "meeting" rather than "improving" standards.

RECOMMENDATIONS

1. *That the word "water" be omitted from Part (b) of Policy 22.*
2. *That, in Paragraph 3.13.1 the word "capacity" should be replaced by "capability".*
3. *That, in the second policy performance target, the word "improving" should be replaced by "meeting".*

CHAPTER 4 – GENERAL ENVIRONMENTAL POLICIES

4.1 POLICY 23 - PROTECTION OF KEY ENVIRONMENTAL ASSETS (POLICY 22 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

81 / 5590 Robert Brett & Sons
138 / 5591 GOSE
152 / 5592 Lafarge Aggregates Ltd
73 / 5593 Bucks CC Archaeological Service
153 / 5595 Bucks CC Rights of Way & Access
Group
54 / 5596 English Nature

Unconditional Withdrawals

100 / 5594 Environment Agency

Supporters

40 / 5597 Surrey County Council
52 / 5598 Shadow Chilterns Conservation
Board
80 / 5599 Aylesbury Vale District Council
137 / 5600 English Heritage

SECOND DEPOSIT

Objections

138 / 8097 GOSE
213 / 8098 English Heritage

Unconditional Withdrawals

100 / 8096 Environment Agency

MAIN ISSUES

1. Robert Brett & Sons believe that Policies 23 and 24 fail to differentiate, in terms of importance and levels of protection, between various designations. They regard the restriction on AONBs as contrary to regional waste strategies. Lafarge and GOSE express similar concerns and the latter points out that the two policies are inconsistent in the way areas of differing status are divided between them. The former cites advice in PPG9 and the latter points out that the “essential need” test in Policy 24 seems to be stronger than the tests applied to Policy 23.

2. The County Council Access and Rights of Way Group query whether the policy could apply to important public rights of way and national trails, and other promoted routes. The County Archaeology Service (CAS) considers that the protection of Policy 23 should apply only to nationally important archaeological sites (in Point b) and to registered historic parks and gardens in point c. English Nature welcomes the protection afforded by the policy but is concerned that applications to extract brick clay are exempt from the policy. They believe, too, that where such applications affect a designated site they should be subject to rigorous scrutiny. English Heritage would find the policy acceptable subject to the addition of a reference to locally important historic buildings (as mentioned in Para 6.16 of PPG 15) and revisions to the implementation section to reflect that addition.
3. I consider that public rights of way and similar features are already protected under other legislation and it would not be helpful to make reference to them in Policy 23. Detailed changes have been made in the SDD which meet most of the criticisms made by Lafarge, GOSE, CAS, and English Heritage. I have considered the latter's suggestion regarding the protection of locally important historic buildings in the context of objections to Policy 24.
4. The Council does not, however, accept the more general criticism regarding the relative rigour of Policies 23 and 24. They point out that 23 uses the terms "will not be given" whilst Policy 24 employs "will not *normally* be given" (my emphasis). Both parties refer to Paragraphs 40 and 49-54 of MPG1. Taking into account the whole of Policy 23 and the supporting text I believe that, overall, Policy 23 applies, as it should do, a more rigorous standard than Policy 24.

RECOMMENDATIONS

1. *That no modifications be made.*

4.2 POLICY 24 – PROTECTION OF OTHER ENVIRONMENTALLY IMPORTANT SITES (POLICY 23 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

71 / 5601 Summerleaze Ltd
81 / 5603 Robert Brett & Sons
99 / 5604 D K Symes Associates
138 / 5605 GOSE
30 / 5606 General Aviation Council
149 / 5607 Bickertons Aerodromes Ltd
137 / 5609 English Heritage
123 / 5610 Chiltern Society
153 / 5611 Bucks CC Rights of Way Access
Group
48 / 5613 Buckingham Town Council
73 / 5731 Bucks CC Archaeological Service

Unconditional Withdrawals

133 / 5602 Waste Recycling Group Ltd

Supporters

73 / 5608 Bucks CC Archaeological Service
40 / 5612 Surrey County Council
52 / 5614 Shadow Chilterns Conservation
Board
80 / 5615 Aylesbury Vale District Council

SECOND DEPOSIT

Objections

213 / 8099 English Heritage
99 / 8102 D K Symes Associates

Supporters

227 / 8101 National Trust

MAIN ISSUES

1. The National Trust supports this policy but suggest that it should refer to National Trust Inalienably Declared Land to ensure that the policy does not cover farmland or investment property. The Council do not object to such a change and it seems to me to be sensible.

2. The County Archaeological Service would like to see a reference to "archaeological sites of county or regional importance" and "unlisted buildings of historic importance". English Heritage make a similar point. The County believe that sensitive areas such as this are protected under Policy 28, part (c) of which opposes development which would have a negative impact on environmental assets and features of landscape value. I am not sure that the categories mentioned by the objectors would always fall within the categories in Policy 28, but there is also the possibility that sites such as those mentioned would, in any event, be protected from all forms of development by the policies relating to them in other elements of the local development plan. If there are no such policies in those other elements I see no reason why they should be protected from mineral or waste development.
3. Summerleaze Ltd believes that the protection given to these locally designated planning constraints is not merited and should be relaxed or omitted. They suggest the policy require only that the effect on the features listed in Policy 24 should be regarded as material considerations. In my view this would reduce the effect of the policy to insignificance. The current wording is consistent with similar policies in the Adopted Structure Plan. The objector also draws attention to the advice in PPS7 which suggests that Councils should no longer designate specific areas of landscape importance but rely more on criteria based policies. However, in Policy 24 it is necessary to refer to existing policies and designations of this kind and this point has limited relevance. I see no reason to alter Policy 24 for these reasons.
4. Summerleaze also criticise Policy 24(e), but this subsection seems to me to be clear and relating to features of community value. The suggested alternative wording might suffice in some circumstances but I see little value in replacing a clear and specific wording by a vaguer alternative. On a somewhat different point the objector criticises protection of airfields and national trust lands as these are private interests covered by other policies in the plan. I recognise that these are private interests, but both are widely used by the general public and are designated in the Structure Plan. In my view most people would regard their protection as being in the public interest. I take a similar view.
5. D K Symes Associates (with some support from GOSE and Robert Brett and Sons) feel that Policy 24 gives an almost similar level of protection to locally designated areas as to nationally important sites. I do not agree, for reasons set out in dealing with objections to Policy 23. The former also believe that there should be no requirement to establish essential need in Policy 24. They consider such a requirement to be contrary to the guidance in Paragraph 40 of MPG1.
6. Any environmentally important site merits protection and, to succeed with a mineral or waste application affecting such sites, Policy 24 implies two tests, applicable consecutively. The first is whether the proposals would endanger or adversely affect such a site. If not, then Policy 24 would not be applicable and no test of need would have to be applied. If

it failed this first test then need would have to be established and would be weighed against all other factors at the end of the process. This seems to me to be a rational and practical way of dealing with such applications. The addition of the wording suggested by the objectors would add little and might lead to confusion, e.g. by adding a further test and making it unclear when that test should be applied. I see no advantage in changing the wording as suggested.

7. Robert Brett & Sons regard the restriction on AONBs as contrary to regional waste strategies but give no further details on the point. I can find nothing in the relevant documents to support their views and some indications to the contrary. They also regard the protection of country parks, airfields and National Trust land to be inappropriate but I have dealt with such matters above in Paragraph 4.
8. The Chiltern Society believes that the current policy does not extend to a wide enough area. They suggest that Sub-para (e) be extended to cover "areas designated as such in local plans/development frameworks" to include, for instance, areas designated as future country parks. They also suggest an additional category protecting areas of the rural River Thames where development would detract from the setting of the river and attractive views across its valley. The Council believe that both suggestions are unnecessary, the first since the suggested areas are not in danger from future mineral extraction, and the second because such areas are already protected by constraints including AONBs and AALs. I agree with them on the second matter. On the first, I believe that it would be prudent, and would cause no harm, to extend the protection provided by Policy 24 to areas likely to become any of the features referred to in Category (e).
9. Buckingham Town Council thinks the Area of Attractive Landscape in the north of County should be extended. They may or may not be right but this is not a matter for the MWLP. The Bucks Rights of Way Access Group thinks that rights of way are of environmental value and should be included in Policy 24. I consider that public rights of way and similar features are already protected under other legislation and it would not be helpful to make reference to them in Policy 24.
10. The General Aviation Awareness Council welcomes the contents of Policy 24, particularly Category (f). It is their perception, however, that the Council has not taken due heed of that policy by allocating Denham Park Farm as a Category 3 site taking inert and non-inert waste. This site is under the circuit to the non-officially safeguarded Denham Aerodrome and attention is drawn to problems of bird-strike, airborne refuse, and high fencing. Bickertons Aerodromes Ltd shares their concerns but not their support for Policy 24. They believe it to be too generalised to effectively protect Denham Aerodrome and refer to Circular 01/2003 Annex 2. A new wording for Category 24(f) is proposed which goes into much more detail about measures to control bird strike. Both objectors consider that Denham Park Farm should not be included in the list of Category 3 sites.

