

Buckinghamshire County Council

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Committee Report: 23 March 2020

Application Number:	CM/0002/20
Title:	Proposed continuation of the use of the land as a Household Waste Recycling Site as currently consented by planning permission no. CC/3/83
Site Location:	Bledlow Ridge Household Recycling Centre Wigans Lane Bledlow Ridge
Applicant:	Mr Bill Bendyshe-Brown, Bledlow Ridge HRC CIC
Case Officer:	David Periam
Electoral divisions affected & Local Member:	Ridgeway West Carl Etholen
Valid Date:	23rd January 2020
Statutory Determination Date:	23rd April 2020
Extension of Time Agreement:	N/A
Summary Recommendation(s):	

The Development Control Committee is invited to **APPROVE** application no. CM/0020/20 subject to the conditions set out in Appendix A and to any necessary amendment of the detailed wording of the conditions by the Head of Planning and Environment.

1.0 Introduction

- 1.1 The application seeks planning permission to continue the use of the application site as a Household waste Recycling Centre as currently permitted to the sole benefit of the County Council pursuant to planning permission no. CC/3/83.
- 1.2 The application was submitted to the County Council and subsequently validated on 23rd January 2020. The development was screened under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017. It was considered the proposed development was not EIA development and so no EIA



was considered to be required. The application was advertised by site notice and neighbourhood notification. The thirteen-week determination date is 23rd April 2020.

2.0 Site Description

2.1 The Bledlow Household Recycling Centre is located on the eastern side of Wigans Lane, Bledlow Ridge. Woodland lies to the north, east and west and the boundary to Wigans Lane is also wooded. Both the site and the wooded area to the north, east and west was formerly a waste landfill site. The entire site is set at a lower level than Wigans Lane. It lies in the parish of Bledlow-cum-Saunderton. The site lies entirely within the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). The site also lies within the outer impact risk zone to the Lodge Hill Site of Special Scientific Interest. A Grade II listed building, Harpers, lies approximately 340 metres to the south-west and a Grade II listed building, Callow Down Farmhouse, lies approximately 390 metres to the north-east. The site lies within Flood Zone 1. Ancient and Semi-Natural Woodland lies approximately 260 metres to the west (Frenches Wood) and 460 metres to the east of the site. The nearest residential properties are at Wigans Farm, approximately 150 metres to the south-west of the site. Public footpath no. BCS/54/1 runs off Wigans Lane, approximately 50 metres to the south of the site, in a south-easterly direction.

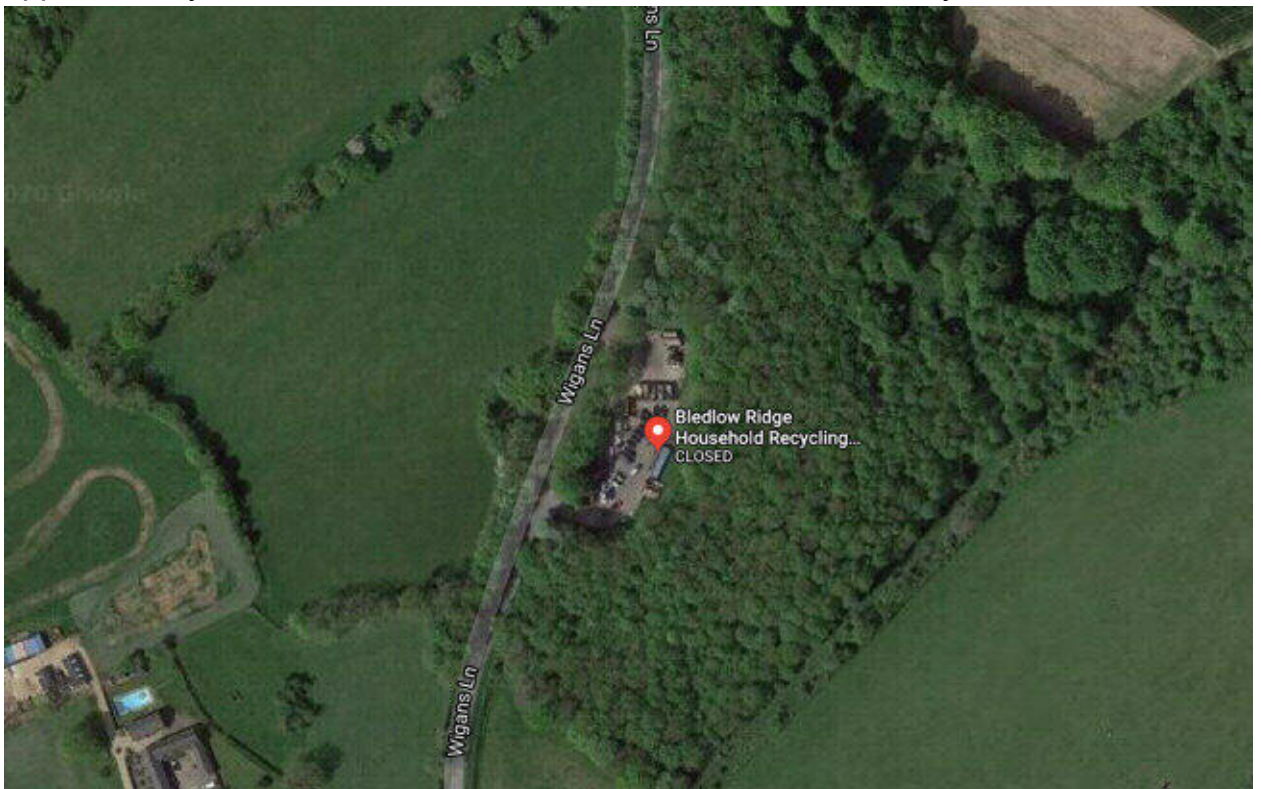


Figure 1: Aerial photograph showing the location of The Bledlow Ridge Household Recycling Centre and the application site (Aerial photograph sourced from Google Maps copyright Map Data @2020).

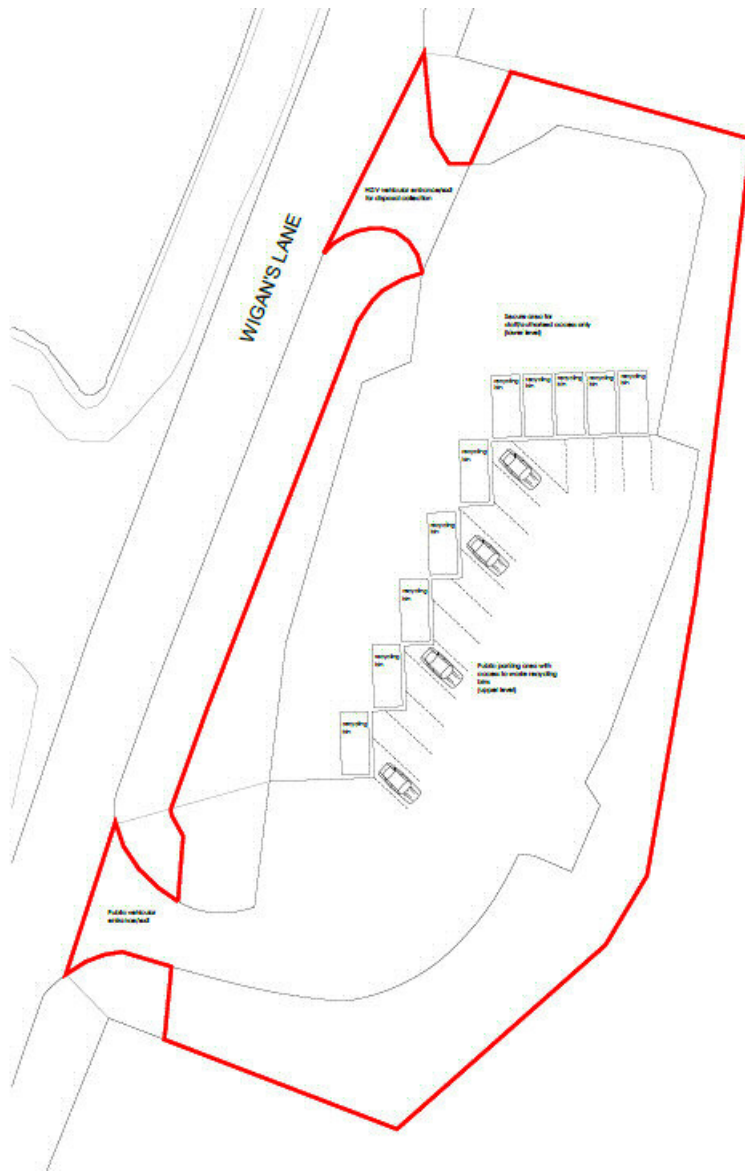


Figure 2: Location of The Bledlow Ridge Household Recycling Centre and the application site.

3.0 Site History

3.1 The site lies on the location of a former waste landfill site which was run by the former Wycombe Borough Council. Subsequent to this, planning permission was granted to application no. CC/3/83 on 4th April 1984 for “Household waste site, collection for final deposit elsewhere”. That planning permission was subsequently implemented and the site was run by the County Council until its closure on 31st March 2019. Although the County Council closed the site, the planning permission remains extant. The permission was granted under Regulation (4) of the Town and Country Planning General Regulations 1976. Counsel’s advice has been obtained and this advises that as such the benefit of the planning permission enures solely to the County Council. Therefore for any third party to operate the same use a further planning application is required to be made.

4.0 Description of the Proposed Development

- 4.1 The development covers a total area of approximately 0.3 ha. The existing Household Recycling Centre contains two entrances/exits onto Wigans Lane, one which was used for general purposes and the other which was used for the bulk waste collection vehicles to take away the full skips. The site is laid out with hard surfaces which extend to meet Wigans Lane at the two access/egress points, with the top part of the site set at a lower level. Metal fencing separates the lower level area from the upper level. The site is laid out such as to accommodate 10 skips of 30 to 40 m³ capacity for the collection of material, set at the lower level, and for the parking of 15 cars for staff and public use. There are existing pole-mounted lighting and CCTV cameras. There is a separate container for the collection of waste oil. There are two portacabins which did and are proposed to provide staff welfare and office facilities. There is a grassed bank along the northern, eastern and southern boundaries of the site with security fencing around the site boundary on all sides. The application seeks planning permission to carry out the development as permitted under planning permission no. CC/3/83 utilising the existing site infrastructure. There are no proposed physical changes to the site's infrastructure as set out on the ground and described above and the application proposes to restart the development as currently consented in April 2020, subject to the grant of planning permission. Daily hours of operation would be 8.00 am to 6.00 pm including Sundays and Bank Holidays (other than Christmas Day, Boxing Day and New Year's Day) although it is anticipated these would be more restricted to 9.00 am to 4.00 pm in the winter months. **The proposed throughput of material would be 5,500 tonnes per annum. It is anticipated that there would be an average of 265 vehicle movements per day, although the majority would be at weekends and on public holidays.** There would be regular removal of waste from the site in order to maximise operational efficiency and avoid or minimise adverse environmental effects associated with odours, insects, pests and vermin.
- 4.2 The catchment area would include Princes Risborough, Bledlow cum Saunderton, Radnage, Haddenham, Lacey Green, Stokenchurch and Longwick in Buckinghamshire and Chinnor, Thame, Towersey, Tetsworth and Aston Rowant in Oxfordshire.
- 4.3 In support of the application it is stated that following the County Council's closure of the site a local action group was set up with the aim of reinstating the recycling centre. As explained above, in order for this to be achieved, it is necessary for planning permission to be secured by the local action group. Once planning permission has been obtained the action group will seek local companies to tender to operate the site on a commercial basis.

4.4 The applicant considers that the proposed development accords with the National Planning Policy for Waste and the development plan, including policy 11 of the Buckinghamshire Minerals and Waste Local Plan, which identifies the targets for waste management capacity needs for Buckinghamshire. In terms of the site's location in the Green Belt and Chilterns AONB, it is considered that as there would be no new development there would be no material change in terms of the impact on these designations. It is also considered that the site is well screened by surrounding vegetation and its re-opening would have no impact on the local landscape or the wider landscape setting, there will be no impact on any neighbouring amenities, there will be no increase in noise or light emissions from the current use and there will be no material impact on the highway network.

