



Appeal Decision

Inquiry Held on 26 to 29 March 2019

Site visit made on 26 March 2019

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

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

Decision date: 16th September 2019

Appeal Ref: APP/P0430/W/18/3204545

Wapseys Wood, Oxford Road, Gerrards Cross, Buckinghamshire SL9 8TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Veolia ES Landfill Limited against the decision of Buckinghamshire County Council (BCC).
 - The application No.CM/17/16, dated 29 February 2016, was refused by notice dated 15 December 2017.
 - The development proposed is a revised restoration landform to allow the development of a waste recovery and anaerobic digestion facilities with associated vehicle parking, fuelling and washing, bin storage and staff welfare facilities together with the retention of the existing construction waste recycling facility and existing offices, parking, weighbridge and site access.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (hereinafter the EIA Regulations).¹ This included a non-technical summary, and set out the alternatives considered by the appellant, along with a description of the proposed development and environmental impacts. A review of the ES resulted in a Regulation 22 request for further information about the potential effects on groundwater. An addendum to the ES was submitted on 11 March 2019 as Further Environmental Information (FEI). An updated version of the Non-Technical Summary was also submitted.
3. The Inquiry was adjourned to enable the appellant to advertise the FEI and to seek comment from the Environment Agency (EA).² The parties submitted written responses to the EA's comments.³ I am satisfied that the ES and FEI reasonably comply with the requirements of the EIA Regulations. I have taken into account the Environmental Information, which includes all the evidence adduced at the Inquiry and the written submissions about the FEI. In doing so

¹ The transitional provisions in the Environmental Impact Assessment (EIA) Regulations 2017 mean that the 2011 EIA Regulations continue to apply here.

² ID25.

³ ID26 and ID27.

- I have come to a different view about the significance of, and weight to be given to, some environmental effects from that set out in the ES.
4. The appeal site lies within the Metropolitan Green Belt as defined in the development plan. The application was refused for three reasons, citing policies from the Waste Local Plan 2004-2016 and the Minerals and Waste Core Strategy 2012. (1) The development would be inappropriate in and would affect the openness of the Green Belt, and it had not been demonstrated that the potential harm to the Green Belt by reason of inappropriateness was clearly outweighed by other considerations nor had it been demonstrated that no alternative sites were available outside the Green Belt, so very special circumstances did not exist. (2) The development on a greenfield site would have an adverse effect on the restoration and aftercare of the landfill site. (3) Facilities for the management of imported waste other than landfill to 2026 are to be resisted. BCC subsequently raised prematurity as an additional reason for refusal, but with the adoption of the Buckinghamshire Minerals and Waste Local Plan 2016-2036 (MWLP) on 25 July 2019, this is no longer relevant. The appellant and BCC concur that the proposal would be inappropriate development in the Green Belt. I have no reason to disagree.
 5. At the Inquiry BCC argued that the appellant should have considered putting the construction waste recycling facility on an existing mineral site. The appellant acknowledged that this had not been considered, but indicated that if I found merit in this point, it was content to accept a condition which created a split decision removing the construction waste element from the permission. In this decision the full proposal is referred to as the appeal scheme, and a scheme omitting the construction waste facility as the partial scheme.
 6. Drawings WW7 and WW8 were submitted at the Inquiry showing the construction waste recycling facility site restored to woodland in the event that a split decision was issued.⁴ The appellant also submitted a draft schedule of conditions in the event of the construction waste facility not being approved.⁵ I consider this in more detail later in this decision, but I am satisfied that I have sufficient evidence from the Inquiry and from my site visit to be able to properly assess the implications of a split decision, if that was necessary.
 7. A revised plan (Drawing WW1-RevA) was submitted at the Inquiry to correct an error in drafting the route of an existing public footpath.⁶ The Inquiry was closed in writing on 16 August 2019.

The proposed development

8. The 28 ha appeal site lies within a 145 ha former mineral extraction site with restoration contours achieved by landfill. Parts of this area have been fully restored for agriculture or woodland, but large parts are still being restored or required for landfill gas and leachate management facilities. Landfilling has recently ceased leaving the appeal site as a void that has not been restored to the permitted contours. Part of the appeal site is currently occupied by a temporary construction waste recycling facility. Permissions 11/00223/CC and 11/01901/CM required the site to be fully restored, and all associated plant and machinery to be removed by 31 December 2017, but extensions have been granted until 31 December 2021.⁷

⁴ ID18.2 and ID18.3.

⁵ ID19.

⁶ ID15.

⁷ ID8 and ID24.