11. I do not doubt the importance of ensuring that new facilities do not increase the risk of bird strike at any airports. However, a combination of Policies 24(f) and 33, in combination, provide an adequate framework for achieving such an objective and I see no reason for altering 24(f) to a much more detailed form. In respect of Denham Park Farm, Map 5 does not, in my interpretation, allocate the site as a facility for taking wastes. It reflects the presence of a mineral site or comparable facility which has the potential to be used as a waste disposal facility. Whether or not it fulfils that potential would depend upon a planning application which would be considered against other policies of the MWLP, including the policies I have just referred to. I do not, therefore, see any reason to change Policy 24 to reflect these objections.

RECOMMENDATIONS

1. *That in Section (g) the words "Inalienably Declared" be added after "National Trust".*
2. *That Section (e) be amended by the addition, at the end, of the words "and areas designated as such in local plans/development frameworks."*

4.3 POLICY 25 - PROTECTION OF AGRICULTURAL LAND (POLICY 24 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

138 / 5618 GOSE
138 / 5732 GOSE
138 / 5733 GOSE

Supporters

40 / 5616 Surrey County Council
80 / 5617 Aylesbury Vale District Council
138 / 8100 GOSE

MAIN ISSUES

1. GOSE made a number of suggestions for changes from the Deposit Draft and most of them have been incorporated in the SDD. The remaining matter of contention is the use of the term "higher quality" as a qualification of the phrase "Best and most Versatile Land". GOSE suggest deletion of this phrase and the Council does not contest their arguments. I believe that it should be deleted as it adds little of significance and might lead to confusion with a similar term used in the agricultural grading system.

RECOMMENDATIONS

1. *That the term "higher quality" be deleted from the last sentence of Policy 25 and the last sentence of Paragraph 4.3.1*

4.4 POLICY 26 - PROTECTION OF THE GREEN BELT (POLICY 25 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

40 / 5619 Surrey County Council
81 / 5622 Robert Brett & Sons
73 / 5731 Archaeological Services

Unconditional Withdrawals

59 / 5623 Milton Keynes Council
100 / 5625 Environment Agency
99 / 5624 D K Symes Associates

Supporters

71 / 5620 Summerlease Ltd
80 / 5621 Aylesbury Vale District Council

SECOND DEPOSIT

Objections

231 / 8105 Onyx UK Ltd

Unconditional Withdrawals

100 / 8103 Environment Agency

Supporters

152 / 8104 Lafarge Aggregates Ltd
99 / 8106 D K Symes Associates

MAIN ISSUES

1. Onyx UK Ltd believes that Policy 26 and its supporting text are inconsistent with the emerging Regional Waste Management Strategy (RWMS). Policy W18 of the RWMS and supporting text indicate that waste development in the open countryside should not be precluded where this is consistent with the proximity principle. At the end of 2004 the Independent Panel Report of the examination-in-public of the Proposed Alterations to Regional Planning Guidance, South East – RWMS proposed a somewhat different wording. Onyx considers that Policy 26 ought to be revised to better reflect this up-to-date regional policy. Whilst the Council have taken into account emerging regional policies

they consider that PPG2 still provides the primary source of advice on green belt matters and wish to adhere to the wording used in the SSD.

2. Surrey CC objects to Policy 26 on the grounds that waste development will almost always reduce openness and will therefore scarcely ever comply with the policy. If there is an overriding need for the development and a lack of alternative sites its impact on openness should be acknowledged and that permission should be granted if there are very special circumstances. The council accepts this analysis but reiterates the need to adhere to national green belt policy as set out in PPG 2. They also draw attention to the guidance on interpretation provided by Paragraph 4.4.2.
3. Robert Brett and Sons suggest that Part (a) of Policy 26 is unnecessary as it is recognised that minerals working does not conflict with Green Belt purposes. They believe part (b) to be contrary to regional waste strategies and feel that it should be altered to better reflect their wording. The Council considers it far from apparent that all mineral working is in conformity with green belt policy. On the second point they point out that Policy 26 does not preclude waste management facilities in the green belt and is consistent with regional waste policies and PPG2.
4. Part (a) of Policy 26 does little but restate the principles set out in PPG2, but I see no reasons to delete it for such reasons. Most of the objections relate to Part (b) and this goes considerably beyond PPG2. The latter indicates that if waste development maintains openness and does not conflict with the purposes of including land within the green belt then it is "appropriate development" and not, in principle, unacceptable in green belt areas. Policy 26(b) imposes a further, potentially onerous, requirement to demonstrate an overriding need for the development. This is seriously inconsistent with both national (PPG2) and regional (RWMS) guidance.
5. The substitution of "or" for "and" would help to reduce this problem but even then the requirement for the demonstration of an overriding need goes further than W17/18 of the RWMS. I recognise that the latter has not yet been formally approved but is close to approval. PPG2 is under review at the moment but, in any event, I believe Policy 17/18 to be a reasonable interpretation of PPG2. In my view similar wording should be substituted for that in Policy 26(b).

RECOMMENDATIONS

1. *That Policy 26(b) be reworded as follows :*

b) only grant permission for waste development within the green belt where the proposed development would not conflict with the purposes of designation including the preservation of openness or it would be consistent with the proximity principle, and there are no available alternative sites outside the green belt.

4.5 POLICY 27 – AMENITY (SECOND DEPOSIT)

SECOND DEPOSIT

Supporters

148 / 8107 Newton Longville Parish Council

MAIN ISSUES

- 12.** Policy 26 of the Deposit Draft was divided into two separate policies in the SDD. Policy 27 deals with amenity and Policy 28 with buffer zones.

RECOMMENDATIONS

- 1. That no modifications be made.*

4.6 POLICY 28 - BUFFER ZONES (POLICY 26 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

71 / 5628 Summerleaze Ltd
40 / 5629 Surrey County Council
81 / 5630 Robert Brett & Sons
99 / 5631 D K Symes Associates
73 / 5632 Bucks CC Archaeological Service
11 / 5634 Vedila Water Partnership
40 / 5734 Surrey County Council
40 / 5735 Surrey County Council

Conditional Withdrawals

56 / 5626 South Bucks District Council

Unconditional Withdrawals

59 / 5627 Milton Keynes
100 / 5635 Environment Agency

Supporters

80 / 5633 Aylesbury Vale District Council
115 / 5636 Shanks Waste Service
138 / 5637 GOSE
148 / 5638 Newton Longville Parish Council
100 / 5743 Environment Agency
100 / 5744 Environment Agency

SECOND DEPOSIT

Objections

81 / 8109 Robert Brett & sons
144 / 8115 Quarry Products Association
99 / 8116 D K Symes Associates
71 / 8117 Summerleaze Ltd
242 / 8137 Mark Tipton

Unconditional Withdrawals

100 / 8111 Environment Agency
100 / 8112 Environment Agency
100 / 8113 Environment Agency

Supporters

213 / 8110 English Heritage
148 / 8114 Newton Longville Parish Council

MAIN ISSUES

1. Several of those writing in respect of this policy supported it, some in emphatic terms. A slightly larger number of objections were made, some points being made by more than one objector. Some of these objections were resolved by changes introduced in the SDD. I list below those not resolved by those changes (without identifying the source).
 - a) Policy 28 and Table 3 are too prescriptive. Each case should be judged on its merits. The use of buffer zones should be discarded in favour of a general policy to protect the amenity of sensitive properties.
 - b) Only one of the emerging national planning guidance documents mentions buffer zones and the single exception seems to regard them as a means to protect operators as much as local residents. No figures are given.
 - c) Buffer zones incur considerable costs.
 - d) Policy 28 is contrary to government guidance which indicates that buffers, if at all, are to be applied on a site-specific basis at the planning application stage. It should also pay heed to measures such as location, topography, duration, and amelioration measures. Table 3 takes no account of such matters.
 - e) Policy 28(c) seems to bear no relationship to mineral or waste working.
 - f) There are other policies in the MWLP which protect the amenity of sensitive properties.
 - g) Table 3 is confusing. The reference to tree belts is not clear and the term mineral extraction and waste landfill is far too broad and vague with no distinction between differing wastes and local conditions.
 - h) It is questionable whether a buffer zone can be justified on a site close to a main road.
 - i) Whilst the Council describes the buffer zones as being indicative, the policy includes phrases such as "will not be permitted". In practice they are rigidly applied with little consideration of the merits of individual development.
 - j) Note 1 to Table 3 should be deleted.