5.0 Planning Policy and Other Documents

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising a function affecting land in an AONB, the County Council shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Wycombe District Local Plan 2019 (WDLP)
- Wycombe District Adopted Adopted Delivery and Site Allocations Plan 2013 (ADSAP)
- Bledlow-cum-Saunderton Neighbourhood Plan 2016 - 2033 (BSNP)

The following policies are considered relevant to the proposed development:

Buckinghamshire Minerals and Waste Local Plan (BMWLP)

- Policy 11 (Waste Management Capacity Needs)
- Policy 13 (Spatial Strategy for Waste Management)
- Policy 14 (Development Principles for Waste Management Facilities)
- Policy 16 (Managing Impacts on Amenity and Natural Resources)
- Policy 17 (Sustainable Transport)
- Policy 18 (Natural Environment)
- Policy 19 (Historic Environment)
- Policy 20 (Landscape Character)
- Policy 21 (Green Belt)
- Policy 22 (Chilterns AONB)
- Policy 23 (Design and Climate Change)

- Policy 24 (Environmental Enhancement)
- Policy 26 (Safeguarding of Minerals Development and Waste Management Infrastructure)

Wycombe District Local Plan (WDLP)

- CP1 (Sustainable Development)
- CP8 (Protecting the Green Belt)
- CP10 (Green Infrastructure and the Natural Environment)
- CP11 (Historic Environment)
- CP12 (Climate Change)
- DM30 (Chilterns AONB)
- DM31 (Development Affecting the Historic Environment)
- DM33 (Managing Carbon Emissions: Transport and Energy Generation)
- DM34 (Delivering Green Infrastructure and Biodiversity in Development)
- DM38 (Water Quality and Supply)
- DM39 (Managing Flood Risk and Sustainable Drainage Systems)
- DM42 (Managing Development in the Green Belt)

Wycombe District Adopted Delivery and Site Allocations Plan 2013 (ADSAP)

- DM1 (Presumption in Favour of Sustainable Development)
- DM14 (Biodiversity in Development)

Bledlow-cum-Saunderton Neighbourhood Plan (BSNP)

- Policy 1 (Spatial Plan for the Parish)
- Policy 6 (Design Management in the Parish)
- Policy 10 (Environment)

5.3 In addition, I consider the following documents are relevant for the determination of the application:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)
- National Planning Practice Guidance (NPPG)
- The Chilterns AONB Management Plan 2019-2024 (CMP) strategic objectives D01, D02 and D03 and development policies DP1, DP2, DP3, DP8, DP10 and DP13.

6.0 **Consultation Responses (Consultee comments may be viewed on the council's planning applications website - <https://publicaccess.buckscc.gov.uk/online-applications/>)**

6.1 The consultation responses are summarised in Appendix B.

7.0 Representations

7.1 Representations have been received from members of the public: 67 objections, 498 in support and five neither in objection nor support but raising concerns. The reasons for support, objection and concerns raised are summarised in Appendix C.

8.0 Discussion

8.1 This is an unusual planning application. No new operational development or change of use of the application site is proposed. It is solely proposed to continue the use of the existing permitted Household Recycling Centre as it currently exists at the site for which planning permission exists solely for the benefit of the County Council. Whilst the County Council as waste management authority chose to close the site on 31st March 2019, it is a permanent planning permission; there is no end date condition or restoration condition on it. This is a material consideration in the determination of this application. The discussion below is therefore set in the context of the planning position being that the site exists and that the application does not propose any additional development beyond that which is already consented and this is the development which falls to be determined against the development plan and any other material planning considerations.

8.2 Comments have been received in objection to the application regarding the commercial intentions and capabilities of the applicant with regard to the running of the site, should permission be granted, and the possibility of further development of the site beyond the existing situation. The application is for the same development as already consented and it is not considered that the applicant's business plan is a material planning consideration. Any future proposed development of the site would require a further planning application to be made which would need to be considered on its own merits at that time.

8.3 I consider that the main issues to be considered are the waste management policy context, the site's location in the Green Belt, its location in the Chilterns AONB, amenity impacts, highway impacts, biodiversity and the historic environment.

Waste Management policy context

8.4 BMWLP Policy 11 sets out the waste management capacity needs for the county over the plan period. This sets out the need for recycling of municipal and commercial and industrial waste from both existing and proposed facilities at 0.541 million tonnes at the end of the plan period in 2036. Whilst the existing planning

permission remains extant, if permission were to be granted to this application, it would then run with the land and provide the opportunity for third parties to provide the capacity that was effectively lost when the County Council closed the site. The reopening of the site would help to ensure waste is collected and transferred elsewhere for re-use and recycling and so moved up the waste hierarchy. BMWLP Policies 13 and 14 provide support to the application being in compliance with the spatial strategy and allowing communities to take responsibility for their waste in line with the waste hierarchy and the proximity principle.

- 8.5 BMWLP policy 26 seeks to safeguard existing waste management sites with extant planning permission and associated infrastructure from other forms of development. Appendix 2 to the BMWLP sets out waste development commitments at the end of 2016. This includes the application site. The site is therefore safeguarded as a waste management site from other forms of development. As the application is to continue the development currently permitted there is no conflict with this policy.
- 8.6 It is therefore concluded that the continued use of the site for waste management development which would facilitate the collection of waste for re-use and recycling is in accordance with the above policies.
- 8.7 Objections have been raised to the application with regard to the catchment area which would be served by the site. There is no current condition geographically restricting the area from which waste may be received on the existing planning permission. However, the location of the site close to the county boundary with Oxfordshire and the lack of any Household Waste Recycling Centre in Thame or otherwise in the eastern part of Oxfordshire (the nearest Oxfordshire facility is understood to be in Wallingford) and the considerable number of representations for support received for the facility from Oxfordshire residents and Thame Town Council, indicates that the site would be convenient for and potentially used by Oxfordshire residents, as well as Buckinghamshire ones. The County Council through the BMWLP is required to make provision for net self-sufficiency for the management of the equivalent of its own waste arisings, but it is accepted that there will always be cross-county boundary movements of waste streams.

Green Belt

- 8.8 BMWLP policy 21 supports the development of waste management facilities in the Green Belt where it can be demonstrated that the development would not form inappropriate development and provided that it preserves the openness of, and does not conflict with the purposes of including land in, the Green Belt. Circumstances where development would not be inappropriate include the extension or alteration of an existing waste management facility, provided that it does not result in disproportionate additions over and above the size of the original building, or the replacement of an existing waste management facility, provided

the new building is for waste management use and not materially larger than the one it replaces. WDLP policies CP8 and DM42 seek to protect the Green Belt from inappropriate development. In this case, there would be no new built development or change of use from the existing situation on the ground in accordance with the existing planning permission. It is therefore considered that the development would not be inappropriate and accords with these policies. It would nonetheless be appropriate to attach a condition to any permission granted to remove any permitted development rights which could lead to the erection of built development which may otherwise conflict with openness and the purposes of including land in the Green Belt.

Chilterns AONB

- 8.8 BMWLP policy 22 states that proposals for waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest. Proposals for waste development within the Chilterns AONB and its setting will be permitted where it can be demonstrated that it does not result in harm to the AONB and does not conflict with the purpose(s) of the designation; and contributes towards provision of waste management capacity for preparing for reuse and recycling; and supports the economies and social well-being of local communities in the area; and includes opportunities, where appropriate, to enhance the character, assets and appearance of the AONB and its setting, including ensuring a high standard of design for development and integration of the site within its landscape setting; and is compliant with other BMWLP policies. BMWLP policy 20 states that proposals for minerals and waste development should protect and enhance valued landscape in a manner commensurate with their status recognising their importance and contribution to wider networks. BMWLP policy 24 makes similar provision.
- 8.9 WDLP policy DM30 seeks that development conserve and, where possible, enhance the natural beauty of the Chilterns AONB, is appropriate to the economic and social wellbeing of local communities within the AONB, delivers the highest quality design which respects the natural beauty and built heritage of the Chilterns and enhances the sense of place and local character. Planning permission for proposals which constitute major development within the Chilterns Area of Outstanding Natural Beauty will only be permitted in accordance with national policy, and will otherwise be refused. BSNP policy 10 states that development proposals must conserve and enhance designated environmental and landscape assets, especially the Chilterns Area of Outstanding Natural Beauty.
- 8.10 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs and permission for major development should not be granted other than exceptional circumstances

and where it can be demonstrated that it is in the public interest. Appendix B to the NPPW states that in determining planning applications consideration should be given to the need to protect AONBs.

- 8.11 Although the development arguably does not conserve or enhance the Chilterns AONB, the site is safeguarded for waste use in the BMWLP and the application is for the same development as already consented and which already exists in situ. Although all waste development is defined as major development, the site area is relatively small; the application site covers an area of approximately 0.3 ha. It would contribute to recycling waste as set out above and would arguably support the local economy and social well-being of the local community in terms of providing a facility for the collection of their household waste for recycling. There would be no greater impact on the Chilterns AONB than from the operation of the site under the terms of the existing planning permission and no demonstrable additional harm to the landscape setting and scenic beauty.
- 8.12 It is appropriate to consider whether there is the opportunity for the development now proposed to enhance the Chilterns AONB compared to the existing situation. The site is well screened by the existing vegetation surrounding the site and is set at a lower level than the surrounding land and there does not seem scope for or obvious benefit to the Chilterns AONB in providing additional planting. There could be some scope for biodiversity enhancements as discussed below but again this would seem limited. CMP policy DP8 seeks to keep skies dark at night by only using light where and when needed, to the minimum required and which meets or exceeds guidance for intrinsically dark zones. There is scope to limit the impact of the lighting on the site by controlling its hours of operation. The on-site lighting would not generally be required during the proposed operational hours of 8.00 am to 6.00 pm during the summer months. The applicant has indicated that it is anticipated the winter operational hours would in any instance be limited to 9.00 am to 4.00 pm. It is therefore proposed that should planning permission be granted the hours of use of the facility and so the lighting during the period from 1st November to 28th February be limited to 8.30 am to 4.30 pm which would allow time for staff to set up and tidy-up the site for half an hour either side of its opening hours. Comment has also been made with regard to the site having an operational management plan to prevent the spilling of waste out of the site and littering. This would be controlled by the Environmental Permit for the site which would need to be obtained separately to the planning process from the Environment Agency, but, as set out below in the discussion on amenity impacts, the provision of a site management plan where appropriate is provided for through other BMWLP policies and so can be covered by condition.
- 8.13 It is considered that with the proposed limitations on hours of use set out in the discussion of amenity impacts below, the lighting would be acceptable in terms of balancing the impact on the Chilterns AONB and the need for safety and security of the site. Taking this into account, whilst the application is for major

development, it is not considered that there would be any significant impact on the Chilterns AONB beyond the existing permitted situation. The proposed development is considered to be generally in compliance with the aims of BMWLP policies 20, 22 and 24, WDLP policy DM30 and BSNP policy 10.

Amenity impact

- 8.14 Objections and concerns have been raised to the application with regard to the impact on the amenity of local residents including from associated vehicle movements. BMWLP policy 16 seeks to see waste management developments secure a good standard of amenity including to human health and well-being and amenity to communities. WDLP policy DM5 seeks to protect the amenities of neighbouring land and property.
- 8.15 The development would be a continuation of that already permitted and the impacts on health, well-being and amenity are likely to be similar to those experienced previously when the site was in operation as a Household Recycling Centre. The site is well screened by existing vegetation. The closest residence to the site is approximately 340 metres distant and the nearest public footpath to the site is approximately 50 metres distant. Any direct impacts on health, well-being and amenity are therefore considered likely to be limited. The greatest impact is likely to be from the traffic associated with the operation of the site on residents alongside the rural roads serving the site including through Bledlow Ridge village and other road users including pedestrians, horse-riders and cyclists. The associated vehicle movements would be at their peak at weekends and on Bank and Public Holidays and the bulk of the movements would be by private cars/vans. It is considered that it is necessary to limit the impact of the development such that it would be no greater than that which would pertain if the site were to be re-opened under the terms of the existing planning permission as any greater impact has not been assessed. Whilst it would be very difficult to apply a daily vehicle movement restriction on the numbers of private car/van users visiting the site, the applicant has stated that the annual throughput of the site would be around 5,500 tonnes per annum which is in line with that which the site catered for in its last years of operation. It is therefore advised that should planning permission be granted to the application it is subject to conditions limiting the annual throughput to 5,500 tonnes per annum along with a condition requiring that the tonnages accepted at the site are provided to the County Planning Authority on a quarterly basis.
- 8.16 As set out above, the impact of lighting from the site could be covered by a condition limiting the hours of use of the site in the winter months. Concerns have also been raised with regard to matters such as litter which were a problem previously and whilst these are matters which may be controlled by the Environmental Permit, BMWLP policy 16 does state that a site-specific management plan should be developed where appropriate to mitigate impacts and this could be required to be submitted prior to any permission granted to this

application being first implemented. It would also be in the interests of the amenity for the existing site fencing to be maintained and the site gates to be secured outside the hours of operation. This can be required by condition.