9. The proposed development comprises the following: (1) A Waste Recovery Facility (which was referred to at the Inquiry as a materials recycling facility (MRF) to use terminology consistent with the MWLP) for waste recycling, transfer and refuse derived fuel production from commercial and industrial (C&I) waste with a capacity of 100,000 tonnes per annum (tpa). (2) An Anaerobic Digester (AD) facility with a capacity of 50,000 tpa of food waste. (3) The permanent retention of the existing construction waste recycling operation (which was referred to at the Inquiry as a construction, demolition and excavation (CD&E) recycling facility to use terminology consistent with the MWLP) with a capacity of 150,000 tpa. (4) An enclosed area for sorting, storing and transferring waste and recyclable materials for reprocessing elsewhere. (5) Ancillary hardstanding, storage, vehicle parking and staff welfare facilities, along with retention of the existing weighbridge and offices. (6) Revised restoration contours.
10. The MRF building would be about 100 m long and 45.9 m wide with a maximum ridge height of 13.3 m. The AD facility would include tanks up to 15 m high, along with gas engines and ancillary pipework. It would provide up to 1.5 MW of renewable electricity to the National Grid, along with digestate which could be used as a soil improver or compost. Parking would be provided for 25 refuse vehicles. The CD&E facility would include stockpiles up to 6 m high. Planning obligations by means of Deeds of Variation would provide for a permissive path delivery programme.⁸

Main issues

11. The proposed development is inappropriate development in the Green Belt, which is by definition harmful, so the main issues in this appeal are:
- (a) The effects of the proposal on the openness of the Green Belt and the purposes the Green Belt serves.
 - (b) Whether the proposal would result in any other harm.
 - (c) Whether other considerations would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, and thus justify the development on the basis of very special circumstances (VSC).

Planning policy

12. The emerging Buckinghamshire Minerals and Waste Local Plan 2016-2036 was discussed at the Inquiry and the parties submitted written comments on the Inspector's Report on the Examination dated 5 June 2019.⁹ The MWLP was adopted on 25 July 2019 and the parties were given the opportunity to comment. The MWLP now supersedes the Waste Local Plan 2004-2016 and Minerals and Waste Core Strategy 2012.
13. MWLP Strategic Objectives for waste development include; Policy SO1 Contributing Towards Sustainable Communities and Economic Growth, and Policy SO4 Facilitating the Delivery of Sustainable Waste Development.

⁸ ID20.

⁹ ID26 and ID27.

14. MWLP Policy 7 concerns provision of secondary and recycled aggregates. It states that, specifically regarding proposals on mineral extraction sites, permission will only be granted where there is no conflict with the approved restoration scheme.
15. MWLP Policy 13 sets out a spatial strategy for waste management. It provides, amongst other things, that new standalone waste management facilities should be directed towards the primary and secondary areas of focus, but adds that other sites may come forward and should demonstrate why the location is acceptable with regard to the spatial strategy for waste management and other relevant MWLP policies. The policy also notes that co-location of waste management facilities would be supported where compliant with relevant MWLP policies.
16. MWLP Policy 14 includes development principles for waste management facilities. These accord with national policy aimed at moving the treatment of waste up the waste hierarchy in line with the proximity principle. The policy adds that where the proposal is not located within an area of focus for waste management, such as the appeal site, preference will be for proposals that integrate and co-locate waste management facilities together and with complementary activities, or maximise the use of previously developed land or redundant agricultural and forestry buildings.
17. MWLP Policy 21 states that the openness and characteristics of the Green Belt are to be protected, with waste development enhancing the beneficial use of the Green Belt (where possible) through: increased access; provision of recreational opportunities; retention and enhancement of landscapes, visual amenity and biodiversity; or improving damaged and derelict land. This policy also provides that considerations which may contribute to VSC that would necessitate the siting of waste management facilities within the Green Belt include the redevelopment of a waste site (e.g. landfill) to improve and enhance Green Belt objectives, or whether there are any other reasonably available alternatives outside the Green Belt, including an assessment of options and consideration of the contribution towards development of a sustainable waste management network and capacity requirements.
18. Paragraph 5.84 of the supporting text to the spatial strategy for waste management section of the MWLP states that the nature of constraints to development in Buckinghamshire, with respect to the Green Belt and AONB being present in the south but not in the north, means that there are more locational opportunities identified in the north of the county than there are in the south. As the capacity need is identified for the whole of the county, it is therefore appropriate for the opportunities in the north for waste management facilities to meet the needs arising in the south in accordance with the proximity principle. However, the need for waste management facilities may present itself in the southern half of the county. In these cases the following factors may combine to produce VSC, allowing development within the Green Belt: a lack of suitable alternative sites outside the Green Belt; the need to locate facilities close to sources of waste in order to serve a local, southern Buckinghamshire catchment; and the wider social and environmental benefits associated with sustainable waste management.
19. The *National Planning Policy Framework* (hereinafter the *Framework*) sets out policy for development in the Green Belt, which is considered in more detail later in this decision. The *National Planning Policy for Waste 2014* (NPPW)

states that positive planning plays a pivotal role in delivering the country's waste ambitions by, amongst other things, driving waste management up the waste hierarchy. In determining applications authorities should ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards.