- k) Measures such as bunding should not be applied outside a buffer zone.
 - l) Buildings housing livestock should not be classified as sensitive properties as the description covers far too wide a variety of buildings and livestock.
 - m) The river course stand-off of 16m is not sensitive to the actual character of the land and is therefore too general. Protection of water courses is provided by other legislation and organisations, but if they seek an excessive sterilised margin they have to pay compensation. A planning condition is a "back door" method of achieving the same aim without compensation.
 - n) Paragraph 4.5.3 should be amended to omit reference to hydrology as these should be dealt with elsewhere.
 - o) Table 3 needs to be expanded to include buffer zones to water courses.
2. The Council states that the policy and distances set out are indicative but then in evidence indicated that one of the policy's main purposes is to give a degree of certainty to operators and local residents. Moreover, in my experience such guidelines, even when clearly stated to be for guidance only, quickly become indicative. Some of the objectors have similar experiences. Furthermore, waste and minerals facilities vary widely in scale, size of site, materials involved, traffic implications and the type of machinery used. Bearing in mind too the great variation in site location, topography and surroundings, the use of simple buffer zones is an instrument so blunt as to bear virtually no relationship to the actual impact of any development involved.
3. The MWLP has other policies which deal much more satisfactorily with the environmental impact of minerals and waste facilities. I consider that the use of a simplistic system of buffer zones such as this will not add significantly to the effectiveness of environmental protection and will introduce inconsistency and confusion. I recognise that a number of parties welcome the protection they see as being provided by buffer zones and that other inspectors have, in the past, been prepared to accept them. However, up-to-date guidance such as that in MPS2 suggests to me that, instead of standard buffer zones, individual proposals should be dealt with on their merits within the framework of policies and constraints relating to different types of impact. I take a similar view and I believe that the whole of section 4.6 should be deleted.
4. If this recommendation is not accepted, I believe that considerable changes should be made to Table 3. As currently drafted it is very difficult to interpret and contains major areas of ambiguity. Some examples are the effect of bunds or tree belts, whether they should be within or outside the buffer zone, the size of zone when there is mobile plant, the effect of roads, the effect of agreements between local residents and operators, and the weight that should be given towards the

duration of the development. If Table 3 is to be used effectively these matters should be addressed. However, addressing them could result in a more complex table which might be even more confusing.

RECOMMENDATIONS

1. *That Policy 28 and the whole of Section 4.6 be deleted.*

4.7 POLICY 29 - PROXIMITY PRINCIPLE & SUSTAINABLE TRANSPORT (POLICY 27 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

99 / 5641 D K Symes Associates
115 / 5642 Shanks Waste Services
40 / 5736 Surrey County Council

Supporters

40 / 5639 Surrey County Council
80 / 5640 Aylesbury Vale District Council

SECOND DEPOSIT

Objections

99 / 8118 D K Symes Associates
243 / 8108 WRG Waste Services Ltd

MAIN ISSUES

1. Shanks Waste Systems fears that the exclusive application of the proximity principle could result in numerous small facilities which could give rise to other, different, planning problems. Larger regional facilities could better meet the need in a more sustainable way, particularly if they have access to rail or useable waterways. The Council point out that the proximity principle is only one factor in determining appeals and it is not applied exclusively. I think this last point is crucial and, in determining any application, an authority must take into account other factors and policies. Furthermore, Policy 29 does not apply absolute requirements but uses terms such as "due regard has been paid" and "show consideration of". I see no reason to alter the present wording in this regard.
2. D K Symes Associates objects to the part of Policy 29 which deals with sustainable transport. They feel that the Policy mixes the proximity principle (which relates to waste and is covered by Policy 10) and sustainable transport. They consider that, in accord with national guidelines, positive support should be given to those sites which can transport aggregates other than by road transport. To this end Policy 29 should be strengthened in terms of supporting alternative transport modes. The Council contends that Policy 29 takes a "tiered approach" in which proximity is considered first and then the mode of transport. This seems to me to be a rational approach to the subject. The wording

already proffers considerable support for alternative transport and I do not agree that it needs strengthening in this regard.

3. The company also believes that, as support for the proximity principle is found in Policy 10 it should be removed from Policy 29. I acknowledge that Policy 10a(iv) does require observance of the proximity principle but that policy is a policy which summaries general principles. Policy 29 goes into more detail and sets out a structured approach to considering applications. As such it performs a useful function and I see no reason to alter it in respect of this objection.
4. WRG Waste Services Ltd believes the Policy's last paragraph to be too vague and thinks that it could lead to considerable disagreement as to the meaning of terms such as "suitable". It could, ultimately, deny the access of local road-borne wastes to sites such as Calvert. Traffic impact ought to be balanced against the need for the development and the availability of alternative sites. The Council has no doubt that the length and suitability of roads between application sites and the strategic road network are material considerations. They recognise that road transport is often inevitable but if this gives rise to serious problems the Council has a duty either to secure resolution of those problems or to resist the development.
5. I do not share the objector's view that the last paragraph is too vague. Many planning terms are not strictly defined and are open to discussion but the objectives of this paragraph seem clear to me. They address a legitimate planning concern and the Council's approach to this is orthodox and reasonable. In my view Calvert will only be affected if the access gives rise to serious problems.

RECOMMENDATIONS

1. *That no modifications be made.*

4.8 POLICY 30 – RESTORATION & AFTERCARE (POLICY 28 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

73 / 5645 Bucks CC Archaeological Service
100 / 5647 Environment Agency
108 / 5648 BAA/Heathrow Airport
153 / 5650 Bucks CC Rights of Way & Access
Group
154 / 5651 Gerrards Cross Parish Council

Unconditional Withdrawals

138 / 5649 GOSE

Supporters

40 / 5643 Surrey County Council
52 / 5644 Shadow Chilterns Conservation
Board
80 / 5646 Aylesbury Vale District Council

SECOND DEPOSIT

Objections

210 / 8119 Defence Estates
100 / 8120 Environment Agency
144 / 8121 Quarry Products Association
216 / 8122 Farnham Royal Parish Council
144 / 8124 Quarry Products Association
71 / 8125 Summerleaze Ltd
242/ 8137 Mr Mark Tipton

Unconditional Withdrawals

138 / 8123 GOSE

PRE-INQUIRY PROPOSED CHANGES

Objections

50 / 9440 Denham Parish Council

MAIN ISSUES

1. The County Archaeological Service suggests that restoration schemes should take account of landscape and historic landscape character assessment including the Landscape Plan. The Council agree this is an important consideration but do not believe a reference to it need be made in the policy. I agree. There are many possible factors to be taken into consideration when preparing a restoration scheme and it would not be practicable to include them all in this policy. Nor is there any particular need to refer to this factor as I cannot imagine that any responsible operator would submit a scheme which did not take account of landscape character.
2. The Environment Agency regard "amenity use", in this context, to be too broad a term. In the SDD the Council has altered the policy to meet this criticism, but the EA suggest it should be separated from amenity use rather than an offshoot of it. On a similar point QPA points out that aftercare conditions can only legally be imposed for agriculture, forestry or amenity use. The Council suggest the addition of the phrase "any of which could include nature conservation interests". I consider that this adequately achieves the aims of both objectors.
3. The Environment Agency also considers that restoration plans should include an ecological and landscape master plan, and include aftercare to protect nature conservation interests. The Council stated that they would meet the first by altering Table 2 of the Supplementary Planning Guidance (SPG). I believe that Table 2 should be altered accordingly and I deal with this in considering objections to supplementary planning guidance.
4. Alterations to Policy 29 in the SDD and the December Pre-Inquiry Changes have adequately met objections from Heathrow Airport and Defence Estates. However, Farnham Royal PC is concerned that the wording proposed would allow airports to veto the planting of any trees within the relevant zone. I have some sympathy with their concern but I do not believe that the controls would be as draconic as they fear. In any event, the consequences of bird strike are potentially so catastrophic that in this case safety concerns may have to take priority over matters of amenity. Denham PC suggest a zone of 5Km rather than 13Km but give no reason for reducing the distance from that recommended in the relevant national guidelines. I see no reason to adopt their suggestion.
5. The County Rights of Way and Access Group would like to see a reference to seeking improvements to existing rights of way/new access. The Council believe that such a concern could be accommodated but I am not aware of any changes made to the SDD or SPG in response to this concern. My view is, in any event, that such matters are better dealt with in the context of individual planning applications. Gerrards Cross PC would like to see local residents consulted on planning applications which include restoration work, but I see no reason not to accept the Council's

assurance that they are already notified as a matter of course. There is therefore no reason to alter the MWLP to meet this objection.

6. Mr Mark Tipton suggests that aftercare should be for 20-100 years rather than 5. I find this to be a rather impractical suggestion and prefer to retain the 5 years which is standard throughout most of the country and recommended in national advice.
7. Summerleaze point out that it is not the responsibility of the airport operator to determine planning applications, but accepts that their views on the risk of bird strike should be given due weight. The Council do not dispute this but feel their amendments would be sufficient to meet this point. However, it seems to me that the wording suggested by the objector is more in keeping with national advice, and does not depart significantly from what the Council proposes.

RECOMMENDATIONS

1. *That the changes to Policy 30 and supporting text proposed in the Pre-Inquiry Proposed Changes be adopted subject to the amendments below.*
2. *That Paragraph 2.6 of the SPG should be altered to advise that restoration schemes should include an ecological and landscape master plan.*
3. *That the first paragraph of Policy 30 should conclude as follows :*

" ... agriculture, forestry or amenity use (any of which could include nature conservation)".
4. *That the second paragraph of Policy 30 should conclude as follows :*

" ... to assess the bird strike hazard".