- 8.17 Therefore, whilst there would be impacts, subject to the conditions suggested above it is considered that these would not be at such a level as to warrant refusal of the application. Subject to this, the application is therefore considered to be in general compliance with BMWLP policy 16 and WDLP policy DM5.

Highways Impacts

- 8.18 BMWLP policy 17 supports sustainable transport including consideration of adverse impacts on the community and environment and the mitigation measures required. WDLP policy DM33 makes similar provision. The site is clearly not well-located in terms of its access to the strategic highway network. However, the County Council as Highway Authority has not objected to the application on the basis that there would be no increase in the tonnage of material exported from the site from that which pertained when the site was operational under the existing planning permission. It is therefore considered that grounds for refusal of the application on the grounds of the capacity or suitability of the local highway network or road safety could not be sustained, although these are clearly concerns which have been raised with regard to the application. As set out above, whilst a daily vehicle limitation on would not be practical, a limitation on the annual tonnage in line with that which the site was previously handling and as proposed by the applicant would be appropriate in order to limit the highway impacts to those which existed previously and could exist again if the site were to be re-opened by the County Council at any time in accordance with the existing planning permission.

- 8.19 Subject to the attachment of such a condition, the application is considered to be in compliance with aims of BMWLP policy 17 and WDLP policy DM33.

Biodiversity

- 8.20 BMWLP policy 18 requires that mineral and waste related developments should conserve and enhance natural assets and resources, including protected and notable species. It goes on to state with regard to SACs and SSSIs that there should be no likely adverse effects on the site's notified special interest features resulting from the development. Further, it states that Ancient woodland along with aged and veteran trees are an irreplaceable resource that should be protected. Permission will only be granted where it can be demonstrated that the need for, and benefits of, the development clearly outweighs the loss. Where adverse effects are likely permission will only be granted where it can be demonstrated that the benefits of the development clearly outweigh the impacts. BMWLP policy 24 makes similar provision. WDLP policy CP10 seeks to secure a net gain in biodiversity and policy DM34 seeks to protect biodiversity and also achieve improvements. ADSAP policy

DM14 makes similar provision. BSNP policy 10 states that any development proposals should contribute to and enhance the natural environment by ensuring the protection of local assets such as mature trees, hedgerows and woodland, and the provision of additional habitat for wildlife and green spaces for the community.

8.21 The application site is not subject to any specific biodiversity designations and the nearest SSSIs and Ancient Woodland are at some distance from the site. Neither the County ecology officer nor Natural England has raised objection to the application. There is very limited scope for any further biodiversity enhancements within the existing site which is small and constrained by the existing banking and security fencing, with the operational area being hard-surfaced with no substantive buildings. The site is surrounded by woodland on three sides with the boundary to Wigans Lane also being substantially wooded. In this instance therefore it is considered that there is no practical likelihood of achieving any biodiversity enhancements and that a refusal of permission on this ground could not in this situation be supported. It is considered that the proposed development is otherwise in accordance with these policies.

The Historic Environment

8.22 BMWLP policy 19 requires that minerals and waste development must conserve heritage assets in a manner appropriate to their significance and enhance the historic environment. WDLP policy DM31 makes similar provision. The site is not subject to any historic designations and is at some considerable distance from the nearest listed buildings, such that it is not considered to affect their settings. No additional development is proposed to that which is already existing at the site and so there would be no excavation carried out and so no archaeological impact. It is therefore considered that the proposed development is in accordance with these policies.

The Water Environment

8.23 BMWLP policy 16 seeks to protect the water environment from adverse impacts of waste management developments. WDLP policy DM38 seeks to protect sources of water supply from contamination. WDLP policy DM39 seeks to see development carried out in the areas of lowest flood risk. The site is located in the location of a historic landfill site and concerns have been raised with regard to potential contamination. However, no new development is proposed beyond that which exists in situ and there would be no change to the site's existing drainage system. Neither the Lead Local Flood Authority nor the Environment Agency have raised any objection to the application on the grounds of surface waste drainage or pollution concerns, or requested the provision of further information. The District Environmental Health Officer has not raised objection or concerns. The site is

located in Flood Zone 1 which is the area which is least likely to flood. It is therefore considered that there is no conflict with these policies.

Sustainable development and Climate Change

8.24 BMWLP policies 16 and 23 taken together seek to support sustainable development. Policy 23 states that minerals and waste development should secure high quality design and minimise adverse effects on and from climate change. WDLP policy CP1 supports sustainable development and policy CP12 promotes mitigation and adaptation to climate change. ADSAP policy DM1 makes similar provision.

8.25 As set out above, there would be no new development beyond that which is already permitted. The development would therefore operate within the same terms other than any new conditions which may now be judged necessary to make the development acceptable which have also been discussed above. Although the site is supported in principle by development plan waste management policies as set out above, it is accepted that it is not a sustainable location for such a facility, being in a rural area without ready access to the strategic highway network. Nonetheless, the provision of a facility for the collection of waste for recycling elsewhere which may otherwise be disposed of is in principle sustainable development which serves to mitigate against the effects of climate change. It is therefore considered that on balance the development would contribute towards the aims of these policies.

Equality and Diversity issues

8.26 In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusion

8.27 As set out above, the starting point for this application is that it is for a continuation of the development permitted for the benefit of the County Council under the existing consent. No new built development or change of use of the land is proposed. The development would accord with the aims of development plan waste management policies and would have no greater impact on the Green Belt or Chilterns AONB than the existing situation. It would not have any greater health, well-being or amenity impacts or impacts on the natural environment than the existing in situ development. It is therefore recommended that the application be approved.

Appendix A - Schedule of Conditions

Time limit for commencement

1. The development shall commence no later than three years from the date of this consent. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall not be carried out other than in complete accordance with the submitted documents and the following drawing:
 - Drawing no. 01 Rev A Location Plan & Site Plan

Reason: To define the development which has been permitted so to control the operations in accordance with policies 16 and 28 of the BMWLP.

Pre-commencement Conditions

3. Prior to the commencement of the development, a site management plan identifying the potential impacts of the development and the measures to be taken to mitigate them including from litter shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved site management plan.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane in accordance with policy 16 of the BMWLP.

On-going conditions

4. The security fencing around the boundary of the site shall be maintained throughout the duration of the development and the site gates shall be secured closed outside the permitted hours of operation.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane in accordance with policy 16 of the BMWLP.

5. The site shall not open other than during the following hours:

8.00 am to 6.00 pm daily 1st March to 31st October

9.00 am to 4.00 pm daily 1st November to 28th February (29th February in Leap Years).

Other than that staff may enter the site half an hour before opening and must leave the site half-an hour after closing.

The site shall not open on the Christmas Day, Boxing Day or New Year's Day Bank/Public Holidays.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane in accordance with policy 16 of the BMWLP.

6. No lighting shall be used other than during the following hours:

8.30 am to 4.30 pm daily 1st November to 28th February (29th February in Leap Years).

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane and to preserve the dark skies of the Chilterns Area of Outstanding Natural Beauty in accordance with policies 16, 22 and 24 and WDLP policy DM30 and BSNP policy 10.

7. No additional lighting shall be provided at the site other than in accordance with a detailed lighting scheme which shall be first submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane and to preserve the dark skies of the Chilterns Area of Outstanding Natural Beauty in accordance with policies 16, 22 and 24 and WDLP policy DM30 and BSNP policy 10.

8. The annual tonnage of waste imported to the site shall not exceed 5,500 tonnes. Returns of the tonnage of waste imported to the site during the preceding Quarter shall be provided to the County Planning Authority no later than 15th January, 15th April, 15th July and 15th October in each calendar year that the site is operational.

Reason: In the interests of the amenity of local residents and visitors and users of Wigans Lane and to limit the impact on the highway network to that which has been previously permitted and on which the acceptability of the development has been considered, in accordance with policies 16 and 17 of the BMWLP.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any subsequent revisions, modifications, revocation or re-enactment, no industrial buildings shall be erected, extended or altered pursuant to Schedule 2 Part 7 Class H and no extension or alteration of a building shall be carried out or replacement plant or machinery installed pursuant to Schedule 2 Part 7 Class L.

Reason: The site is located in the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty and these restrictions on permitted development rights are necessary to ensure that no development which would otherwise be inappropriate in the Green Belt or which would not conserve and enhance the Chilterns Area of Outstanding Natural Beauty in accordance with policies 21 and 22 of the BMWLP.

INFORMATIVES

Compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked positively and proactively in accordance with the requirements of the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. In this instance, no issues arose which required resolution with the applicant.

Environment Agency

Environmental Permit - Advice to LPA/applicant This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

The development will either require a new permit or transfer of the existing permit we suggest you contact the Environment Agency. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Appendix B – Consultation responses

- 1 **Wycombe District Council** has no objection the application.
- 2 **Bledlow-cum-Saunderton Parish Council** objects to the application as follows:

Following representations made to the Parish Council by residents, Bledlow - cum - Saunderton Parish Council (BcSPC) has determined, by way of a motion voted on at the Parish Council meeting held on 6th February, to object to the above planning application/consultation.

The Parish Council's grounds for objection are: -

The planning application has been submitted on the basis that the scope and scale of the site operation will simply resume 'as was' prior to the site closing in April 2019. The Parish Council does not believe that the planning application should go forward on this basis: -

- No account has been made of the significant number of new homes that have been and are being built in and around Chinnor, Thame and Longwick since the HRC was closed. Together with the planned expansion of Princes Risborough (2500 dwellings) demand for HRC facilities will increase. The Parish Council does not believe the current site and local road network (see 'Traffic and Highway Safety' below) will be able to absorb this increased demand without detrimental impact on the surrounding communities and infrastructure.
- The operating model being proposed is, we understand, changing to a 'pay per visit/ tonnage' model. The Parish Council understand that any HRC needs to be financially viable, however the move to a 'pay per visit/tonnage' model implies an opportunity for the appointed Commercial operators to use pricing to attract users from the established Local Authority funded sites.
- Under the 'Commercial' model there is no guarantee that further planning applications to increase the scale and scope of the operation (e.g. the acceptance of 'Trade Waste' will not come forward.

Traffic and Highway Safety At the time of closure in 2019 there were already concerns about road safety issues at the entrance to the site. These were raised by BcSPC in their 2017 and 2018 consultation responses to the Princes Risborough Town Plan and then in the subsequent WDC Local Plan that incorporated the PRTP. Specifically, the Parish Council's issues are: -

- Queuing vehicles in Wigan's Lane waiting to access the site, on busy weekends and public holidays. The site entrance is located c. 150 m from a blind summit on Wigans Lane (national speed limit) and occasions of vehicles cresting the summit at or near the national speed limit and having limited or insufficient time to stop prior to the rear of the line of standing traffic were regularly observed by residents.
- Due to highways weight and height restrictions HGVs servicing the site will need to be routed either from the A4010 via Upper Icknield Way or from the A40 through West Wycombe and Bledlow Ridge via Chorley Road, Loxborough Hill and Chinnor Road. Both routes are unclassified.
- Upper Icknield Way is narrow with several blind bends and crests. The road is regularly blocked by flooding and is generally in a poor state of repair. In addition, the

construction of the proposed Princes Risborough Relief Road may end direct access from the Upper Icknield Way onto the A4010.

- Loxborough Hill is steep with tight bends. Vehicles frequently misjudge the bends and there have been many accidents on this stretch of road.
- The route through Bledlow Ridge passes the popular Village School and the Village Playground. Congestion is already an issue during the morning and evening 'school run' periods and increased HGV traffic would create significant road safety and air quality concerns.
- Both Wigans Lane and Upper Icknield Way are on the Chiltern Cycleway and intersect the Ridgeway long distance footpath and bridleway. Both routes are heavily used by cyclists, walkers and horse riders during weekends and holidays, exactly those times identified in the application as having highest throughput.