20. The NPPW states that Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development.
21. The *Planning Practice Guidance* (hereinafter the *Guidance*) was revised after the close of the Inquiry, but the parties were invited to comment on any relevant changes.¹⁰ The *Guidance* notes that while priority should be given to the re-use of previously developed land, greenfield allocations need not be entirely ruled out if that is the most suitable, sustainable option.

Reasons

Baseline for the assessment of effects

22. The appeal site is the subject of temporary planning permissions with restoration requirements, and so in assessing the effects of the proposed development it is necessary to first establish a baseline position from which to draw comparisons. The approved restoration scheme indicates that the appeal site would, as part of the overall restoration of the landfill site, be filled and restored to woodland and agricultural land. Any comparison between the existing condition of the site and the proposed development would not be appropriate because the site is required under the extant permissions to be restored by 31 December 2021 in accordance with the scheme shown on ID2. The ES states that in the 'No development scenario' the site would be restored to the currently approved contouring. It adds that the agreed restoration scheme, if feasible, would result in the complete restoration of the site to a naturalistic wooded landscape, but given the reductions in volumes of landfill material available it is not possible for the current scheme to be achieved in the agreed timescale.¹¹
23. In determining this appeal, it is not very helpful to speculate about the future availability of landfill here or possible alternative restoration schemes. The planning position is that the site is required to be restored in accordance with ID2 unless and until planning permission is granted for some variation. Therefore, the baseline here for comparisons with the proposed development should properly be the approved restoration scheme.

Green Belt

24. The *Framework* states that the Government attaches great importance to Green Belts. It adds that the essential characteristics of Green Belts are their openness and their permanence. The purposes of including land within the Green Belt are; to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and to assist in urban regeneration by encouraging

¹⁰ ID29 and ID30.

¹¹ ES paragraph 10.132.

- the recycling of derelict and other urban land. In addition, paragraph 141 of the *Framework* provides that in planning positively to enhance the beneficial use of the Green Belt authorities should look for opportunities to provide access and sport/recreation, and to retain and enhance landscapes, visual amenity and biodiversity.
25. When located in the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC. The *Framework* provides that substantial weight should be given to any harm to the Green Belt, and that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. The proposal would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The Inquiry heard evidence about the effects of the proposal on the openness of the Green Belt and its purposes. The *Guidance* provides that the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances. It adds that relevant matters could include spatial (volume) as well as visual impacts, along with the degree of activity generated, including traffic generation.
27. It appears from the restoration concept submitted with the application that the CD&E plant and stockpiles, along with associated activity, would be visible from some parts of the proposed permissive paths. It would also appear that parts of the MRF and AD towers and associated vehicle movement and activity might also be apparent in some views from the proposed paths. If this was so, this would add a visual element to the overall harm to the openness of the Green Belt. However, I accept that minor modifications to the restoration contours and tree planting, along with alterations to the vertical and horizontal alignment of the permissive paths, could effectively screen views of the proposed development. This was discussed at the Inquiry and I am satisfied that provision could be made for these modifications by the imposition of a condition requiring details to be approved and implemented. The proposed development would not be visible from the M40 motorway to the immediate south of the appeal site and would be well screened from other public vantage points in the nearby area. Visual impacts here would not contribute to the harm to the openness of the Green Belt.
28. However, in assessing the impacts on the openness of the Green Belt the *Guidance* distinguishes between spatial/volume and visual effects. Visual impacts are additional to spatial/volume effects. Subject to appropriate conditions, harm to the openness of the Green Belt would result solely from the spatial and volumetric impact of the MRF building, CD&E recycling facility plant, weighbridge, stockpiles, along with activity generated by vehicles, including parking for refuse vehicles. With substantial structures and activity affecting about 30% of the appeal site the spatial/volume effects on openness would be significant. The parties agree that the appeal scheme would have a significant spatial impact on the openness of the Green Belt and that this should be given substantial weight.
29. The appeal scheme would not result in a significant increase in vehicle movement along the A40, from which the proposed development would be accessed. However, vehicles accessing the site and manoeuvring between the buildings and parking areas would generate considerable activity within this part of the Green Belt. This activity would, along with the spatial/volume