4.9 POLICY 31 - RESTORATION OF OLD SITES (POLICY 29 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

- 115 / 5656 Shanks Waste Service
153 / 5657 Bucks CC Rights of Way & Access Group
40 / 5737 Surrey County Council

Conditional Withdrawals

- 56 / 5653 South Bucks District Council

Supporters

- 40 / 5652 Surrey County Council
80 / 5654 Aylesbury Vale District Council

MAIN ISSUES

1. Shanks Waste Services supports Policy 31 but is concerned that the commercial implications of this and Policy 11 could delay the improvement schemes at Calvert. The County Rights of Way and Access Group wonders if this policy could be linked in to the Rights of Way Improvement Plan when it is produced. The Council acknowledges the latter possibility and indicates that consultation on any schemes for improvement will include the Group. However, I do not consider that either of these concerns should lead to any changes to Policy 31.
2. Surrey CC pointed out that Paragraph 4.8.3 implied that Bucks intended to use the ROMP procedure to consider allowing further waste disposal at former minerals or waste sites to secure modern standards of restoration and more beneficial after-use. However, ROMP procedures can only be used in active sites where minerals are still being extracted, not previously restored sites. Furthermore any additional waste disposal at such sites would have to be the subject of a separate planning application. The Council agreed and proposed redrafting Paragraphs 4.8.2 and 4.8.3 to better reflect ROMP legislation. They did not do so, possibly because of an oversight but they have not indicated any changes in their intentions. I believe such changes to be appropriate

RECOMMENDATIONS

1. *That Paragraphs 4.8.2 and 4.8.3 be modified to better reflect ROMP legislation.*

4.10 POLICY 32 - GROUNDWATER & FLOODPLAIN PROTECTION (SECOND DEPOSIT)

SECOND DEPOSIT

Objections

99 / 8128 D K Symes Associates

Supporters

208 / 8126 Shadow Chilterns conservation
Board

54 / 8127 English Nature

47 / 8192 Thames Water Plc

MAIN ISSUES

1. D K Symes Associates consider that the policy, as phrased, does not give any flexibility for mitigation measures to be implemented in order to overcome often relatively short term and low level impacts. Nor does it allow for the fact that mineral and waste development is usually temporary (albeit often long term). If it is applied it could adversely affect the ability of the County's considerable sand and gravel reserves to come forward. For instance the use of soil to screen workings within the floodplain could conflict with this policy. The objectors therefore suggest an amendment, mainly to limit the policy so that it applies only to proposals with a permanent detrimental effect.
2. The Council believes that most waste and mineral development lasts many years and certainly long enough for flooding problems to pose a serious risk. The policy is in the plan to protect various environmental considerations from flooding and other hydrological disturbance. Even if the development is temporary it only takes one instance of flooding to cause serious harm to property and even, in some circumstances, to endanger life.
3. I attach little weight, in this context, to the fact that many minerals and waste developments are temporary. Many examples last for many years, even decades, and as the Council states even one serious flooding incident can be very harmful and dangerous. I do not, therefore, propose to recommend the objectors' suggestion. However, the policy as drafted contains no provision for accepting proposals with proposals causing minimal harm or where mitigation measures would reduce more significant harm to acceptable proportions. I suggest, therefore, that it be subject to minor modifications allowing for such possibilities.

RECOMMENDATIONS

1. *That the second line of the policy should end "...would not, having taken into account any mitigation measures, have an unacceptably detrimental impact upon :"*

4.11 POLICY 33 - AVIATION SAFEGUARDING AREAS (SECOND DEPOSIT)

SECOND DEPOSIT

Objections

206 / 8067 CAA
201 / 8129 BAA Ltd
71 / 8130 Summerlease Ltd
206 / 8131 Civil Aviation Authority
210 / 8132 Defence Estates
138 / 8134 GOSE
138 / 8135 GOSE
223 / 8136 P Lynch

Unconditional Withdrawals

138 / 8133 GOSE

PRE INQUIRY PROPOSED CHANGES

Objections

50 / 9441 Denham Parish Council

MAIN ISSUES

1. BAA support the inclusion of Policy 33 but believe that its wording does not properly reflect the purposes of aerodrome safeguarding and other regulations. The Council have adopted much, but not all, of the wording suggest by this objector. The main remaining differences are that the Council's proposals refer only to bird strike whereas BAA's wording extends to other kinds of hazard, and the latter proposes inclusion of schemes for restoration and after-use. I believe that the policy should reflect BAA's suggestions in both respects.
2. Summerlease, too, suggest changes to the wording of Policy 33 and, in particular, point out that not all birds cause increased risk of birdstrike and that sometimes water bodies can be less harmful in this respect than woods and hedges. GOSE believe that Policy 33 should refer to ODPM Circular 1/2003 rather than CAP/168. I believe that the changes proposed by the Council adequately meet these objections along with those made by the CAA, Defence Estates and Denham PC.
3. The Council's most up-to-date wording for this section incorporates the gist of most of the suggestions made but the various changes have resulted in a wording which leaves the policy a little difficult to understand. I suggest minor changes to overcome this difficulty.

4. Secondly, the supporting text seems to deal only with birdstrike whereas the Policy itself (and Circular 1/2003) deals with various kinds of hazards to aviation. I believe that the supporting text should be altered to meet this criticism, to reduce repetition, and to avoid the impression that water bodies are always the worst features in terms of hazard due to bird strike. This is not always so.
5. Mr P Lynch believes that all of the airports involved should be listed but I do not believe this to be necessary. The policy and supporting text makes the situation clear without a listing which might become out of date and require modification.

RECOMMENDATIONS

1. *That the changes to Policy 30 and supporting text proposed in the Pre-Inquiry Proposed Changes be adopted subject to the amendments below.*
2. *That Policy 33 be reworded as follows :*

Policy 33

In accordance with the aerodrome safeguarding procedures set out in ODPM Circular 01/2003, the planning authority will consult the relevant aviation and airport consultees in respect of any minerals and/or waste development (including restoration and after-use) which falls within an aerodrome safeguarding zone (as outlined for civil aerodromes by the safeguarding maps defined in Annex 14 to the Chicago Convention and the CAA's licensing guidance document CAP 168, and for military aerodromes by the statutory safeguarding plans published by the Secretary of State for Defence). This is to ensure that buildings, structures, erections or works do not inhibit the operation, development, safety and performance of the aerodrome, or lead to an unacceptable increase in risk to aircraft due to bird strike or any other matters.

3. *That Paragraphs 4.11.1 and 4.11.2 be consolidated into one paragraph worded as follows :*

4.11.1 The main aim of this policy is to prevent an increase in the risk of bird strike, or any other form of hazard to aviation, arising from waste or mineral development and any ensuing restoration or mitigation measures. The Council will undertake early consultation with the relevant aerodrome operators in respect of any proposals which might cause or lead to such problems.

CHAPTER 5 - DEVELOPMENT CONTROL POLICIES

5.1 POLICY 34 - BEST PRACTICABLE ENVIRONMENTAL OPTION (POLICY 30 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

81 / 5660 Robert Brett & Sons
138 / 5661 GOSE
144 / 5662 Quarry Products Association
152 / 5663 Lafarge Aggregates Ltd

Unconditional Withdrawals

138 / 5738 GOSE

Supporters

40 / 5658 Surrey County council
56 / 5659 South Bucks District Council

SECOND DEPOSIT

Objections

138 / 8138 GOSE
152 / 8140 Lafarge Aggregates Ltd
144 / 8141 Quarry Products Association

Unconditional Withdrawals

138 / 8139 GOSE

Supporters

56 / 8142 South Bucks District Council

MAIN ISSUES

1. The objection by Robert Brett & Sons regarding the reference to BPEO in relation to minerals extraction has been met by the amendment to the policy in the SDD. However, GOSE points out that whilst Policy 34 has been changed the supporting text has not been similarly amended. The Council does not dispute the point and I think that it is a valid one. I consider that the supporting text should be amended accordingly.

2. Lafarge consider that it is not appropriate to require that BPEO be proved in respect of individual applications for waste or mineral applications which involve waste. They suggest that this is an issue which should be considered by the Council at the local plan stage. They believe the reference to the need for BPEO should be deleted from Policy 34. The County Council considers that BPEO is capable of being a consideration at the application stage based on the case of *Blewett v Derbyshire CC*. In essence applicants provide information supporting their application and the LPA decides the application based on the submission. My interpretation of the *Blewett* judgement is consistent with the view expressed by the Council and I shall not recommend any changes in respect of this objection.
3. QPA object to the whole policy, but particularly the part relating to "costs" which in their view is not a proper matter for MPAs to consider. Nor should commercial information of such kinds be put in the public domain. In any event it would only be relevant if any permission granted was personal to the appellant. They wish to see the policy deleted or recast with references, instead to environmental assessment and environmental statements as the means to demonstrate BPEO. The Council have suggested a wording which redefines costs to mean, in this context, social, economic and environmental costs and benefits.
4. I do not see this part of the policy, even in its original wording, as requiring the submission of commercially sensitive financial information. However, the amendment suggested by the Council makes this less likely to be misconstrued and I believe it is enough to meet the objections without referring, as well, to environmental statements.