Ecology concerns. Arguably an Ecological Report would not have been relevant had the HRC transitioned seamlessly from BCC to Commercial operation, however the fact that the site has been closed since April 2019 means that it should not be assumed that there will be no ecological impact.

- The area including the HRC has been highlighted as an important habitat for bats.
- Local residents in the immediate vicinity of the development have had to undertake Ecological Reports for far more minor development than the operation of an HRC.
- Although the origins of the site are historical HRC type operations are intrinsically unsuitable for a location in an AONB and the Green Belt.

Failure to acknowledge BcSPC Neighbourhood Plan. The Planning Application statement fails to reference the BcSNP.

- Bullet 5 of **Policy 6** of the NP, *Design Management in the Parish* necessitates development within the Parish to have regard to the “*protection of the intrinsically dark skies of the parish and AONB by minimising light pollution through adherence to the appropriate industry guidelines.*” The NP defines this further as “*Lighting of external areas meets the appropriate standards (Guidance Notes for the Reduction of Obtrusive Light GN01:2011) as published by the Institute of Lighting Professionals. the relevant Zones being E2 within Settlement Areas and E1 elsewhere.*”

- This should be drawn out in the planning statement with proposed mitigation measures.”

- 3 County Highway Authority** – It is my understanding that the planning permission sought is merely to transfer the operation rights of the Household Waste Recycling Site from the County Council to the applicant (or nominated operator). Therefore, on the expectation that there are no physical changes to the site or elements that will increase the tonnage of material exported from the site, there are no highway grounds on which an objection could be based. Furthermore I do not believe that there are any conditions of relevance that I could recommend if you were minded to permit this application.
- 4 County Lead Local Flood Authority** - Having reviewed the information submitted to accompany this application, Buckinghamshire County Council as the Lead Local Flood Authority (LLFA) has no comments on this planning application due to the type of the development and no change in impermeable area.
- 5 County Ecology Officer** – We have reviewed the information submitted with the application and concluded there are unlikely to be any adverse impacts on ecology. We therefore have no objection to the approval of the application.
- 6 Thames Water** - no comments received.
- 7 The Environment Agency** - The site lies on a historic landfill and a principal aquifer. The site also lies within Flood Zone 1 in accordance with our flood map for planning. Flood Zone 1 is defined as having a low probability of river flooding in accordance with Table 1 Flood risk of the Planning Practice Guidance.

We have no objections to the proposed development as submitted. From a groundwater quality perspective we have reviewed the design and access statement and as the proposal does not include any new intrusive works, we will not request further work. It should be noted however if any new intrusive works were to take place we would request a site investigation as the site over lies a former landfill which took a variety of wastes. Any changes to the site have the potential to mobilise pollution.

The development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. The development will either require a new permit or transfer of the existing permit, we suggest you contact the Environment Agency. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

- 8 **Wycombe District Council Environmental Health Officer** - There are no objections from the Control of Pollution Team to the proposed application. There is no material impact on the amenity of the area and therefore no objection is made at this time.
- 9 **Bucks Fire and Rescue Service** – no comments received.
- 10 **Chiltern Conservation Board** – The application before the Waste and Minerals Authority allows for a fresh 'denovo' consideration of the planning merits. Those merits must, as a starting point be based upon the high level and robust decision-making duties that apply in a nationally protected landscape. We fully accept that weight must be given to the planning history here but that any proposed continuation must be assessed against this fundamental starting point. There can be little doubt that landscape quality and scenic beauty is high and the Bucks Landscape Character Assessment denotes this character type (17) within the dipslope, with a 'Rolling and undulating topography, with steep slopes contrasting with flatter valley ridges. A smooth and sweeping landform'. Weight must be given to the importance of this nationally protected landscape in any planning determination.

The Waste and Minerals Local Plan does not identify the Bledlow Ridge site as exceptional (as it does for High Heavens). Adopted Waste and Minerals Plan policy 22 states that Policy 22: Chilterns Area of Outstanding Natural Beauty Proposals for minerals and waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest (and continues). Policy 14 also applies Development Principles for Waste Management Facilities, which adds a degree of policy sophistication that would not have applied in 1983 when the original consent was granted. We particularly focus on the AONB Management Plan 2019-2024 and particularly policy DP13 (see below). Planning weight must be given to the enhancement of the landscape and that also involves an assessment of traffic/transport and ecological matters.

The site is sensitively located. The DEFRA Magic web resource denotes a priority habitat to the immediate east (Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006). This envelopes the site (deciduous woodland priority habitat) and to the west a tract of ancient and semi - natural woodland lies beyond the farm. The NPPF at paragraph 174 (b) states that 'To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. CCB is cognisant of the planning history here and the planning status of site. In light of a fresh application being considered it is timely that attention is paid to the enhancement of the landscape. That requires ecological assessment and an opportunity to enhance ecology around the site, allied with opportunities to reduce the

concrete surfacing and site coverage. CCB would ask that the internal consultation on ecological matters be re-visited in light of the AONB duties that prevail.

The CCB wrote to the former operator in 2018 to draw attention to the profusion of litter spilling out from the site onto the egress and verges. This was noticeable and distracting. It is entirely possible that the operator as a community trust may take a more pro-active stance on such matters. If a consent were forthcoming then an operational management plan would be required and one drawn up with an awareness of the site's sensitivity within the AONB.

The new Chilterns AONB Management Plan 2019-2024 was adopted in February 2019 and may be a material consideration when assessing planning applications (as set out in Government's PPG para 040 on the Natural Environment). The planning objectives in the Management Plan are:

DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.

DO2 Ensure that where development happens, it leaves the AONB better than it was before - richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number of detailed Chilterns AONB Management Plan policies are relevant to this application:

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection.

DP2 Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and

- i. there are no negative cumulative effects, including when considered with other plans and proposals.

DP3 Refuse planning permission for major development in the AONB unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.

DP10 Make sure that all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by (a). on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or (b) b. financial contributions, secured through s1065, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan. DP13 Support opportunities for enhancing the AONB by removing derelict or detracting developments and infrastructure. There are some places in the AONB where buildings and structures like pylons, rail gantries, telecoms masts, television masts, waste sites, minerals sites, and farm infrastructure have scarred the beauty of the Chilterns. The removal of unsightly structures can help restore beauty and rural character. Infrastructure providers should remove all redundant masts and equipment. We welcome continued investment in undergrounding overhead electricity lines in the AONB and recommend that that all new supplies should be undergrounded unless there are ecological or archaeological constraints to this. The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB.

In summary here, CCB accepts that the planning history of the site must be taken into account but that a fresh denovo consideration of the planning merits affords an opportunity to reappraise the delivery of adopted Waste and Minerals Local Plan Policy 22. This requires a review of traffic/transport, ecological and landscape matters to seek site improvements. We identify the potential for ecological improvements and a management regime that will be sensitive to the nationally protected landscape within which this use is located. Further, Policy 14 of the Waste and Minerals Local Plan also indicates a much more sophisticated policy approach than would have applied when this use was first approved in 1983. In light of the important tests in section 85 of the CROW Act 2000 and the NPPF at 172, CCB has concluded that a real and meaningful opportunity exists to enact enhancements in the consideration of this application.

- 11 **County Council Minerals and Waste Policy team – no objection to the application.** While the BMWLP does not identify a need for HRC capacity in Policy 11: Waste Management Capacity Needs, this application will contribute to reinstating some of the capacity that was lost when Buckinghamshire County Council closed the site. Based on the waste throughputs provided as part of the application, the reopening of the site will help to ensure waste is recycled and moved up the waste hierarchy.
As stated in paragraph 5.91 proposals in relation to HRCs will be considered in accordance to Policy 13: Spatial Strategy for Waste Management and Policy 14: Development Principles for Waste Management Facilities. The proposal is in general confirmatory with Policy 14, being in compliance with the spatial strategy, complementary use and allowing communities to take responsibility for their waste in line with the waste hierarchy and the proximity principle. It is for this reason we have no objection to this application.
- 12 **Oxfordshire County Council – no objection to the application.**
- 13 **Natural England – No objection.** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 14 **Affinity Water Ltd – no comments received.**
- 15 **County Council as Waste Management Authority – no comments received.**
- 16 **Thames Valley Police Crime Prevention Advisor – no comments received.**
- 17 **Strategic Access Officer (County Rights of Way) – no comments to make.**

Appendix C – Representations

The reasons for support, objection and concern raised are summarised as follows:

Support

- a) Ease of access for local residents taking larger items for responsible recycling than sites in Aylesbury and High Wycombe and elsewhere and there can be traffic congestion problems at High Wycombe at weekends;
- b) Fly-tipping in the local area and use of bonfires for disposal of waste has increased since the Household Recycling Centre closed and this would serve to assist reducing it;

- c) Reduced transport costs and carbon footprint compared to trips to recycle items elsewhere;
- d) The site would help maximise recycling of waste;
- e) The site is well-screened by existing vegetation;
- f) Benefits to the Green Belt and Chilterns AONB and wildlife habitats of reduced fly-tipping;
- g) It will create employment;
- h) Benefits to air quality of reduced distance require to drive to Household Recycling Centres elsewhere;
- i) Increased housing expansion in settlements in the area means there is a need for such a facility to be provided;

Objection/concern

- a) Danger to other highway users of local roads, many of which have no pavements including Wigans Lane, and in local villages, principally Bledlow Ridge, where there are shops schools and other community facilities, including pedestrians, cyclists and horse riders from traffic associated with the development including failure of drivers to observe speed limits and queuing of vehicles waiting to use the facility resulting in hazard;
- b) Lack of need for such a facility in this local area. The Household Recycling Centre at High Wycombe is perfectly satisfactory to serve local residents;
- c) Unsuitability of the local highway network which are rural, minor roads for large vehicles and large volumes of traffic;
- d) Decrease in litter and fly-tipping since the Household Recycling Centre closed;
- e) Impact on the Chilterns AONB including to dark skies from site lighting;
- f) Kerb-side collections render the need for such a facility unnecessary and unwanted;
- g) Impact on the Green Belt;
- h) Impact on fauna and flora including protected species;
- i) Catchment area includes larger settlements such as Princes Risborough, Chinnor and Thame which are centres for housing expansion and growth leading to a greater demand and more traffic on a facility at this location;
- j) Impacts of a commercial development will be different from the former Household Recycling Centre. Any commercial operator will seek to expand the operations onto the surrounding land should permission be granted to this application;
- k) The site is located on a former landfill which is contaminated land;
- l) Impact on local agriculture which is the primary local employer including on use of local roads by agricultural vehicles;

- m) Impact on the countryside and rural environment;
- n) The applicant has no previous experience of managing a waste management site unlike the County Council which ran it with care and consideration and public accountability;
- o) The site could be used for the disposal of hazardous waste;
- p) Noise pollution;
- q) If such a facility is required it would be better to find a more suitable location with safer access more suited to a higher traffic flow;
- r) Use of site by non-Buckinghamshire residents due to location close to county boundary with Oxfordshire with at least a third of users being from Oxfordshire;
- s) The business model for the site is uncertain and likely that to make it viable will need to serve a wider catchment area and will cater for more business and trade vehicles than members of the public with different associated impacts to the former Household Recycling Centre;
- t) Lack of consultation and perception that the application is being rushed-through the system without the consideration which would be given to other applications;
- u) Failure of the applicant to take into account the Bledlow-cum-Saunderton Neighbourhood Plan;
- v) The development would be contrary to national and local plan policies;
- w) The site should be cleaned up and used for residential development.

Amongst the comments received, some Parish and Town Councils have commented on the application, although not directly consulted. Their comments are summarised as follows:

Longwick Parish Council – the application has its full support.

Radnage Parish Council - support this application for continuation of use of the site as the Bledlow Household Recycling Centre, which since its closure has been greatly missed by our residents, and those in neighbouring Parishes. It is an important community asset and was used by a large number of members of the public every year from across the region who now have to travel to either High Wycombe, Aylesbury, Aston Clinton, Oxford or Watlington. Local residents have also been consistently concerned about the increase in fly-tipping since the closure of the HRC on 31st March. As a Parish Council we have been providing alternative options for our residents to assist them in the short-term but would very much welcome the re-opening of our local facility.