- impact, contribute to a substantial adverse effect on the openness of the Green Belt.
30. The parties disagree about the effects of the proposal on the purposes of the Green Belt. A building about 100 m long and 45.9 m wide with a maximum ridge height of 13.3 m, along with tanks up to 15 m high, stockpiles up to 6 m high and parking/manoeuvring areas, would result in a substantial encroachment of built form and activity into the countryside. The proposed development would conflict with the purpose of the Green Belt to assist in safeguarding the countryside from encroachment.
31. I also share BCC's concerns about the proposal being at odds with the Green Belt purpose to assist in urban regeneration. The recently adopted MWLP focuses waste development facilities on the main urban areas and growth locations within existing general industrial and employment areas along with urban extensions. A secondary focus supports such development within existing general industrial and employment areas, particularly where it would involve the re-use of previously developed land and/or the co-location of waste management facilities. Providing for a waste management facility of the scale proposed in this appeal, in this location, would not encourage the recycling of derelict and other urban land.
32. However, given the separation distance between the appeal site and Gerrards Cross/Beaconsfield, along with the topography and character of the intervening countryside, the proposal would not significantly conflict with the Green Belt purposes to check unrestricted sprawl, to prevent the merging of neighbouring towns, and to preserve the setting and special character of historic towns.
33. Given that one of the essential characteristics of Green Belts is their permanence, a negligible visual impact would not diminish the spatial/volume and degree of activity effects of the development on the openness of the Green Belt, nor would it ameliorate the conflict with the purposes of the Green Belt. The appeal scheme is inappropriate development which would harm the Green Belt. Furthermore, it would have a substantial adverse effect on the openness of the Green Belt and would conflict with two of the purposes of including land within the Green Belt. This harm should be given substantial weight in determining this appeal.
34. The following sections of this decision consider whether the proposal would result in any other harm, and then has regard to other considerations, so that the balancing exercise can be undertaken to determine whether VSC exist.

Character and appearance

35. BCC does not dispute the findings and robustness of the appellant's landscape and visual assessment. BCC also considers that the proposed landscaping of the development is policy compliant. For the reasons set out above, and subject to the imposition of appropriate planning conditions, the proposed development could be effectively screened from public vantage points, so any harm to the visual amenity of the area would be negligible. However, I queried the likely landscape character impact of the proposal having regard to the *Guidelines for Landscape and Visual Impact Assessment (GLVIA3)*, along with the Strategy/Vision and Landscape Guidelines for LCA 22.1 Beaconsfield Mixed Use Terrace.¹²

¹² GLVIA3 is the Third Edition published by the Landscape Institute and the Institute of Environmental Management and Assessment. LCA 22.1 was submitted at the Inquiry as ID16.

36. LCA 22.1 is characterised by a large scale, mixed use, elevated plateau with a varied and diverse landscape, including a mosaic of open farmland and woodland interspersed by industrial development and transportation corridors. The Strategy/Vision for LCA 22.1 is to conserve and protect the mosaic of woodland, open farmland and parkland, and to maintain the remaining areas of tranquillity. Landscape and Visual Sensitivities for LCA 22.1 include; mosaic of woodland, farmland and parkland; along with open, long views over arable fields, within the area. Landscape Guidelines include; considering opportunities for further tree and woodland planting; maintaining open views across fields, and monitoring the introduction of vertical infrastructure, which would adversely affect views within the landscape; along with the restoration of mineral extraction sites.
37. The appellant argues that because landscape character is something which is the result of perceiving the landscape, if there is no perception of the change then there is no change to the landscape character. However, GLVIA3's definition moves beyond the idea that landscape is only a matter of aesthetics and visual amenity, and instead encourages a focus on landscape as a resource in its own right.
38. The appellant's LVIA identified a "Minor-Moderate" and adverse level of landscape impact for the site itself. But GLVIA3 advises that the area of landscape that needs to be covered in assessing landscape effects should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner. In this case, I consider that this encompasses the restored agricultural land to the north of the appeal site.
39. In this context, the scale of the proposed development and operation, in an otherwise open countryside location with restoration to agriculture and woodland, would have an adverse effect on the landscape character of the area of Moderate-Major significance. I consider that both the appellant and BCC have understated the likely impact of the proposal on the landscape resource. Notwithstanding that the appeal scheme would have a negligible visual effect, in my judgement it would result in harm of Moderate-Major significance for the landscape character of the area.