RECOMMENDATIONS

1. *That Paragraphs 5.1.1 – 5.1.3 be amended to make the contents of these paragraphs consistent with the wording of Policy 34 insofar as they relate to the amendment to the policy deleting reference to solely mineral developments.*
2. *That Part (a) of Policy 34 be amended to state :*
 - a) *the social, economic and environmental costs and benefits of the development at the local, regional and national levels; and*

5.2 POLICY 35 - PLANNING APPLICATION ISSUES (POLICY 31 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

115 / 5665 Shanks Waste Service

Supporters

40 / 5664 Surrey County Council
127 / 5666 Fulmer Parish Council

MAIN ISSUES

1. Shanks Waste Services Ltd suggests that, as the necessary controls and standards relating to landfill practice will be controlled through a PPC permit issued by the Environment Agency, there is no need for such controls in planning permissions. The Council points out that landfill practices are now a matter for local planning authorities due to the requirement to consider the BPEO in determining planning applications.
2. I recognise that the day-to-day operation of landfill sites is largely controlled via a PPC permit. However, before determining planning applications, an authority has to consider matters relating to the BPEO. In order to do so properly such consideration has to take account of many aspects of landfill practice in the context of the particular landfill site. I believe that Policy 35 adequately reflects the situation and provides guidance as to how planning applications are to be determined. I see no reason to change it.

RECOMMENDATIONS

1. *That no modifications be made.*

5.3 POLICY 36 - ENVIRONMENTAL ASSESSMENT (POLICY 32 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

100 / 5669 Environment Agency

Supporters

40 / 5667 Surrey County Council
52 / 5668 Shadow Chilterns Conservation Board
138 / 5670 GOSE

SECOND DEPOSIT

Objections

100 / 8143 Environment Agency

MAIN ISSUES

1. The Environment Agency suggests that Paragraph 5.3.3 should be amended to use "and" instead of "or" in the final line. The Council suggested "and/or" but the EA maintain that "or" should not remain as an environmental should be working to the "no net loss" principle, not giving the option to cause environmental harm with no compensation. The Council accept the point and I agree that the paragraph should be altered to reflect their amended position. I consider, too, that the use of the word "inevitably" in the final sentence does not sit well with the opening phrase "In the majority of development proposals ...". I think it can be deleted without altering the meaning of the sentence.

RECOMMENDATIONS

1. *That the last sentence of Paragraph 5.3.3 should be amended to : "In the majority of development proposals the EA statement will report that amenity or environmental interests will be harmed, but that the development has been altered to minimise the harm caused and that compensatory mitigation measures will be put in place."*

5.4 POLICY 37 - PLANNING OBLIGATIONS (POLICY 33 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

99 / 5671 D K Symes Associates
138 / 5673 GOSE
138 / 5739 GOSE

Unconditional Withdrawals

100 / 5672 Environment Agency

SECOND DEPOSIT

Objections

138 / 8145 GOSE

Unconditional Withdrawals

100 / 8144 Environment Agency

MAIN ISSUES

1. GOSE does not consider that Policy 37 and Paragraph 5.4.2 accord fully with the guidance on financial provisions in MPG7 – Paragraphs 86-96. This advises, amongst other matters, that MPAs should not seek financial guarantees from applicants to deal with future breaches of planning control which could be dealt with by conditions and normal enforcement procedures. Nor should restoration bonds be sought. GOSE considers that the MWLP should be revised to better reflect this advice. For similar reasons D K Symes Associates also opposes the requirement for financial guarantees.
2. The Council continues to support the use of financial guarantees and bonds. They point out that not all applicants belong to responsible trade organisations and that enforcement procedures can be very slow and do not always secure compliance or good quality restoration. Companies' financial and legal status can also change. Other considerations relate to situations where an application is for a long-term new project where progressive reclamation is not practicable, a novel approach or technique is to be used, there are concerns, based on past experience, about the likelihood of either financial or of technical failure, but these are not such as to justify the refusal of permission. In some of the above instances the Council will wish to seek an appropriate guarantee to cover restoration and aftercare costs so that if, for any reason, an operator is unable to

comply with restoration or aftercare conditions, sufficient money has been set aside to provide for the necessary work to be undertaken by the Council at no public cost.

3. The Council cites a number of examples of cases where other measures proved unsuccessful but where financial guarantees would have been invaluable and effective. The Council uses these provisions sparingly but has evidence of their successful use, where necessary. They allow the Council to consent some applications that might otherwise have to be refused.
4. I have a great deal of sympathy with the Council's position and I recognise that enforcing planning conditions can be slow, difficult and sometimes almost impossible if a company has ceased to trade. In the last circumstances particularly, financial bonds and guarantees can often be more effective. However, Paragraph 86 of MPG7 states :

"Financial guarantees to ensure the restoration of mineral sites should ... not normally be required, and policies in development plans should not state that a local authority will require or seek bonds or other financial guarantees to underpin planning conditions".

This advice could scarcely be clearer, and Policy 37 with its supporting text equally clearly contravenes that advice. The only conclusion I can reach is that, to comply with this national guidance, Section 5.4, including Policy 37, should be revised to omit or radically change the parts dealing with financial provisions.

5. GOSE is also concerned that there is no justification for the requirement that all legal agreements are sealed within 6 weeks of a resolution to grant consent. Six weeks is a rather short and arbitrary period and is unlikely to be appropriate in all circumstances. Sometimes delays will be outside the applicants' control. The Council draws attention to the national encouragement to increase the speed of decision-making, and stresses that it would be prepared to modify the requirement should particular circumstances merit an exception being made.
6. In my view the working practices of the Council are for them to determine so long as they do not act unreasonably. Such procedures would rarely be suitable within a formal planning policy but I see no reason why they should not be referred to as part of a performance target or details of implementation. I see no reason to alter the text of the plan in respect of this objection.

RECOMMENDATIONS

1. *That Policy 37 and the supporting text be modified to ensure that those parts relating to financial bonds and guarantees comply with the advice in MPG7.*

5.5 POLICY 38 - SITE MONITORING & ENFORCEMENT (POLICY 34 FIRST DEPOSIT)

FIRST DEPOSIT

Objections

127 / 5677 Fulmer Parish Council

Supporters

40 / 5674 Surrey County Council
102 / 5675 Little Marlow Parish Council
115 / 5676 Shanks Waste Service

MAIN ISSUES

1. Fulmer PC considers that there should be an independent body to monitor the enforcement process, possibly including parish councillors. The Council note this suggestion without comment but I consider that arrangements such as these fall within the scope of local political or administrative procedures. I do not think there is any evidence to justify a recommendation that they be included within a local plan.

RECOMMENDATIONS

1. *That no modifications be made*

CHAPTER 6 MONITORING

6.1 POLICY 39 - PLAN MONITORING (POLICY 35 - MONITORING FIRST DEPOSIT

FIRST DEPOSIT

Supporters

40 / 5678 Surrey County Council
115 / 5679 Shanks Waste Service

RECOMMENDATIONS

1. *That no modifications be made.*

APPENDICES

APPENDIX A - PREFERRED AREAS, WASTE TRANSFER SITE & HOUSEHOLD WASTE RECYCLING CENTRE

FIRST DEPOSIT

Objections

71 / 5018	Summerleaze Ltd
113 / 5021	Voaden Sandbrook
117 / 5022	Maidenhead Aggregates
100 / 5030	Environment agency
73 / 5031	BCC Archaeological Service
137 / 5032	English Heritage
50 / 5034	Denham Parish Council
56 / 5035	South Bucks District Council
54 / 5036	English Nature
100 / 5037	Environment Agency
73 / 5041	BCC Archaeological Service
137 / 5042	English Heritage
71 / 5043	Summerleaze Ltd
71 / 5693	Summerleaze Ltd
81 / 5694	Robert Brett & Sons
201 / 5695	Voaden Sandbrook
117 / 5696	Maidenhead Aggregates
71 / 5745-48	Summerleaze Ltd
81 / 5749-50	Robert Brett & Sons
71 / 5751-2	Summerleaze Ltd
71 / 5753	Robert Brett & Sons
154 / 5763	Gerrards Cross PC

SECOND DEPOSIT

Objections

99 / 8019	D K Symes Associates
244 / 8022	Wooburn PC
100 / 8024-25	Environment Agency
100 / 8044	Environment agency
50 / 8147	Denham Parish Council
201 / 8148	BAA
206 / 8150	Civil Aviation Authority
210 / 8151	Defence Estates
56 / 8152	South Bucks District Council
246 / 8183	G Povey
244 / 8186-7	Wooburn Parish Council