Lacey Green Parish Council - support this application on the basis that it provides parishioners extended choice for recycling within the locality.

West Wycombe Parish Council - support the proposed continuation of the use of the land as a Household Waste Recycling Site as it is far nearer to the parish and far easier to access. As we no longer have waste collection containers in the West Wycombe Garden Centre car park it is important to have this facility to prevent fly tipping within our parish.

Thame Town Council - would like to lend its support to the reopening of the Bledlow Recycling Site. We are aware of the rise of fly tipping in the surrounding area (Bucks/Oxon) as a result of not having a Recycling Centre in the area. This has a negative effect on the environment, public health and the street scene. The Town Council with Thame Green Living are progressing a plan to improve our environment in multiple ways. The opening of the Recycling Centre is a welcome addition to meet these aims.



Application Number:	CM/0002/20
Proposal:	Proposed continuation of use of the land as a Household Waste Recycling Site as currently consented by planning permission no. CC/3/83
Site Location:	Bledlow Ridge Household Recycling Centre Wigans Lane Bledlow Ridge
Applicant:	Mr Bill Bendyshe-Brown, Bledlow Ridge HRC CIC
Case Officer:	Mrs Lucy Bellinger
Ward(s) affected:	Ridgeway West
Parish-Town Council:	Bledlow-cum-Saunderton Parish Council
Date valid application received:	23 rd January 2020
Statutory determination date:	23 rd April 2020 31 Dec 2020 (agreed time extension)

1.0 Summary & Recommendation

- 1.1 The applicant lodged an appeal on 6th January 2021 against the non-determination of this planning application. The Local Planning Authority cannot therefore now issue a decision.
- 1.2 Authority to formulate the Council's submission to the Planning Inspectorate in response to this appeal rests with the Service Director of Planning & Environment. To respond to the appeal, the Authority needs to provide an indication of how it would have been minded to determine the application had it been in a position to do so.
- 1.3 The application has a complicated legal background. This report provides a thorough assessment of the planning issues relating to this case and sets out the Authorities considered view with regard to the appeal.
- 1.4 In this instance it is considered that the proposed development would not accord with development plan policies relating to the spatial strategy for waste development and for development within the Chilterns AONB. It would also fail to deliver a net gain in biodiversity.

- 1.5 Had the local planning authority been in a position to issue a decision on the application it would therefore have been recommended for refusal. The appeal with therefore be defended for the reasons set out in this report.

2.0 Description of Proposed Development

- 2.1 Planning permission is sought for the continued use of the land as a Household Waste Recycling Centre (HWRC).
- 2.2 A HWRC, also known as a civic amenity site, is a place where the public can deliver a range of household waste for recycling or disposal including metals, paper, glass, engine oil, garden waste, oversized items (e.g. furniture and appliances) and building rubble.
- 2.3 The site has planning permission for such a use but the benefit of that is solely for the former County Council, which was granted by a historic planning permission back in 1983 (ref CC/3/83). The HWRC was closed by the County Council in March 2019.
- 2.4 The site is located on the eastern side of Wigans Lane and has an area of approximately 0.3ha. The site remains as it was since it closed in 2019 and consists of an area of hard standing and has two vehicle access points onto Wigans Lane.
- 2.5 This planning application proposes no physical or operational changes to the HWRC as formerly run by the County Council. Existing access gates, fencing/boundary treatment will be retained along with existing lighting and CCTV. Two existing porta cabins on site will be retained to provide welfare and office facilities for staff. As existing, there will be 10 containers available to receive recycling material, each of which has a volume of 30-40 cubic meters. There will be 15 car parking spaces serving the recycling bays and staff provision.
- 2.6 The south-western access will be retained for use by waste transfer vehicles.
- 2.7 It is proposed that the site would be open all year except Christmas Day, Boxing Day and New Year's Day and the opening hours would be:-
- Summer months – 8am to 6pm
 - Winter months – 9am to 4pm
- 2.8 The proposed throughput of material would be 5,500 tonnes per annum of municipal waste. Based upon the previous operation of the site, it is predicted that the development would generate an average of 265 vehicle movements per day but the majority of would be at weekends and in public holidays.
- 2.9 The application is accompanied by:
- a) Design and Access Statement
 - b) Planning Statement
 - c) Waste through puts data from years 2016/17 & 2017/18
- 2.10 The application as submitted has not been amended.

3.0 Relevant Planning History

3.1 The site is on the location of a former waste landfill site which was run by the former Wycombe Borough Council.

Reference	Development	Decision	Decision Date
CC/3/83	Household waste site, collection for final deposit elsewhere	Permit	4 April 1984

3.2 In 1984 planning permission was granted for a household waste site. The planning permission was sought and granted by Buckinghamshire County Council under the Town and Country Planning Act 1971 and Regulation (4) of the Town and Country Planning General Regulations 1976.

3.3 The effect of planning permission granted under the 1976 Regulations is that it only enures for the benefit of the County Council. This means that the County Council is the only person that can implement the planning permission. This regulation is intended to prevent unimplemented planning permissions passing to other parties.

3.4 The County Council implemented the planning permission and operated the site as a household recycling centre in accordance with this planning permission. The site was closed in March 2019 as part of a re-organisation of County household waste services.

3.5 The site has not been used a household waste recycling site, or for any other purpose since then. However, all of the development undertaken by the Council in implementing and operating the planning permission as a household waste recycling centre remains in situ, including hard surfacing and metal fencing. There are no planning conditions attached to the original planning permission which require the site to be restored to its original state.

3.6 The current application was due to heard at Planning Committee in March 2020, however that meeting was postponed due to restrictions relating to Covid-19.

3.7 In preparing a subsequent report intended for a later committee it became clear that two issues required further investigation:

a) Whether the site can be operated lawfully by a third party without the need for a further planning permission, and,

b) What is the lawful use of the site.

3.8 These have proved to be complex issues which have delayed the determination of this application, and the local planning authority has as a consequence re-assessed the planning merits of the case.

4.0 Environmental Impact Assessment

4.1 The development has been screened under the Environmental Impact Assessment

Regulations 2017 and the local planning authority has concluded that an environmental impact assessment will not be required in this case. A screening decision was issued on 31 January 2020.

- 4.2 Following this, a third party made a request to the Secretary of State for a Screening Direction. The Secretary of State issued a Screening Direction on 21 May 2020 confirming that the development would not be likely to have significant environment effects to warrant the need for environmental impact assessment.

5.0 Policy Considerations and Evaluation

Basis of assessment

- 5.1 This application has a complicated legal backdrop. The local planning authority has sought legal opinion which has focused on the question of whether planning permission is needed for a third party to lawfully operate a household waste recycling centre on the site. The legislation in question is not recent and dates from 1971 and 1976.
- 5.2 The legal interpretation revolves around whether the legislation;
- 1) Restricts both (i) who can initially implement the planning permission and undertake the development/change of use and (ii) who can thereafter carry on the use in reliance on the planning permission; or
 - 2) Only restricts who can undertake the development/change of use allowed by the planning permission, such that any subsequent third party may lawfully carry on the use.
- 5.3 The legal position as to whether planning permission is needed for the proposal is not clear cut.
- 5.4 On the one hand there is a case to say that, following the implementation of the 1984 permission, the lawful use of the site became use as a HWRC, and the mere continuation of that use by a third party is not “development” for which permission is needed. However, this approach involves reading the 1984 permission as consent for a one-off event (the original change of use) so that, once implemented, the permission is “spent”, with the result that there is nothing left to “enure” for the benefit of any third party (i.e. continued operation by third party is not permissible because it is authorised by the 1984 permission, but because there is no subsequent “development” which requires consent). The difficulty with this is that, if the 1984 permission does not “enure” for the benefit of the land beyond the date at which the change of use takes place, then the Conditions attached to that permission would arguably cease to apply to any subsequent developer. This highlights the difficulty in arguing that a third party can operate the Site without further grant of permission.
- 5.5 The applicant has however submitted a valid planning application which the local planning authority were duty bound to determine, prior to jurisdiction for this determination passing to the Planning Inspectorate. The planning application is

therefore predicated on the second interpretation, and is in effect seeking permission for continued use of the site as a Household Waste Recycling Centre without the original limitation restricting who can operate the site in reliance on the original planning permission to Buckinghamshire Council.

- 5.6 Given that the legal position as to whether planning permission is necessary is not clear cut such a precautionary approach seems sensible. The determination of the planning application would minimise any future risk to the operator of a future challenge on this point.
- 5.7 As a consequence, in line with this precautionary approach, the planning application is being assessed on the basis that a new planning permission is required in order to address the limitations imposed by the original planning permission, ref CC/3/83.
- 5.8 In considering this, it is however correct to take account of the continued existence of physical development on-site when assessing the planning merits of the scheme.
- 5.9 It is also to be acknowledged, although it has to be assumed that planning permission is required for any third party to operate the site as a HWRC, it would still, technically, be possible for the Council to resume such use, on the basis that:
- The change of use of the site to a household recycling centre was undertaken by the County Council. The County Council have therefore lawfully implemented the planning permission and the site is no longer bound by any limitations.
 - There is no evidence of any subsequent change of use of the site from use as a household recycling centre to some other use.
 - There is no evidence of any development which might be regarded as a new chapter in the planning history of the site.
 - It cannot be reasonably concluded that the site has been abandoned in planning terms.
- 5.10 The principal relevance of this latter argument would be as a “fallback” position. However, in considering the weight to be attached to that, it is necessary to consider whether there is a realistic prospect of the Council re-commencing operations from the site. The Council has indicated that it has no such intention. Accordingly, this is a matter on which little weight should be placed. Effectively, this means that the site should be regarded as having a nil use.
- 5.11 In summary, planning permission is now being sought for use of the site as a Household Waste Recycling Centre without any limitation or condition restricting a third party operator. The application is expressly made on the basis that permission is necessary. There is no evidence that, if permission is refused, the site is otherwise likely to continue in operation by the Council, but the physical structures would remain present on site. The application is being considered on this basis.

Principle and Location of Development

Buckinghamshire Mineral and Waste Local Plan (MWLP): Policy 11 (Waste Management Capacity Needs), 13 (Spatial Strategy for Waste Management), 14 (Development Principles for Waste Management Facilities), 26 (Safeguarding of Minerals and Waste Management)

- 5.12 The proposed development would not fit with the spatial strategy for new waste management facilities. Although the site is safeguarded for waste management by the MWLP this is tempered by the potential limitations on the extant planning permission and fact that the site has been closed and is unlikely to be re-opened by the Council.
- 5.13 The site is safeguarded as a waste management site by policy 26 of the Minerals and Waste Local Plan because it has extant planning permission and associated infrastructure. The site is listed as an existing waste development commitment (for a household waste recycling centre) which are referred to within policy 11 as one of the sources for achieving waste management capacity needs over the plan period to 2036.
- 5.14 The proposed use of the land as a household waste recycling centre would fit with the safeguarded use of the site and would make a modest contribution towards meeting waste management capacity needs identified by policy 11 of the MWLP.
- 5.15 However, the weight that can be attributed to the safeguarded status and contribution to waste management capacity is tempered by a number of factors. Firstly, the weight that can be attached to the safeguarded status is limited by the fact that the Council may be the only party that can benefit from the extant permission. Secondly, when the former County Council closed the site in March 2019 it removed the waste management capacity that the site provided and there is no evidence of an intention to re-open the site. Need is currently being met by other existing facilities within Buckinghamshire, more sustainably located within urban centres.
- 5.16 In January 2019 the former County Council Cabinet considered service changes to household waste recycling centres (Cabinet meeting of 7 January 2019) and approved that the HWRC at Bledlow Ridge be closed. The reasons behind the decision included:-
- A need to make budgetary savings and deliver a sustainable future budget
 - Bledlow Ridge HWRC has the fewest visitors of all County HRWCs (approx. 1/3 of which are from Oxfordshire)
 - Bledlow Ridge HWRC is one of the most remote sites
 - Bledlow Ridge HWRC is one of the most expensive to run due to lower waste volumes and has nearby HWRC as alternatives
 - That the proposed 8 HWRC network meets the needs of the current population and takes account of future short to medium term planned

housing growth

- 5.17 The above points evidence that there is very limited, if any intention on the part of the Waste Disposal Authority to re-open the site for operation. As such the effective fall-back position in planning terms is a non-active derelict site.
- 5.18 The MWLP highlights that there may be a need over the plan period to develop, improve and possibly rationalise the existing network of HWRCs in order to better relate to and service areas of planned growth. Policy 13 and 14 set out the aspects that need to be considered for HWRCs, such as that proposed by the planning application.
- 5.19 In this instance the proposal would not accord with the spatial strategy for waste management contrary to policy 13, for the following reasons:
- The site would not be located within a main urban area which is the primary focus for development of facilities for waste and recycling.
 - The site would not be located within a location identified as being acceptable in principle to accommodate waste management facilities.
 - The site would not be located within a secondary area for focus.
 - Failure to demonstrate why the proposed location is acceptable in relation to the spatial strategy for waste management.
- 5.20 Policy 14 sets out the development principles for waste management facilities. The proposal would not accord with this policy for the following reasons:
- It would not comply with the spatial strategy for waste management
 - The application has failed to demonstrate that it would:
 - facilitate the delivery of Buckinghamshire's waste management capacity requirements, or,
 - identify the catchment area for the waste.
- 5.21 Even if the former catchment area was assumed, it would technically "facilitate the delivery of Bucks waste management capacity requirements." But the contribution to meeting waste capacity needs would be very modest, and tempered by fact that former County Council closed the site; citing very low usage levels and that approximately one third of visits were from outside of the County.
- 5.22 Although the site is not located within an area of focus it is acknowledged that the proposal would give preference to the use of previously developed land. However, this is not considered to be sufficient to outweigh the harm by reason of lack of compliance with the spatial strategy for waste management.