Waste management

40. The MWLP identifies indicative future facility needs. These provide for up to four medium or two large MRFs, up to three medium or two large AD facilities, along with up to 10 medium or five large inert recycling facilities over the plan period. There is a need, on a county-wide basis, for the additional waste management capacity that the proposed development would provide. However, the MWLP directs new waste management facilities towards the designated primary and secondary areas of focus. In this case, the proposed development would only comply with the MWLP strategy if it was justified on the basis of VSC in the Green Belt.
41. The supporting text to the MWLP provides that one of the factors which may combine to produce VSC is the need to locate facilities close to sources of waste in order to serve a local, southern Buckinghamshire catchment. Little substantive evidence was submitted about potential waste sources for either the CD&E or C&I waste streams, other than to indicate that these would arise within an indicative 10-15 miles radius of the appeal site. The Inquiry was advised that the source of food waste for the proposed AD facility would be

dependent upon contracts. A 15-mile catchment area would include parts of the western edge of greater London.¹³

42. The proposed MRF would have the capacity to process 100,000 tpa of C&I waste recycling. This would be 30,000 tpa more than the county's indicative future capacity needs in 2021, as set out in Table 7 of the MWLP. The scheme would provide half of the county's future C&I needs for the plan period. Given that future growth areas are primarily located towards the north of the county, there is no evidence to indicate that such a large proportion of the county's future C&I recycling needs would arise within 10-15 miles of the appeal site. I find no convincing evidence of an urgent need for an additional 100,000 tpa capacity for C&I waste recycling. The MWLP identifies a greater need for CD&E recycling capacity, but again in the longer term this would be more likely to arise in the areas identified for future growth within the county.
43. I have taken into account the evidence about travel distances to main areas of population in the county, and that BCC acknowledges that some cross-boundary movement of waste is inevitable. However, the evidence adduced does not indicate a need for 100,000 tpa of C&I, 150,000 tpa of CD&E and 50,000 tpa of food waste recycling capacity in order to serve a local, southern Buckinghamshire catchment.
44. Nevertheless, the proposed MRF, CD&E facility and AD plant would assist in moving the treatment of waste up the waste hierarchy. The co-location of facilities would be advantageous. This would accord with the aims of national waste policy, with all the social, economic and environmental benefits that result from more sustainable waste management practices. These are benefits which weigh in favour of the proposal.

Employment and economic benefits

45. Construction of the proposed development would be a major investment in the area and create employment. Operation of the waste management facilities would provide for the employment of 48 FTE employees. Overall, the scheme would make a significant contribution to the local economy. It would gain support from *Framework* policies concerning economic growth and productivity.

Renewable energy

46. The AD facility would provide up to 1.5 MW of renewable electricity to the National Grid. This would accord with provisions in the *Framework* to support renewable energy and associated infrastructure. The *Framework* adds that applicants are not required to demonstrate the overall need for renewable energy and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas (GHG) emissions. Such applications should be approved if the impacts of the proposal are, or could be made, acceptable. The renewable energy and digestate/compost from the AD facility would reduce GHG emissions, and so would contribute to the radical reductions sought by the *Framework*.

¹³ In addition to parts of London the following main towns are within the 15-mile radius of the appeal site but outside Buckinghamshire: Slough, Maidenhead, Bracknell, Staines, Watford and Hemel Hempstead. Main towns within both the 15-mile radius and Buckinghamshire identified at ID10 are Amersham, Beaconsfield and High Wycombe.

Other considerations

47. I have taken into account the environmental information before the Inquiry about hydrology, along with the advice of the Environment Agency.¹⁴ This indicates, subject to the imposition of appropriate planning conditions, that the proposed development could be undertaken without unacceptable consequences for surface and ground water resources.
48. Gerrards Cross Town Council is concerned about the effects of the proposal on the residential amenity of the occupiers of nearby Moat Farm.¹⁵ However, I am satisfied that with appropriate planning conditions and environmental controls the proposed development would not have an unacceptable adverse impact on the living conditions of nearby residents. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusions.

Planning balance for the appeal scheme

49. The appellant argues that the urgent need and lack of suitable alternative sites, along with benefits arising from the production of renewable energy, early site restoration and employment, amount to VSC.
50. In considering the relative weight to be given to various considerations a scale is used in this decision increasing from negligible, slight, moderate, substantial, and finally great weight. However, there is scope within these bands for varying degrees of fit, and reference to these categories implies no mathematical or objective basis for analysis across the range of considerations involved in this case.
51. A lack of alternative sites is capable of being a consideration to be weighed in the VSC balance.¹⁶ This is reflected in the MWLP, which provides that whether there are any other reasonably available alternatives outside the Green Belt is a consideration which may contribute to VSC that would necessitate the siting of waste management facilities within the Green Belt.
52. The CD&E recycling facility is a severable component of the scheme, with the only co-locational benefits with the other parts of the proposal comprising the shared haul road and weighbridge. Therefore, the assessment of alternative sites should properly consider provision for the CD&E facility as a separate operation from the MRF/AD facilities. As the appellant has not considered the possibility of siting the CD&E waste recycling facility at a mineral extraction site, it has not been demonstrated that there is a lack of suitable alternative sites outside the Green Belt for this part of the appeal scheme. Therefore, insofar as concerns the CD&E waste recycling facility, no weight should be given to considerations concerning a lack of alternative sites in the VSC balancing exercise.
53. I have taken into account the appellant's assessment of alternative sites, along with the evidence adduced at the Inquiry updating some of the findings. I share BCC's concerns that the assessments have not given proper consideration to employment land availability assessments and emerging allocations. Furthermore, I am not satisfied that consideration of possible sites has properly taken into account the extent to which modern, sophisticated and well-managed MRF/AD facilities, might be satisfactorily accommodated within

¹⁴ ID25, ID26 and ID27.