Unconditionally Withdrawn

100 / 8070 Environment Agency
100 / 8078 Environment Agency
100 / 8079 Environment Agency

Supporters

71 / 8149 Summerlease Ltd
56 / 8153 South Bucks DC
47 / 8154 Thames Water

PRE-INQUIRY CHANGES

Objections

71 / 9040 Summerlease Ltd
152/ 9190 Lafarge Aggregates Ltd
1281/9509 David Jarvis Associates
50 / 9500 Denham PC
71 / 9515-17 Summerlease Ltd
1283/9518 D K Symes Associates
1283/9520 D K Symes Associates
56 / 9521 South Bucks DC
71 / 9522 Summerlease Ltd

Supporters

134 / 9254 National Grid Transco
50 / 9442 Denham PC

MAIN ISSUES

General Issues

1. Under the heading of objections to Appendix A, a number of objectors have suggested that there is a need for further Preferred Areas to be included. Some have suggested that the process whereby the Preferred Areas were selected was flawed and unfair. They consider that Preferred Area 3 should be omitted in favour of another site, several of which have been suggested by objectors. I have discussed these two general points in the context of objections to Policy 2 (Paras 11-17) and Policy 3 (Paras 14-19). Nothing in the objections to Appendix A leads me to alter significantly my views on these matters.
2. The Council has not made any detailed comments regarding the merits of the sites submitted for inclusion in the plan as Preferred Areas. Nevertheless, I have considered the submissions and evidence by objectors and visited all of the sites. In the absence of full details (such as might be garnered from an environmental statement) I think it would

be wrong and potentially misleading for me to comment in detail upon the relative merits of the suggested sites. Nor, since none of the sites I saw was clearly superior to the others, do I feel able to select one or more for inclusion in the plan as Preferred Areas, particularly as the Council is to revisit such matters in the context of an LDD to be prepared before 2009.

3. Despite the above comments I would wish to record my view that all of the sites put forward as omission sites seemed to have considerable potential as sites for the extraction of aggregates. Each of them had appreciable natural screening, potentially reasonable access, and none were unacceptably close to residential properties. I have no doubt that the Council will include them as sites for consideration when preparing their LDD. Nonetheless, I do not consider that I know enough about these sites to justify recommending one or more of them for inclusion as Preferred Areas in the present Plan.

Preferred Area 1 – Broad Lane Beaconsfield

4. The Environment Agency objects to land-filling on this site because of the risk of solution features forming after the surface drift deposits have been removed. It is concerned that these could provide a rapid flow path for contaminants to enter the aquifer below. The Council contends that this site is an extension of a current minerals and waste operation that has been licensed by the Environment Agency. It therefore sees no reason why the same environmental requirements should not be applied to the restoration of this site. I am unaware of any current problems in the existing operations in the area and, in any event, this is a matter which can be explored more fully in the context of a planning application.
5. Wooburn PC feels that PA1 is too close to the Berghers Hill Conservation Area, several listed buildings, and areas of archaeological interest. The Council is concerned that, if development on the site goes ahead, traffic from the new development would perpetuate traffic problems arising from the present operations, particularly on routes to the A404 and M40. It is also concerned about toxic waste on the site. The County Archaeological Service and English Heritage also refer to features of archaeological interest in the area but do not suggest that their presence is necessarily a reason for opposing development on the site.
6. The site itself does not appear to me to be close enough to the features mentioned to cause direct harm. The effects of traffic have, in the past, been subject to a routing agreement and I am not aware that there have been particular problems of road safety or damage to historic features or buildings. I see no reason why that should change should planning permission be granted for further development in the area. I understand, too, that access to the main traffic routes are to be improved. The Council would be unlikely to grant permission for the deposit of toxic waste on the site and, in any event, the Environment Agency would have an opportunity to comment upon such an application. The same applies to the concerns of Gerrards Cross PC regarding traffic.

7. David Jarvis Associates object to the statement in the plan that highway problems are likely to prevent planning permission being granted for development in PA1 during the Plan period. They point out that recent changes in the waste management licensing regime have altered the way in which the site is being restored. The forward progression of the mineral extraction, when restricted to the permitted extraction rate of 250,000 tonnes per annum, is not sufficiently fast to create void space for the storage of the chalk material. This is slowing the rate at which the landfill cells can be prepared, with an associated knock-on effect on the rate at which landfill is completed and the site restored. A planning application (accompanied by an EIA) is being prepared to overcome such difficulties.
8. It is anticipated that extraction would commence in PA1 in 2015 and current estimates assess winnable reserves to be about 3mt, which equates to 8 years reserves. The operators would seek to secure additional reserves of mineral within PA1 before the end of the plan period. It is therefore incorrect to state that planning permission will not be granted during the planning period. The objector recommends that Paragraph 2.3.4 should be altered to read: "...It is likely that any mineral extraction within PA1 (Broad Lane) during the life of the plan will be relatively small scale due to highway restrictions placed on Broad Lane...". The Council have not opposed this suggestion and it seems to me a reasonable description of the actual situation.
9. Summerleaze Ltd point out that the Council have accepted that PA1 would only follow as an extension to Springfield Farm and would therefore not become available during the Plan period. It considers that it is misleading to include, in a Minerals Plan, a Preferred Area that will not be worked in the Plan period and recommend its omission. It would be more realistic and appropriate to identify the site as a potential long term reserve. The Council argues that the site should be retained as a Preferred Area in order that members of the public are aware of the position.
10. From the submitted information it seems possible that the site will make a contribution towards at least one year of the plan period and will then continue at a rate similar to that of Broad Lane. It is not, therefore, inconsistent with national guidelines to include the site in the plan as a preferred area. More importantly, since the Council are confident that the site is likely to feature prominently in the future contribution of the County to aggregate production, it seems appropriate to me that this should be reflected by its inclusion in the Plan as a preferred area.

Preferred Area 2 – S W of New Denham

11. There have been a number of objections regarding detailed problems to be resolved before development can be carried out on this site. English Nature objects to the inclusion of this area on the grounds of the proximity of ecologically important sites and the value of parts of the site in terms of wildlife. They welcome statements regarding the importance of wildlife issues but think that, in line with Policy 22, the PA2 text should

also state that permission will not be granted if results of ecological assessment show significant adverse effect on SSSIs. English Heritage is concerned over possible archaeological features, and the EA objects unless it can be shown that there would be no effect upon the water environment. Denham PC welcomes many aspects of the proposals, but considers that the transport of materials via the canal should be investigated.

12. The Council believes that these are all issues which are appropriately addressed at the application stage. They point out that this preferred area has been included in several previous minerals local plans and previous inspectors have found that the impact upon the SSSI would not be such as to justify the deletion of the PA. My view is that these are all matters better resolved at an application stage so long as there is no indication that they are incapable of satisfactory resolution. Based upon the planning history of the area, my site inspection, and the information before me, I consider it likely that such matters are capable of resolution. I am aware of no persuasive reasons to delete this site from the plan on these grounds.
13. One major area of controversy is over the after-use of the site following mineral extraction. A number of objectors, headed by BAA and the CAA, are very concerned that restoration to a use involving areas of open water could lead to an unacceptable increase in the risk of bird strike on aircraft. Others, including Denham PC and South Bucks DC, feel that the site is unsuitable for infilling with any kind of waste because of the possible effect on the water table and the impact of lorry movements bringing such waste to the area. They consider that restoration for amenity purposes should be required because of the location of the site in the Colne valley. They, and others, therefore support restoration to a lake and believe that this conflict must be clarified and resolved in the plan before it is adopted. Whilst the Council recognises the importance of resolving this matter they consider that can safely be done in the context of a planning application.
14. This is clearly a relevant and important issue and the difference in views is a fundamental one. However, I do not see that it must be resolved before adoption of the plan. Indeed, it is hard to see that it can be resolved until there are detailed proposals for development and the after-use. Even if the proposal does not involve subsequent use of the site for waste disposal, it does not follow that other forms of restoration would necessarily be unacceptable because of bird strike problems. There are safeguards in the plan against such problems including a policy specifically concerned with the issue. I think that these are essentially development control matters and I see no reason to alter the plan to meet the objections made. However, I welcome the Council's suggestion that the matter be marked by the insertion of a cross-reference into the "After Use" section of Appendix A, Preferred Area 2
15. South Bucks DC strongly objects to the proposals to bring forward the period of extraction at PA2. They believe that this will result in an over-concentration of sites and a high cumulative impact in the area. The

County Council maintains that, because of the time necessary to bring forward and determine an application, work at PA2 is unlikely to begin before 2007. Furthermore, although some aggregates from Lea North leave by road much of it travels by canal. There would not, therefore be an unacceptable impact upon the local road system. I see no reason to doubt their information on these points and, in any event, I do not consider that the area is incapable of accommodating the traffic in terms of either environmental impact of traffic safety.