Green Belt

Buckinghamshire Mineral and Waste Local Plan: Policy 21 (Green Belt)

Wycombe District Local Plan (August 2019): CP8 (Protecting the Green Belt), DM42 (Managing Development in the Green Belt)

5.23 The proposal would not constitute inappropriate development in the Green Belt and would preserve openness. It would also not conflict with the purposes of including land within the Green Belt.

5.24 National and local planning policies seeks to protect the Green Belt from inappropriate development, which is by definition harmful to the Green Belt. The construction of new buildings is regarded as inappropriate in the Green Belt. However, this proposal would not involve any new buildings as it would utilise existing structures and infrastructure that is already present on the site. As such the proposal would preserve the openness of the Green Belt.

5.25 Because the site is being considered as effectively having a legally nil use for the purposes of this assessment, the proposal involves a change in the use of the land from a nil use to a HWRC. Paragraph 146 of the NPPF states that certain other forms of development, such as material changes in the use of land, are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.

5.26 Although having a “nil” planning use, the site is already developed and capable of being used for this purpose. As such the proposal would not conflict with the purposes of including land within the Green Belt because it would: -

- Prevent a check on the unrestricted sprawl of large built up areas;
- Not result in neighbouring towns merging into one another;
- Assist in safeguarding the countryside from encroachment;
- Preserve the setting and special character of historic towns; and
- Not prevent urban regeneration

5.27 The proposal would involve the use of previously developed land which is encouraged by Policy 21 of the MWLP.

Chilterns Area of Outstanding Natural Beauty

Buckinghamshire Mineral and Waste Local Plan: Policy 20 (Landscape Character), 22 (Chilterns Area of Outstanding Natural Beauty), 24 (Environmental Enhancement)

Wycombe District Local Plan (August 2019): CP10 (Green Infrastructure and the Natural Environment), DM30 (The Chilterns AONB)

5.28 The site is located within the Chilterns AONB. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. This highest status of protection is echoed within development plan policy.

5.29 Paragraph 172 of the NPPF emphasises that the scale of development within AONBs should be limited, and planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the

development is in the public interest.

- 5.30 In normal circumstances, the definition of whether a proposal is “major development” would be a matter for the decision maker, taking into account the nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated.
- 5.31 If approached on this basis, it is considered that the proposal would not constitute “major development” given the small scale nature of the site & operation; existence of on-site infrastructure and treed backdrop to the site which assists with visual containment within the wider landscape. The day to day operation and management of the site has the potential to have an adverse impact on the AONB purpose of conserving and enhancing the landscape and scenic beauty of the AONB. For example, from littering, fly tipping and queuing of vehicles using the facility.
- 5.32 This adverse impact could however be mitigated by a planning condition(s) securing the approval of a site management and operation plan, in the event that planning permission were forthcoming. It is noted that the application does not address this aspect because it is not supported by any information regarding the future day to day operation or management of the site.
- 5.33 In the present case, however, policy 22 of the MWLP states that the exceptional circumstances and public interest test apply to all proposals for waste development. The application fails to demonstrate exceptional circumstances and that the development is in the public interest. The application is not supported by any assessment of:-
- The need for the development;
 - The cost of, and scope for, developing outside of the Chilterns AONB, or meeting the need for it in some other way; and
 - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 5.34 It is considered that there is not a clear need for the development. This is evidenced by the former County Council closing the site in 2019 citing that the network of eight HWRC met the needs of the current population and also took account of future short to medium term planned housing growth. The County Council at the time also highlighted that the HWRC at Bledlow Ridge has the fewest visitors and that there are nearby alternative HWRCs. This evidences that there is scope to meet waste management on other existing sites.
- 5.35 Policy 20 of the MWLP requires a Landscape Impact Assessment for proposals for waste development. The planning application is deficient in this respect as such the applicant has failed to evidence the potential impact on the character and appearance of the landscape.
- 5.36 In the absence of this Officers have made their own judgement. The site has a treed backdrop and this would be remain as part of the proposal as such the development would remain visually contained within the wider landscape. As highlighted above the day to day operation of the site could have an adverse impact on the character and appearance of the AONB. On balance it is considered that such harm would not

be adverse and could be addressed by planning condition(s) securing approval of a site management plan.

- 5.37 Overall, applying the definition of major development in Policy 22, the development fails to demonstrate exceptional circumstances and that the development is in the public interest to justify major development within a nationally designated area, which in this instance is the Chilterns AONB. The development would therefore be contrary to policy 22, DM30 and the NPPF in respect of its failure to protect and enhance the natural environment.

Employment issues

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development)

- 5.38 The proposal would generate employment, albeit at very modest levels which is a benefit of the scheme.

Transport matters and parking

Buckinghamshire Mineral and Waste Local Plan: Policy 17 (Sustainable Transport)

Wycombe District Local Plan (August 2019): CP10 (Green Infrastructure and the Natural Environment), DM33 (Managing carbon Emissions: Transport and Energy Generation)

Countywide Parking Guidance

- 5.39 Subject to the imposition of planning conditions, the application would be acceptable in relation to transport aspects.
- 5.40 The application is deficient because it is not accompanied by a Transport Assessment/ Statement as required by policy 17 of the MWLP. The Design and Access Statement states that based on the former use of the site there would be approximately an average of 265 daily vehicle movements.
- 5.41 Notwithstanding the lack of Transport Statement, an assessment of the transport implications of the application has been undertaken. The Highway Authority have based their assessment on a "nil-use" basis. The Highway Authority do not raise an objection to the development in respect of any material adverse impact on the operation and safety of the local highway network.
- 5.42 The development would utilise existing vehicle access points and the Highway Authority has commented that these would be sufficient. In respect of highway capacity, the Highway Authority have confirmed that because of the site's location, size and processing capabilities that junction capacity assessments are not required to reach a considered view on the proposal.
- 5.43 The Highway Authority acknowledge that the site is relatively remote, not well located in terms of its access to the strategic network and routes to and from the site are undulating. Also some junctions have geometries that are more challenging for the types of vehicles associated with the development. But there are no physical or

legal restrictions upon the local road network that would prevent vehicles safely and conveniently accessing and leaving the site.

- 5.44 The site is not well located in terms of transport by sustainable modes of travel. However, the majority of vehicle movements associated with the development will be transporting household waste so the lack of access to sustainable travel modes is not material.
- 5.45 Fifteen car parking spaces are proposed which would serve the 10 waste container bays and the application states that there would also be dedicated staff provision. This level of parking provision would be sufficient to serve the needs of the development and would not give rise to harm from overspill parking.
- 5.46 If planning permission were forthcoming, a planning condition restricting the annual tonnage to 5,500 tonnes (as proposed) would be necessary because this usage level is deemed to be acceptable in highway terms. A planning condition requiring that parking is retained as such for the lifetime of the development is also necessary should planning permission be forthcoming.

Amenity of adjacent occupiers

Buckinghamshire Mineral and Waste Local Plan: Policy 16 (Managing Impacts on Amenity and Natural Resources)

Wycombe District Local Plan (August 2019): DM35 (Placemaking and design quality)

- 5.47 Subject to the imposition of a number of planning conditions controlling the day to day operation of the site, the development would not have an unacceptable adverse impact on amenity.
- 5.48 There are no immediate residential properties, with the closest property being approximately 200m away.
- 5.49 Policies in the development plan seek to prevent adverse impacts upon amenity with reference to a number of aspects including air emissions, human health, noise and light.
- 5.50 Policy 16 of the MWLP states that a site specific management plan should be developed where appropriate to ensure that potential adverse impacts are appropriately mitigated. The application is not supported by any information regarding the day to day operation or management of the site. However, in the event that planning permission were forthcoming it would be necessary and appropriate to secure this aspect by planning condition. This would control aspects such as litter, odour, noise, dust and hours of operation.
- 5.51 The planning application does not seek to intensify the use of the site in comparison to its previous operation by the former County Council. The application proposes that the annual throughput through the site would be 5,500 tonnes which is on a par to the last years of operation of the site by the former County Council before its

closure in 2019. If planning were forthcoming it would be necessary to condition this level of annual tonnage because the application has been assessed on this basis and any different amount could have an adverse impact upon amenity.

- 5.52 Although limited weight can be attached to the fall-back position of the site being re-opened by the Council, the previous operation of the site did not appear give rise to the generation of adverse impacts upon amenity.
- 5.53 There is existing lighting on the site and the application does not propose any additional lighting. Although limited weight can be attached to the possibility of the extant permission being reactivated, it is relevant that the existing lighting was previously considered acceptable. In order to minimise the impact of light spill, planning conditions would be necessary to restrict the use of lighting to winter months only and restrict that no further lighting is installed without the prior approval of the local planning authority.
- 5.54 The activity and vehicles movements associated with the sites operation would be more harmful than the “nil-use” position of a derelict un-used site. However on balance, taking account of the following it is considered that the development would not result in significant adverse impacts on amenity:-
- The location in relation to residential properties
 - The proposed scale of the activity and scope to control and mitigate this by planning condition

Environmental issues

Buckinghamshire Mineral and Waste Local Plan: Policy 16 (Managing Impacts on Amenity and Natural Resources)

Wycombe District Local Plan (August 2019): DM20 (Matters to be determined in accordance with the NPPF)

- 5.55 The development would not give rise to unacceptable adverse impacts in relation to contamination, water resources and pollution. As such in this respect the application would accord with policy 16.
- 5.56 The site lies on a historic landfill and a principal aquifer.
- 5.57 Neither the Environmental Health Officer nor the Environment Agency raise objections to the application. The Environment Agency highlight that because the development would not involve any new works there would not be a potential to mobilise pollution.
- 5.58 As such they are satisfied from a groundwater quality perspective. They do however, highlight that the development will require an environmental permit which is a separate regulatory regime outside of the planning system.

Flooding and drainage

Buckinghamshire Mineral and Waste Local Plan: Policy 16 (Managing Impacts on Amenity and Natural Resources)

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

5.59 The development is acceptable in relation to managing flood risk and the Lead Local Flood Authority has no objection to the application because it would not involve any change in impermeable area.

Green networks and infrastructure, biodiversity and ecology

Buckinghamshire Mineral and Waste Local Plan: Policy 18 (Natural Environment), Policy 24 (Environmental Enhancement)

Wycombe District Local Plan (August 2019): CP10 (Green infrastructure and the Natural Environment), DM34 (Delivering Green Infrastructure and Biodiversity in Development),

DSA: DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in Development)

5.60 The development would fail to deliver a net gain in biodiversity contrary to development plan policy. The planning application is not supported by biodiversity accounting.

5.61 It is accepted that it would not be feasible to achieve a net gain in biodiversity on site because there is no change proposed to existing infrastructure on the ground. However, there is potential to achieve a net gain in biodiversity off-site. The mitigation hierarchy allows for compensation off-site in order to ensure that the development delivers a net gain in biodiversity.