¹⁵ ID5.

¹⁶ *Siraj v Kirklees MC* at ID22.

employment/industrial estates, even if these were located in the vicinity of residential or other sensitive receptors. I find that a more comprehensive and detailed assessment of possible alternative sites would be required before significant weight could be given to a lack of alternative sites as an 'other consideration' in the VSC balancing exercise. Given the available evidence, this is a consideration which should attract negligible weight in the planning balance.

54. The scheme would contribute to the county-wide need for additional waste management capacity. But there is no urgent need for a development of this scale in this southern part of the county. The appellant's need argument should only be given slight/moderate weight. However, the economic, social and environmental benefits of moving waste treatment up the waste hierarchy can properly attract moderate weight.
55. The benefits of the renewable energy generated and reduction in GHG emissions should be given moderate weight. Early site restoration would be of some benefit and would resolve any uncertainty about the future of the site. It would also accord with one of the Landscape Guidelines for LCA 22.1. But this is a consideration that should only be given slight weight as the extant temporary permissions require restoration of the site in accordance with a scheme that would be consistent with the Strategy/Vision for LCA 22.1. Moderate weight should also be given to the employment and economic benefits of the appeal scheme.
56. Against these benefits must be weighed the harm to the Green Belt and to the landscape character of the area. In accordance with national policy substantial weight goes to the considerable harm I have identified to the Green Belt in this case. In my judgement, this would be sufficient by itself to outweigh the benefits. The harm to landscape character, which should be given moderate weight, would tip the balance even further against the proposal. I find, therefore, that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, and the VSC necessary to justify the appeal scheme do not exist.
57. In the absence of VSC the appeal scheme would conflict with national policy in the *Framework* concerning the Green Belt. Notwithstanding the benefits to the economy and to the reduction in GHG emissions, I find that the appeal scheme would conflict with the *Framework* as a whole. It seems to me that a proposal that conflicted with national Green Belt policy could not be considered to achieve restoration to high environmental standards. The appeal scheme would result in a beneficial use, but it would not gain support from provisions in the NPPW which seek restoration to beneficial after uses at the earliest opportunity and to high environmental standards.
58. The appeal scheme would gain some support from the parts of MWLP Policy 14 aimed at moving the treatment of waste up the waste hierarchy and preferring proposals that integrate and co-locate waste management facilities together. However, it would conflict with MWLP Policy 7 because this is a former mineral extraction site and the CD&E waste recycling operation would conflict with the approved restoration scheme. In the absence of VSC the proposal would not protect the openness and characteristics of the Green Belt and so would conflict with MWLP Policy 21. This conflict would also mean that the proposal was contrary to MWLP Policy 13. I find that the appeal scheme would conflict with the development plan as a whole.

59. Given this finding I have, as requested by the appellant, considered whether it would be appropriate here to issue a split decision which granted planning permission for the MRF and AD facilities, but refused the CD&E component.

Planning balance for a scheme omitting the CD&E waste recycling facility

60. With the omission of the CD&E recycling facility as a severable component of the scheme, a partial scheme comprising the MRF and AD facilities would still be inappropriate development in the Green Belt. But again, VSC would exist if the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from this proposal, is clearly outweighed by other considerations.
61. The omission of the CD&E facility would, to some extent, reduce the impact of the proposal on the openness of the Green Belt in terms of its effects on spatial (volume) considerations, traffic generation and the degree of activity generated. However, the scale of the MRF/AD plant and operation would still have a substantial adverse impact on the openness of the Green Belt. The partial scheme would conflict with the purpose of the Green Belt to assist in safeguarding the countryside from encroachment, and in this location, it would not encourage the recycling of derelict and other urban land. The omission of the CD&E facility would only marginally reduce the adverse impact of the proposal on the landscape character of the area.
62. For the reasons set out above concerning the MRF/AD facilities, negligible weight can be given to a lack of alternative sites as an 'other consideration' in the VSC balancing exercise. The MRF/AD facilities would contribute to the county-wide need, but again there is no urgent need for this scale of development in this southern part of the county, and need should only attract slight/moderate weight. The omission of the CD&E facility would reduce the overall waste management benefits of the proposal. Nevertheless, the economic, social and environmental benefits of moving waste treatment up the waste hierarchy via the MRF/AD plant should be given moderate weight.
63. The benefits of the renewable energy generated and reduction in GHG emissions, as in the appeal scheme, should be given moderate weight. Site restoration would be of some benefit, especially as the omission of the CD&E facility would provide for more woodland than would be so for the restoration proposed in the appeal scheme. But again, this is a consideration that should only be given slight weight given the extant requirement for restoration. Although the partial scheme would result in fewer jobs, I consider that moderate weight should be given to the employment and economic benefits of the MRF/AD facilities.
64. Against these benefits must be weighed the harm to the Green Belt and to the landscape character of the area that would result from the partial scheme. In accordance with national policy the considerable harm I have identified to the Green Belt from the MRF/AD facility must be awarded substantial weight. In my judgement, this would be sufficient by itself to outweigh the benefits. The harm to landscape character, which should be given moderate weight, would tip the balance even further against the partial scheme. I find, therefore, that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, and the VSC necessary to justify the partial scheme do not exist.