16. Lafarge Aggregates does not consider it appropriate for the planning authority, by way of inclusion within guidance contained in its local plan, to seek to protect non-statutory organisations e.g. National Grid Transco (NGT) and Thames Water Utilities (TWU). Lafarge believes that legal rights are for such bodies to safeguard, and planning authorities should not get involved in the matter. I agree that the wording of the comment is out of place in its context and I believe that it should be modified.
17. Summerleaze has suggested a number of detailed changes to the text supporting PA2. They suggest a less specific comment regarding the means of access, but the Council consider that the reference to a new roundabout should remain. I take the view that it should, and if the operators can make a case for a different provision they can make it at the application stage. I agree that the words "at developer's expense" are superfluous and should be deleted. I do not consider that the objector has made a persuasive case for the omission of land owned by Southlands, or for the addition of a northern extension. Nor do I see any reason to change the section entitled "Planning History" because of its level of detail.

Preferred Area 3 – Denham Park Farm

18. D K Symes Associates believes that, if a need for further sites is identified, the correct procedure should be to invite sites to be put forward, rather than restrict the choice to the Omission Sites only. I have discussed this matter, and landbank issues relating to this site, in considering objections to Policies 2 and 3. The objector also suggests some changes to the information contained in Appendix A of the "Further Proposed Changes". The Council proposes a rewording to meet these comments and I believe this to be adequate to meet the objections made.
19. I have dealt with the comments of Denham Parish Council regarding landbank issues in considering objections to Policy 2. This objector also makes a further point that the County landbank depends upon three sites in Denham parish, all of which might be operative at the same time. This, it feels, would cause continuous disruption to Denham residents, particular because of the additional traffic on the busy A412, for a number of years. South Bucks DC makes similar points and suggests that not more than one site should be operative at the same time. This, it is said, is at odds with policies of the Minerals Local Plan which refer to the need to phase extraction from sites in Denham to minimise their impact.

20. The Council point out that the two Preferred Areas are about 5Km apart. They consider that the majority of the traffic from these sites would either travel away from the area northwards and southwards, or would use the A412 and then M40. However, such traffic would approach the A412/M40 junction from opposite directions and so neither stretch of the A412 would take much extra traffic from more than one of the sites. Other sites in the area are closer together, even though they are in different parishes.
21. I do not think that it is particularly relevant whether there is more traffic in a parish as a whole. The more important issue is whether any particular settlement or road would suffer an unacceptable increase in traffic from the minerals/waste sites. Because the two Preferred Areas are on either side of the main traffic artery, and are some distance apart, I do not consider that any settlement need experience significant levels of additional traffic from both sites. I see no reason to alter the plan on the basis of this objection.

Safeguarded Rail Aggregate Depot at Iver (Policy 7)

22. The Environment Agency thinks that, to protect controlled waters, a desktop study should be undertaken prior to development to assess the effects of development and loading on sensitive receptors. The Council say that this site has been operating as a rail depot for several years. If any extensions were sought, then the usual considerations would be taken into account. For this reason the County Council considers that the site should be safeguarded to meet the event that the current operations cease. I believe that the matters referred to by the environment agency may well be relevant to a planning application but I do not find in them any reason to conclude that the Council are wrong to safeguard the site.
23. Denham PC think there should be a commitment to a new road network to serve the facility through Colnbrook. The Council understands that access will be an important consideration should this proposal proceed towards development. They intend to test this proposal further (including access) in studies of future waste management options and have made changes to the plan to indicate this. This seems to me to be an appropriate and adequate response.

RECOMMENDATIONS

1. *That Appendix A be altered in accordance with the changes in the Council's "Further Proposed Changes" modified, where relevant, by the following recommendations.*
2. *That Paragraph 2.3.4 be altered to read : "...It is likely that any mineral extraction within PA1 (Broad Lane) during the life of the plan will be relatively small scale due to highway restrictions placed on Broad Lane..."*

3. *That in respect of Preferred Area 2, at the end of the paragraph headed "After-Use", the following wording be added : "This scheme will also be expected to take account of the requirements of Policy 33 of this plan with regard to the potential risk of bird strike for air traffic and aerodromes".*
4. *That in respect of Preferred Area 2, the second sentence of the first paragraph of "other Comments" be deleted. Under the heading "Access" the words "at the developer's expense" should be deleted.*
5. *That in respect of the text accompanying PA3 the following be inserted in place of the existing text :*

Access

The Use of either Slade Oak Lane or Tilehouse Lane for access to Preferred Area 3 will not be permitted.

Access will be to the satisfaction of the Highway Authorities.

However, precise details of access are a matter for Hertfordshire County Council and the Three Rivers District Council since the access points to the A412 lie within their area.

Extraction Rate

The extraction rate is to be agreed in conjunction with the Highway Authorities' requirements.

APPENDIX B - LIST OF MAIN CURRENT GUIDANCE & LEGISLATION

108 / 5690 BAA

SECOND DEPOSIT

Objections

201 / 8155 BAA

MAIN ISSUES

1. BAA considers that, given the importance of aerodrome safeguarding, the plan should include reference to Town and Country Planning (Safeguarded Aerodromes Technical Sites and Military Explosive Storage Areas) Direction 2002 and Circular 1/2003. The Council agree and intend to make appropriate changes.

RECOMMENDATIONS

1. *That reference should be made, in Appendix B, to the Town and Country Planning (Safeguarded Aerodromes Technical Sites and Military Explosive Storage Areas) Direction 2002 and Circular 1/2003.*

APPENDIX C – GLOSSARY

FIRST DEPOSIT

Objections

100 / 5702 Environment Agency

SECOND DEPOSIT

Objections

100 / 8156 Environment Agency

MAIN ISSUES

1. The Environment Agency considers that the definition of buffer zones should include a requirement for undisturbed areas adjacent to statutory designated sites, non-statutory designated sites, protected species, Biodiversity Action Plans, habitats and species, river corridors and floodplain, green chains and sites of nature conservation value or importance which are not SINCs. It also believes that definitions should be provided for all the above.
2. In response the Council added the words “and areas” to the definition of “buffer zones” in the SDD. The EA do not consider that this goes far enough and continues to object to the omission of definitions for the list of terms set out in their original objection. The County Council considers that the word change in the Second Deposit Draft adequately covers this objection.
3. I consider that to take the definition of “buffer zone” to the detailed level implied by the objector would be more confusing than helpful. I believe the Council’s suggestion to be more appropriate. I also think that definitions should only be provided for terms where they have a substantial presence in the MWLP, and the terms referred to here do not fall within such a category. It is not for a mineral local plan to provide definitions for terms which, whilst of some relevance, are peripheral to most parts of the WMLP. I do not consider that definitions of them are needed.

RECOMMENDATIONS

1. *That no modifications be made.*

MAPS

4 - SURVEY MAP

FIRST DEPOSIT

Objections

4 / 5680 Lady Newall

Unconditional Withdrawals

100 / 5681 Environment Agency

SECOND DEPOSIT

Objections

100 / 8157 Environment Agency

100 / 8158 Environment Agency

Unconditional Withdrawals

100 / 8159 Environment Agency

MAIN ISSUES

1. Lady Newall's suggestion that Wotton Underwood is in the AONB is incorrect and no changes need to be made in response. The EA's objection to the Meadhams Farm designation has been withdrawn.
2. The EA maintains its objection to Dundridge Manor and Denham Park because they believe, in both cases due to their location, that they may not be suitable for landfill. It advocates the carrying out of full site investigations and hydrological risk assessments so that problems can be discussed with the EA. The Council indicates that there is a valid planning permission for extraction at Dundridge Manor and also for landfill of a very small brick earth site. The EA did not object to this application.
3. An application has been received on Denham Park Farm for renewal of the planning consent. However the applicants need to produce an Environmental Statement before the application can be processed and the issues raised by EA will be addressed when that statement has been received. It is expected very shortly
4. The survey map is intended to be a reflection of the existing position and it seems to me that it is a reasonably accurate representation of that

position as it currently stands. I see no reason to change it for the reasons suggested by the objectors

RECOMMENDATIONS

1. *That no modifications be made.*

OTHER COMMENTS

FIRST DEPOSIT

Objections

10 / 5703	Luton Airport
42 / 5704	Mr A Oxley
81 / 5707	Robert Brett & Sons
100 / 5708	Environment Agency
115 / 5709	Shanks Waste Services
127 / 5710	Fulmer Parish Council
123 / 5711	Chiltern Society

Supporters

56 / 5705	South Bucks District Council
66 / 5706	Iver Parish Council

FURTHER PROPOSED CHANGES

Objections

117 / 9214	Maidenhead Aggregates
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Supporters

086 / 9330	Dr and Mrs Seaton
877 / 9343	Mr and Mrs Smith
879 / 9344	Mr Smith
887 / 9346	Mrs M A Smith

MAIN ISSUES

1. Luton Airport wishes to be consulted about any bird-attracting developments (including waste disposal sites) within 13km of the airport. This would apply should the materials deposited at Ivinghoe Aston change in nature. The County Council has confirmed that it will continue to consult with the relevant bodies whenever minerals or waste planning applications are submitted within the airport safeguarding zone. I see no reason to alter the plan.
2. Mr A Oxley mentions that the granting of permission for the Bardons Asphalt Site caused a high level of HGV traffic through residential areas. He considers that it should not be reserved for an RAD facility, and an alternative site should be sought. The Council considers that whilst the Thorney Mill Road RAD facility may not be optimally located, it performs an essential role in allowing the rail carriage and handling of aggregate

materials into the area. Opportunities for rail access and depot development are very scarce. For these reasons, and despite objections, the site has been safeguarded in successive MLPs. I accept the Council's arguments in this respect and I see no reason to make changes due to this objection.