5.62 A net gain in biodiversity could either be achieved by the applicant setting aside land that they control for biodiversity offset or by providing a biodiversity offsetting financial contribution. The latter is considered more likely in this instance. This aspect could be addressed by the applicant entering into a legal agreement. This aspect has not been progressed but could be addressed if the applicant were to enter into a legal agreement.

5.63 The application does not include any assessment of the existing ecology of the site and whether any protected species may be present. The site to the east is surrounded by priority habitat deciduous woodland. However, given the predominance of hard surfacing on the site it is considered that the ecological potential of the site is low. The development would not involve any new infrastructure on the ground.

5.64 There is existing on-site lighting. In order to minimise the impact of lighting upon ecology a number of planning conditions would be necessary were permission

forthcoming. Planning conditions would need to limit the hours of use of lighting and the prior approval of any new lighting design.

5.65 Overall, the development is unlikely to have an adverse impact on ecology.

Infrastructure and Developer Contributions

Wycombe District Local Plan: CP7 (Delivering the Infrastructure to Support Growth)

5.66 The development is a type of development where CIL would not be chargeable.

5.67 It is considered that there would not be other types of infrastructure, other than the need for a biodiversity offsetting contribution that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

5.68 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that a planning obligation regarding a Biodiversity offsetting contribution is required to be secured within a section 106 agreement:

5.69 As an appeal has been lodged, a legal agreement has not been progressed with the applicant.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

6.3 As set out above, although the site is safeguarded for waste management use, it is considered that the proposed development would not accord with development plan policies relating to the spatial strategy for waste development and for development within the Chilterns AONB. It would also fail to deliver a net gain in biodiversity. However, this aspect could be addressed by the applicant entering into a legal

agreement to secure a contribution towards biodiversity offsetting.

- 6.4 Having regard to all the above, it is considered that the development does not accord with the development plan as a whole.
- 6.5 The proposal would involve the use of previously developed land which is a material consideration. The use of previously developed land is a positive benefit that has been taken into account but it would not outweigh the conflict with the development plan.
- 6.6 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance the applicant/agent was informed about the legal complexities surrounding the case and kept updated on progress.

8.0 Decision: **Minded to refuse**

8.1 That had the Authority been in a position to determine this application, permission would have been refused for the following reasons:

1. The proposed development fails to demonstrate exceptional circumstances and that the development is in the public interest in order to justify major development within a designated area. As such it would fail to conserve and enhance the Chilterns Area of Outstanding Natural Beauty contrary to policy 22 (Chilterns Area of Outstanding Aural Beauty) of the Buckinghamshire Minerals and Waste Local Plan and policy DM30 (The Chilterns Area of Outstanding Natural Beauty) of the Wycombe District Local Plan.
2. The proposed development by virtue of its location not being within an identified primary or secondary area of focus for new waste management facilities would be contrary to the spatial strategy for waste management. As such the development would be contrary to policies 13 (Spatial Strategy for Waste Management) and 14 (Development Principles for Waste Management Facilities) of the Buckinghamshire

Minerals and Waste Local Plan.

3. The proposed development would fail to deliver a net gain in biodiversity. As such it would be contrary to policies 18 (Natural Environment) and 24 (Environmental Enhancement) of the Buckinghamshire Minerals and Waste Local Plan and policies CP10 (Green Infrastructure and the Natural Environment) and DM34 (Delivering Green Infrastructure and Biodiversity in Development) of the Wycombe District Local Plan.

Informative(s)

- 1 This application is the subject of an appeal against non-determination. The reasons for refusal are therefore the reasons that the Local Planning Authority will defend at appeal. Please note that reasons for refusal 3 could be overcome if the applicant were to enter into an appropriate Section 106 legal agreement to secure relevant planning obligations.
- 2 In accordance with paragraph 38 of the NPPF2 Buckinghamshire Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. Buckinghamshire Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

Dated: 15 February 2021



Steve Bambrick

Service Director of Planning & Environment

Decision made on behalf of the Service Director by Alastair Nicholson (Development Manager – for Minerals & Waste and the West Area of Buckinghamshire Council).

APPENDIX A: Consultation Responses and Representations

Councillor Comments

The members for Ridgeway West are Cllrs C Etholen, G Peart, S Adoh and S Saddique. No comments received.

Parish/Town Council Comments

Bledlow-cum-Saunderton Parish Council – No objection. The Parish Council voted to rescind their objection to the setting up of a Household Recycling Centre at their meeting on 7th May 2020. This change of opinion resulted from reassurances received from the CIC directors at a meeting the previous week and information about how BCC was restricting scope of the HRC, viz;

- 1) The scale of the operation would be 'as was' on the existing ½ acre site which is to be leased to the CIC.
- 2) That any installation of a weighbridge, should this be desired in the future, will require a separate planning application.
- 3) That the waste accepted on the site would be limited by the project title i.e. Household waste only.
- 4) That all nine of the planning conditions recommended by the officers to the cancelled 23rd March 2020 BCC Development Control Committee meeting (Meeting Pack pages 25 - 27) would be applied.
- 5) That BcSPC could appoint a director to the CIC and further consultations would ensue regarding specific operations at the centre including movements of HGVs to and from the site. Should any of the above fail to occur the BcSPC would reconsider their position. We are especially sensitive to any significant volume expansion to the site because of its setting at 660 feet up in the Chiltern AONB and Green Belt and its unsuitability for HGV traffic.

Consultation Responses

Environment Agency

Comments: No objection. The site lies on a historic landfill and a principal aquifer. The site also lies within Flood Zone 1 in accordance with our flood map for planning. Flood Zone 1 is defined as having a low probability of river flooding in accordance with Table 1 Flood risk of the Planning Practice Guidance.

From a groundwater quality perspective we have reviewed the design and access statement and as the proposal does not include any new intrusive works, we will not request further work. It should be noted however if any new intrusive works were to take place we would request a site investigation as the site over lies a former landfill which took a variety of wastes. Any changes to the site have the potential to mobilise pollution.

The applicant is advised that the development will either require a new permit or transfer of the existing permit.

Natural England

Comments: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Lead Local Flood Authority

Comments: No comments on this planning application due to the type of the development and no change in impermeable area.

Former County Council Minerals and Waste Policy Team

Comments: No objection. While the BMWLP does not identify a need for HRC capacity in Policy 11: Waste Management Capacity Needs, this application will contribute to reinstating some of the capacity that was lost when Buckinghamshire County Council closed the site. Based on the waste throughputs provided as part of the application, the reopening of the site will help to ensure waste is recycled and moved up the waste hierarchy.

As stated in paragraph 5.91 proposals in relation to HRCs will be considered in accordance to Policy 13: Spatial Strategy for Waste Management and Policy 14: Development Principles for Waste Management Facilities. The proposal is in general confirmatory with Policy 14, being in compliance with the spatial strategy, complementary use and allowing communities to take responsibility for their waste in line with the waste hierarchy and the proximity principle.

Highway Authority

Comments: No Objection. The existing site accesses appear sufficient in terms of its design and construction. Furthermore the two combine to form an 'In' and 'Out' system, which facilitates internal site movement and seeks to reduce instances of vehicle queueing on Wigans Lane.

Whilst the site is relatively remote, with routes to and from the site having some non-linear (vertical and horizontal) topographical traits, there appears to be no physical or legally restrictive means upon the local classified network that would prevent vehicles safely and conveniently accessing and egressing the site. By and large, routes to the site are single carriageway in each direction and carry with them central divisional markings. Although some junctions may have geometries more challenging to these types of vehicles, measured passage through them is still achievable in a safe and practical manner.

In terms of capacity, I have no reason to require junction capacity assessments in consideration of the site's location, size and processing capabilities. Furthermore, given the nature of the surrounding area, journeys by cars and lighter vehicles visiting the site to deposit recyclable materials and waste would be extant on the network, simply diverting from the next closest facilities (i.e. High Heavens)

The site has low to no access to sustainable methods of transport given that the nearest bus stop (for an infrequent service) is around 400m to the south, the site is not served by footways, the local network is unlit and it will be impractical for all but the most proficient cyclists to travel to and from the site on bicycle.

However, since the vast majority of vehicle movements associated with the site will need to either bring or remove materials from cars to rigid bulkers, the ability for staff to have to access sustainable transport is not a material consideration in this instance.

Given that there does not appear to be any changes to the access points, the internal layout or an increase to the site's operating capacity when compared with its historical use, there are no objections or conditions to recommend for this application with regard to highway issues.

Ecology Officer

Comments: No objection. There are unlikely to be any adverse impacts on ecology.

Former Wycombe District Council

Comments: No objection

Former Wycombe District Council Environmental Health Officer

Comments: No Objection. There is no material impact on the amenity of the area.

Oxfordshire County Council

Comments: No comments to make on the application

Chilterns Conservation Board

Comments: Provides comments which neither express an objection or support.

1. The application before the Waste and Minerals Authority allows for a fresh 'denovo' consideration of the planning merits. Those merits must, as a starting point be based upon the high level and robust decision-making duties that apply in a nationally protected landscape. We fully accept that weight must be given to the planning history here but that any proposed continuation must be assessed against this fundamental starting point. There can be little doubt that landscape quality and scenic beauty is high and the Bucks Landscape Character Assessment denotes this character type (17) within the dip slope, with a 'Rolling and undulating topography, with steep slopes contrasting with flatter valley ridges. A smooth and sweeping landform'. Weight must be given to the importance of this nationally protected landscape in any planning determination.
2. The Waste and Minerals Local Plan does not identify the Bledlow Ridge site as exceptional (as it does for High Heavens). Adopted Waste and Minerals Plan policy 22 states that Policy 22: Chilterns Area of Outstanding Natural Beauty Proposals for minerals and waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest (and continues). Policy 14 also applies Development Principles for Waste Management Facilities, which adds a degree of policy sophistication that would not have applied in 1983 when the original consent was granted. We particularly focus on the AONB Management Plan 2019-2024 and particularly policy DP13 (see

below). Planning weight must be given to the enhancement of the landscape and that also involves an assessment of traffic/transport and ecological matters.

3. The site is sensitively located. The DEFRA Magic web resource denotes a priority habitat to the immediate east (Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006). This envelopes the site (deciduous woodland priority habitat) and to the west a tract of ancient and semi - natural woodland lies beyond the farm. The NPPF at paragraph 174 (b) states that 'To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. CCB is cognisant of the planning history here and the planning status of site. In light of a fresh application being considered it is timely that attention is paid to the enhancement of the landscape. That requires ecological assessment and an opportunity to enhance ecology around the site, allied with opportunities to reduce the concrete surfacing and site coverage. CCB would ask that the internal consultation on ecological matters be re-visited in light of the AONB duties that prevail.
4. The CCB wrote to the former operator in 2018 to draw attention to the profusion of litter spilling out from the site onto the egress and verges. This was noticeable and distracting. It is entirely possible that the operator as a community trust may take a more pro-active stance on such matters. If a consent were forthcoming then an operational management plan would be required and one drawn up with an awareness of the site's sensitivity within the AONB.

The new Chilterns AONB Management Plan 2019-2024 was adopted in February 2019 and may be a material consideration when assessing planning applications (as set out in Government's PPG para 040 on the Natural Environment). The planning objectives in the Management Plan are;

DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.

DO2 Ensure that where development happens, it leaves the AONB better than it was before - richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number of detailed Chilterns AONB Management Plan policies are relevant to this application:

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.

DP2 Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,

- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and,
- i. there are no negative cumulative effects, including when considered with other plans and proposals.

DP3 Refuse planning permission for major development in the AONB unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.

DP8 Keep skies dark at night by only using light where and when needed. All new lighting should be the minimum required and meet or exceed guidance for intrinsically dark zones. Avoid architectural designs that spill light out of large areas of glazing.

DP10 Make sure that all development that is permitted in the AONB or affecting its setting delivers a net gain for the Chilterns by (a). on-site improvements for biodiversity, landscape, the rights of way network, AONB visitor facilities, and/or (b) b. financial contributions, secured through s1065, CIL, or offsetting schemes, towards wider green infrastructure projects that enhance the AONB by meeting the aims of this AONB Management Plan.