65. In the absence of VSC the partial scheme would conflict with national policy concerning the Green Belt. Notwithstanding the benefits to the economy and to the reduction in GHG emissions, I find that the partial scheme would conflict with the *Framework* as a whole. The partial scheme would result in a beneficial use, but in the absence of VSC it would gain no support from provisions in the NPPW which seek restoration to high environmental standards.
66. The partial scheme would gain some support from the parts of MWLP Policy 14 aimed at moving the treatment of waste up the waste hierarchy and preferring proposals that integrate and co-locate waste management facilities together. The omission of the CD&E facility would mean that the scheme was no longer in conflict with MWLP Policy 7. However, in the absence of VSC, the partial scheme would not protect the openness and characteristics of the Green Belt and so would conflict with MWLP Policy 21. This conflict would also mean that the partial scheme was contrary to MWLP Policy 13. I find that a scheme which omitted the CD&E facility would conflict with the development plan as a whole. In the circumstances that apply here there is no justification for granting planning permission for the partial scheme.

Conclusions

67. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The planning balance that applies in this case falls against the appeal scheme. Furthermore, there are no grounds for issuing a split decision which omitted the CD&E part of the proposal. The impacts of the proposal are not, and cannot be made, acceptable. The proposed development, in either its full or partial form, would conflict with the adopted development plan, and would not gain support from the *Framework* or the NPPW. There are no material considerations which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock
Inspector

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INTERESTED PERSONS:

Cllr Barbara Gibbs

Buckinghamshire County Council and South
Bucks District Council

Cllr Chris Brown

Mayor Gerrards Cross Town Council

DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

Document 1	Consolidated version emerging MWLP
Document 2	Permitted restoration scheme
Document 3	Opening statement by the appellant
Document 4	Opening submissions by BCC
Document 5	Statement by Gerrards Cross Town Council
Document 6	Email dated 9 October 2018 about All Souls Farm
Document 7	eMWLP Proposed Modifications: Schedule of Representations
Document 8	Planning permission to vary time for removal of construction waste recycling centre to 31 December 2017
Document 9	Draft schedule of conditions
Document 10	Plans showing distance from Wescott Venture Park, Berryfields, Aston Clinton, and the appeal site
Document 11	Photographs of Aerial House and Kites Park
Document 12	Plan showing Strategic Zone C in the Metropolitan Green Belt ARUP
Document 13	Waste Needs Assessment Jacobs May 2017
Document 14	Update on the timetable for the next stages of eMWLP
Document 15	Appellant's note to address Inspector's questions re PROW

Document	16	LCA 22.1 Beaconsfield Mixed Use Terrace [requested by Inspector]
Document	17	Email dated 20 March 2019 from dbsymmetry
Document	18.1	Plan WW-rev A revised restoration conceptual landscape design
	18.2	Plan WW7 conceptual landscape design March 2019
	18.3	Plan WW8 proposed development area March 2019
Document	19	Draft schedule of conditions [in the event of a split decision being issued]
Document	20	Second Deed of Variation dated 3 May 2019 and Third Deed of Variation dated 9 May 2019
Document	21	BCC's closing submissions
Document	22	Closing statement on behalf of the appellant Including case comment <i>JPEL 2011 Siraj v Kirklees MC</i> [2010] EWCA Civ 1286
Document	23	Note on ground levels [requested by Inspector]
Document	24	Planning permissions Nos.CM/0113/17, CM/0114/17, CM/0115/17, CM/0116/17 and CM/0112/17 varying conditions to extend time limit to 31 December 2021 for the existing operation at Wapseys Wood Landfill Site.
Document	25	Comments from the Environment Agency dated 1 July 2019
Document	26	Appellant's comments dated 9 July 2019 on (1) Inspector's Report on the Examination of eMWLP and (2) response from EA
Document	27	BCC's comments dated 16 July 2019 on (1) Inspector's Report on the Examination of eMWLP and (2) response from EA
Document	28	Inspector's Report on the Examination of eMWLP dated 5 June 2019
Document	29	Appellant's comments dated 8 August 2019 on revisions to the PPG
Document	30	BCC email dated 8 August 2019 advising that BCC has no further comments on the revisions to the PPG