3. Robert Brett and Sons believe that if the Plan is not adopted before June 2006 it will not be compliant with EU SEA Directive as no strategic environmental assessment and associated sustainability appraisal has been undertaken, thus rendering the whole Plan invalid. This should be carried out to ensure compliance to properly inform and justify policies and to ensure identification of appropriate Preferred Areas. The County Council is aware of this possibility but the intention is to adopt the Plan early in 2006. Furthermore the County Council has commissioned consultants to produce a sustainability appraisal for the plan which will be available for inspection. I find no reason to criticise their approach in these respects so long as adoption takes place before June 2006.
4. The Environment Agency assumes that will be automatically consulted where appropriate e.g. Policy 32 Environmental Assessment. On that base they do not seeks changes to the plan. The Council confirms that such procedures will take place.
5. Shanks Waste Services suggests that the Plan does not provide detailed analysis of current and future waste arisings in the region and surroundings. Data on current landfill rates is out of date and it is therefore difficult to set targets, monitor progress, assess future infrastructure needs or analyse its implications for the Regional Plan. The Council points out that the plan is required to be based upon "the most accurate information available" for waste. Para 3.1.2 of the plan does this using information provided by consultants as the basis for the RWMW (consultation draft March 2003). The information is therefore reasonable described as "most accurate". Additional information has now been commissioned by SEERA and, as it becomes available, will be added to the plan. Most of the targets contained in the BWLP have been drawn from the RWMS which the Council broadly supports.
6. Shanks also contends that potential conflicts in the Plan may lessen the overall benefit from rail/water locations for economic regional management of waste. The application of the proximity principle must include mode of transport (e.g. longer rail or water journeys may be environmentally preferable to shorter road journeys). The Council regards proximity (as a key element in the BPEO) as having a greater contribution to sustainability than mode. This is in addition to the need to encourage London to achieve its recycling/recovery targets and greater self-sufficiency.
7. The question of the accuracy of the data used in preparation of the plan has been covered in more detail in examining objections to Policies 2 and 3. I adhere to the conclusions reached in that part of this report. In regard to the other part of this objection, I do not consider that it is possible to make generalisations on this matter. It seems to me that it

depends very much on the circumstances of a particular application. In the absence of further details of the objection, or any suggested amendments, I am aware of no amendment which would significantly improve the approach of the MWLP towards this subject.

8. Fulmer PC feels that the "Over-riding need" approach in some policies allows too much scope to circumvent policy restrictions. The Council feels that they need some flexibility to enable the implementation of such policies. I have given my views on the policies involved elsewhere in this report and I see no reason to modify those views in response to the present objection.
9. The Chiltern Society believes that all targets which include a specific time target for decisions should make it clear that quality of decision making will not be compromised. The County Council indicates that it aims for the highest standards of decision making at all times, even if this approach compromises the time targets that have been set. I see no reason to doubt that, but I believe that it is a point worth stating explicitly in the introduction to the plan.
10. Maidenhead Aggregates considers that further pre-inquiry changes should be made to reflect the outcome of the EIP into objections to the Regional Minerals Strategy. The Council notes the comments and intends to consider the matter. However, neither party supplies any more specific details and, in the absence of such, I make no recommendation for changes. I have no doubt that such matters will be considered in the context of the forthcoming LDD.

RECOMMENDATIONS

1. *That a paragraph be added to Section 1.3 of Chapter 1 explaining the function and status of the Policy Performance Targets and including an indication that the quality of decision making is not to be compromised by time targets.*

SUPPLEMENTARY PLANNING GUIDANCE

FIRST DEPOSIT

Objections

100 / 5689 The Environment Agency
141 / 5701 Wycombe District Council

Conditional Withdrawals

52 / 5697 Shadow Chilterns Conservation
Board

Unconditional Withdrawals

54 / 5698 English Nature
100 / 5699 Environment Agency

Supporters

138 / 5700 GOSE

SECOND DEPOSIT

Objections

100 / 8165 Environment Agency
152 / 8167 Lafarge Aggregates Ltd
201 / 8168 BAA
54 / 8169 English Nature
100 / 8170 Environment Agency
148 / 8174 Newton Longville Parish
Council
100 / 8175 Environment Agency

Unconditional Withdrawals

54 / 8162 English Nature
100 / 8163 Environment Agency
100 / 8164 Environment Agency
100 / 8166 Environment Agency
100 / 8171 Environment Agency
100 / 8172 Environment Agency
100 / 8173 Environment Agency

Supporters

144 / 8161 Quarry Products Association

MAIN ISSUES

1. Wycombe DC questions whether some of the wording in the SPG would be more appropriately included within the Plan itself e.g. SPG 6 appears to be a Policy, and SPG 4 appears to be an application form/advice note that does not elaborate on policy. The Council asserts that the SPG is designed to be a complete document giving all of the necessary advice for parties involved in the application process. This seems to me a reasonable approach and, on that basis, SPG 4 should remain. The contents of Section 6 could, in fairness, be included in either the SPG or the Plan but I see no persuasive reason to overturn the Council's decision on the point.
2. The Council, in the SDD, has made two changes in wording suggested by English Nature. However, they used an incorrect wording in the second change (SPG3 Para 4.4) and this should be corrected. This fault was also identified by Newton Longville PC.
3. The Environment Agency has suggested a number of changes and all but three of these have been implemented in the SDD or withdrawn. One of the former is the agency's request that further guidance be provided within Table 2 of SPG2 emphasising that protection of all watercourses should be a primary objective. The Council consider that this point is adequately covered by Policy 32 and I agree. In another the Agency expresses the view, in relation to Policy 30, that restoration plans should include an ecological and landscape masterplan, and include aftercare to protect nature conservation interests. The Council intends to meet these points by altering Table 2 of the Supplementary Planning Guidance, a remedy which seems to me appropriate.
4. The EA refers to a lack of measures in the plan to protect floodplains and water resources. The Council has included a new policy (32) and I regard this as a satisfactory and appropriate response. The Agency continues to object, too, to restoration to low level agriculture with permanent pumping, as referred to in Paras 1.2 and 4.3 of SPG3. They disagree with the Council's response that this may be BPEO if waste is diverted from landfill, and suggest that options such as lakes and wetland would be preferable. The Council consider the Plan's stance to be in accordance with MPG7 (Paragraphs A22-A28). I recognise that arrangements to secure pumping in perpetuity can be complex but, as MPG7 implies, they are achievable. I see no reason why reference to this option should not be included in SPG3.
5. The EA also objects to the omission, from Section 6 of SPG 4, of areas such as green chains, river corridors and other non-statutory designations. The Council does not accept this, and believes that such matters will fall to be considered within application supporting statements (see SPG2, Table 5) or as a result of consultations. I have some sympathy with the Agency's views on this point but this matter is referred to in Table 5 of SPG2. To add too many references to non-statutory designations would make the application form too long.

6. Lafarge Aggregates considers that the reference to BPEO at SPG2 Para 2.9 should be deleted. It contends that it is not appropriate for BPEO to be considered at application stage; proving BPEO should be an issue for development plan stage. The County Council considers that the case of *Blewett v Derbyshire CC* has established that BPEO can be a consideration at the application stage. I take a similar view and I do not recommend any changes to Paragraph 2.9.
7. BAA considers that Paragraph 4.4 of SPG 3 should refer to consultation with relevant aerodrome operators as well as English Nature for sites which fall within aerodrome safeguarding areas and where restoration could attract or increase bird species known to create potential bird strike hazard. Para 4.5 as drafted could encourage those species known to create bird strike hazard and reference to "loafing areas" and design criteria should be removed.
8. The Council points out that this advice is countywide and not restricted to mineral/waste applications within aerodrome safeguarding areas. It therefore considers that the reference to "loafing areas" should remain. However, they consider that relevant guidance should be included in the instances where such applications may influence the operation of an airport. I consider that the importance of protecting against bird-strike merits mention of the subject in SPG3.

RECOMMENDATIONS

1. *That, in SPG3 Paragraph 4.4, the first sentence should end "with English Nature."*
2. *That Table 2 of the SPG2 be amended to require that restoration plans should include an ecological and landscape masterplan.*
3. *That advice be given in Paragraph 4.4 of SPG3 to the need to consult with relevant aerodrome operators as well as English Nature for sites which fall within aerodrome safeguarding areas.*