APPLICATION PLANS

DRAWING 1: Site Location Drawing
DRAWING 2: Planning Application Boundary
WW1revA: Conceptual Landscape Design
WW2: Proposed Development Area
WW3: Block Plan
WW4: Existing Site Contours
WW5: Additional Cross Sections
WW6: Cross Section Location Plan
VES_TD_GERX_100_006: Proposed Elevations MRF
VES_TD_GERX_100_007: Proposed MRF Plan and 3D View
VES_TD_GERX_100_111: Whole Site North View
VES_TD_GERX_100_112: Site Views
VES_TD_GERX_100_113: Whole Site View
VES_TD_GERX_100_114: Whole Site Elevations

CORE DOCUMENTS

Document Reference Number	Document Name
CD1	Appeal Form
CD2	Planning Application and Environmental Statement for CM/17/16
CD3	BCC committee report and minutes of 27 November 2017
CD4	BCC Decision Notice dated 15 December 2017
CD5	BCC committee report and minutes dated 14 January 2019
CD6	NOT USED
CD7	BCC's Statement of Case 24 August 2018
CD8	Appellant's Statement of Case June 2018
CD9	Statement of Common Ground January 2019
CD10	Saved Policies of the Buckinghamshire Minerals and Waste Local Plan (2004-2016)
CD11	Buckinghamshire Minerals and Waste Core Strategy (adopted 2012)
CD12	Buckinghamshire Minerals and Waste Local Plan 2016-2036 – proposed Submission version (March 2018)
CD13	Buckinghamshire Minerals and Waste Local Plan: Schedule of Proposed Main Modifications, December 2018
CD14	Saved policies of the South Buckinghamshire District Local Plan (2004)
CD15	South Buckinghamshire District Core Strategy (2011)
CD16	<i>National Planning Policy Framework</i> , Ministry for Housing, Communities and Local Government (February 2019)
CD17	<i>National Planning Policy for Waste</i> , Department for Communities and Local Government (October 2014)
CD18	<i>National Policy Statement EN-1</i>
CD19	<i>National Policy Statement EN-3</i>
CD20	<i>Energy from Waste: a guide to the debate</i> (revised edition February 2014)
CD21	<i>Waste Regulations (England and Wales)(2011)</i>
CD22	EC Landfill Directive 199/31/EC
CD23	NOT USED
CD24	Inspectors report on the examination into the Buckinghamshire Minerals and Waste Core Strategy Local Plan (3 September 2012)
CD25	NOT USED
CD26	NOT USED
CD27	402 156 174 L Wapseys Reply to Inspector Land Quality 14 December 2018)
CD28	Updated NTS March 2019
CD29	<i>Waste Strategy 2007</i>
CD30	<i>Government Review of Waste Policy in England 2011</i>

CD31	<i>Our Waste, Our Resources: A Strategy for England (2018)</i>
CD32	S.106 dated 31 August 2000
CD33	S.106 Deed of Variation 9 December 2010
CD34	Officer Report for CM/0112/0113/0114/0115/0116/0117 23 July 2018
CD35	35-11/00223/CC consent (Controlling Mineral Extraction and Restoration)
CD36	Representations submitted by SLR to the DMWLP August 2018
CD37	Inspector's Post Hearing Note on Modifications 9 October 2018
CD38	Veolia's response to Main Modification February 2019
CD39	Waste Needs Assessment May 2017 and Addendum Report November 2017
CD40	Performance Sheet for Parcel 54 – Extract from Bucks GBA Report
CD41	Assessment Criteria Purposes 1 – 5 – Extract from Bucks GBA Report
CD42	Map 4.3b General Areas, south – Extract from Bucks GBA Report
CD43	Extract from Annex Report 1D re Area 54.
CD44	Wapseys Draft Schedule of Conditions V1_CD_L DWB
CD45	Waste PPG- October 2015
CD46	Minerals PPG-October 2014
CD47	Veolia's Response to Call for Sites (April 2015)
CD48	Veolia's Response to Preferred Options Consultation-September 2017
CD49	<i>Turner V SSCLG</i> Judgment
CD50	Appeal Section 106 Agreement- Engrossment Copy