DP13 Support opportunities for enhancing the AONB by removing derelict or detracting developments and infrastructure. There are some places in the AONB where buildings and structures like pylons, rail gantries, telecoms masts, television masts, waste sites, minerals sites, and farm infrastructure have scarred the beauty of the Chilterns. The removal of unsightly structures can help restore beauty and rural character. Infrastructure providers should remove all redundant masts and equipment. We welcome continued investment in undergrounding overhead electricity lines in the AONB and recommend that that all new supplies should be undergrounded unless there are ecological or archaeological constraints to this.

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

In summary here, CCB accepts that the planning history of the site must be taken into account but that a fresh denovo consideration of the planning merits affords an opportunity to reappraise the

delivery of adopted Waste and Minerals Local Plan Policy 22. This requires a review of traffic/transport, ecological and landscape matters to seek site improvements. We identify the potential for ecological improvements and a management regime that will be sensitive to the nationally protected landscape within which this use is located. Further, Policy 14 of the Waste and Minerals Local Plan also indicates a much more sophisticated policy approach than would have applied when this use was first approved in 1983. In light of the important tests in section 85 of the CROW Act 2000 and the NPPF at 172, CCB has concluded that a real and meaningful opportunity exists to enact enhancements in the consideration of this application.

Representations

The following nearby parish councils have made the following comments.

Longwick Parish Council – the application has its full support.

Radnage Parish Council - support this application for continuation of use of the site as the Bledlow Household Recycling Centre, which since its closure has been greatly missed by our residents, and those in neighbouring Parishes. It is an important community asset and was used by a large number of members of the public every year from across the region who now have to travel to either High Wycombe, Aylesbury, Aston Clinton, Oxford or Watlington. Local residents have also been consistently concerned about the increase in fly-tipping since the closure of the HRC on 31st March. As a Parish Council we have been providing alternative options for our residents to assist them in the short-term but would very much welcome the re-opening of our local facility.

Lacey Green Parish Council - support this application on the basis that it provides parishioners extended choice for recycling within the locality.

West Wycombe Parish Council - support the proposed continuation of the use of the land as a Household Waste Recycling Site as it is far nearer to the parish and far easier to access. As we no longer have waste collection containers in the West Wycombe Garden Centre car park it is important to have this facility to prevent fly tipping within our parish.

Thame Town Council - would like to lend its support to the reopening of the Bledlow Recycling Site. We are aware of the rise of fly tipping in the surrounding area (Bucks/Oxon) as a result of not having a Recycling Centre in the area. This has a negative effect on the environment, public health and the street scene. The Town Council with Thame Green Living are progressing a plan to improve our environment in multiple ways. The opening of the Recycling Centre is a welcome addition to meet these aims.

Summary of comments received objecting to the proposal:

- Danger to other highway users of local roads, many of which have no pavements including Wigans Lane, and in local villages, principally Bledlow Ridge, where there are shops schools and other community facilities, including pedestrians, cyclists and horse riders from traffic

associated with the development including failure of drivers to observe speed limits and queuing of vehicles waiting to use the facility resulting in hazard

- Lack of need for such a facility in this local area and there are alternative facilities within reasonable distance. The Household Recycling Centre at High Wycombe is perfectly satisfactory to serve local residents
- Unsuitability of the local highway network which are rural, minor roads for large vehicles and large volumes of traffic
- Decrease in litter and fly-tipping since the Household Recycling Centre closed which will be encouraged to increase if the facility is permitted and opened
- Impact on the Chilterns AONB including to dark skies from site lighting
- Kerb-side collections render the need for such a facility unnecessary and unwanted
- Impact on the Green Belt
- Impact on fauna and flora including protected species
- Catchment area includes larger settlements such as Princes Risborough, Chinnor and Thame which are centres for housing expansion and growth leading to a greater demand and more traffic on a facility at this location
- Impacts of a commercial development will be different from the former Household Recycling Centre. Any commercial operator will seek to expand the operations onto the surrounding land should permission be granted to this application
- The site is located on a former landfill which is contaminated land
- Impact on local agriculture which is the primary local employer including on use of local roads by agricultural vehicles
- Impact on the countryside and rural environment
- The applicant has no previous experience of managing a waste management site unlike the County Council which ran it with care and consideration and public accountability
- The site could be used for the disposal of hazardous waste
- Noise pollution
- Air quality
- If such a facility is required it would be better to find a more suitable location with safer access more suited to a higher traffic flow and there are more appropriate brownfield locations
- Use of site by non-Buckinghamshire residents due to location close to county boundary with Oxfordshire with at least a third of users being from Oxfordshire
- The business model for the site is uncertain and likely that to make it viable will need to serve a wider catchment area and will cater for more business and trade vehicles than

members of the public with different associated impacts to the former Household Recycling Centre

- Lack of consultation and perception that the application is being rushed-through the system without the consideration which would be given to other applications
- Failure of the applicant to take into account the Bledlow-cum-Saunderton Neighbourhood Plan
- The development would be contrary to national and local plan policies
- The site should be cleaned up and used for residential development
- Should permission be granted it should be subject to conditions to limit the size of vehicles depositing waste at the site to those that pertained when the site was open as a Household Recycling Centre, to limit the types of waste accepted and that it should be personal to the applicant
- The application should be judged on its own merits and ignore the existence of the prior planning permission which was consented when planning and environmental standards were much lower

Summary of comments received supporting the proposal:

- Ease of access for local residents taking larger items for responsible recycling than sites in Aylesbury and High Wycombe and elsewhere and there can be traffic congestion problems at High Wycombe at weekends
- Fly-tipping in the local area and use of bonfires for disposal of waste has increased since the Household Recycling Centre closed and this would serve to assist reducing it
- Reduced transport costs and carbon footprint compared to trips to recycle items elsewhere
- The site would help maximise recycling of waste
- The site is well-screened by existing vegetation
- Benefits to the Green Belt and Chilterns AONB and wildlife habitats of reduced fly-tipping
- It will create employment
- Benefits to air quality of reduced distance required to drive to Household Recycling Centres elsewhere
- Increased housing expansion in settlements in the area means there is a need for such a facility to be provided.



Appeal Decision

Site Visit made on 7 June 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/P0430/W/21/3266409

Bledlow Ridge Household Recycling Centre, Wigans Lane, Bledlow Ridge HP14 4BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Bill Bendyshe-Brown on behalf of Bledlow Ridge HRC CIC against Buckinghamshire County Council.
 - The application Ref CM/0002/20, is dated 10 January 2020.
 - The development is Proposed continuation of the use of the land as a Household Waste Recycling Site as currently consented by planning permission no. CC/3/83.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Bledlow Ridge HRC CIC against Buckinghamshire County Council. This is the subject of a separate decision.

Procedural Matter

3. Since the submission of the appeal, a revised National Planning Policy Framework (the Framework) has been published. The main parties have been consulted in relation to this matter, and any responses received have been factored into my assessment of the appeal.

Main Issues

4. The appeal has been submitted as a result of the Council failing to determine the application within the prescribed period of time. Accordingly, based on the evidence before me, I find that the main issues are:
 - i) whether the proposal would satisfy the locational and functional requirements for waste management facilities, having regard to the requirements of local policy;
 - ii) whether the proposal would represent inappropriate development within the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area, having particular regard to the Chilterns Area of Outstanding Natural Beauty; and
 - iv) the effect of the proposal on biodiversity.

Reasons

Location

5. Policy 13 of the Buckinghamshire Minerals and Waste Local Plan (2019) (MWLP) establishes a spatial strategy for waste management. It states that the growth of Buckinghamshire's sustainable waste management network will be delivered by primarily focusing on the main urban areas and growth locations of High Wycombe, Aylesbury, and Buckingham. As a secondary focus, the policy states that locations in key settlements outside of the primary areas will be supported within industrial and employment areas. Based on the evidence before me, the appeal site would not conform with these locational requirements, and consequently, the location would not accord with the spatial strategy.
6. Despite this, Policy 26 of the MWLP confirms that waste management sites with extant permissions and associated infrastructure are safeguarded. Despite the complexities of the existing permission, the site meets the definition set out above, and accordingly, the appeal site is safeguarded for waste management. The reasoned justification for Policy 26 is to ensure that the waste management network in the county is self-sufficient and there is also an acceptance that once waste sites are lost, it is often difficult to replace them. To achieve self-sufficiency, Policy 11 of the MWLP identifies the total waste management capacity needs for the County. I have no evidence before me in relation to how this need is currently being met, but the Council do confirm that the proposal would make a modest contribution towards these needs.
7. Policy 14 of the MWLP establishes the development principles of waste management facilities and I have already identified that the proposal would help in the delivery of Buckinghamshire's waste management requirements, albeit in a modest manner. However, the policy also requires proposals to identify the waste streams to be treated, the catchment area for the waste to be received on-site, and the end fate of any outputs. In this regard, details of the waste received by the site in 2016/17 and 2017/18 have been provided. Nevertheless, I have no specific evidence regarding the catchment area, or in relation to end fates. Instead, the appellant generally falls back to the previous use of the site as justification for the proposal.
8. The fact that the previous use of the site was for waste management purposes, and that re-commencement would be a relatively straight-forward process, attracts substantial weight in favour of the proposal. Indeed, this goes somewhat to mitigating the locational conflict with the spatial strategy, particularly in light of the identified difficulties of replacing facilities. However, on the basis of the evidence before me, the proposal would not comply with the development principles of waste management facilities. Failing to identify the end fates for any outputs is a matter that goes to the heart of how the site would be run in the future, and in my judgement, this is a fundamental consideration in relation to waste management and the waste hierarchy. It cannot simply be assumed that because a use took place recently, it would be operated in the same manner by a different party, and consequently, the weight that I attribute to this fundamental flaw outweighs the matters identified above. Accordingly, I find that the proposal falls short of the requirements established by Policy 14 of the MWLP.

9. Therefore, although the site is safeguarded for waste management purposes, having regard to the requirements of local policy, in my judgement, the shortcomings within the evidence before me, lead me to conclude that the proposal would not satisfy the locational and functional requirements for waste management facilities. It would therefore fail to comply with Policies 13 and 14 of the MWLP which seek to control these matters.

Inappropriate development

10. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, Paragraph 150 confirms that material changes in the use of land is not inappropriate in the Green Belt, provided that they preserve openness and do not conflict with the purposes of including it within the Green Belt.
11. The appeal site is currently occupied by a redundant household recycling centre, the previous use having been recently ceased. The site has all the hallmarks of a functional recycling centre. There are different levels and enclosures to aid simple use of recycling containers, car parking and circulation space for users of the site, and clear vehicular access. The nature of the site is such that it would be a relatively simple operation to enable the site to be used in the same manner. Accordingly, the Council is satisfied that re-opening the centre would preserve the openness of the Green Belt. It would also not conflict with the purposes of including land within the Green Belt. As a consequence, the Council confirm that the proposal would accord with Paragraph 150 of the Framework, and based on the evidence before me, I have no reason to disagree.
12. Accordingly, I conclude that the proposal would not represent inappropriate development within the Green Belt.

Character and Appearance

13. As identified above, the nature of the site is such that it has the clear appearance of a functional recycling centre. However, based on the evidence before me, due to the nature of the previous planning permission, such re-use cannot simply take place. Consequently, it is the Council's view that regardless of the on-site situation, planning permission should be secured for the use to re-commence under different stewardship. On this basis, the Council have deemed that having regard to the effect on the AONB, the proposal is major development.
14. Paragraph 177 of the Framework states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 60 of the Framework confirms that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
15. I note the level of objection to the proposal. However, there can be no doubt that the on-site situation is one whereby a straight-forward chain of events could enable the use to re-commence. The proposal would not require any

substantial operational development, it is simply a matter of planning law that is preventing this from occurring.

16. I have no evidence before me to suggest that the site is likely to be returned to its former state. Indeed, to do this would itself be a substantial engineering operation due to the levels that have been created on the site. In my view, it is highly probable that such engineering operations would in themselves require planning permission and consequently, the scenario is such that the recycling centre exists, and that this is unlikely to change due to the level of work that would be required.
17. I note the conflicting views regarding the lawful interpretation of the existing permission, however, in my view, the appeal presents a relatively straightforward proposal when assessing its effect on the AONB. It simply seeks to re-instate a use that has been occurring for a substantial period of time, and which would not require any meaningful operational development. On this basis, taking into account the requirements of footnote 60, I am entirely satisfied that the proposal should not be considered as 'major development'. This is because the development that would harm the AONB has already occurred. The site has been developed and therefore the harmful intervention to the natural beauty of the site and its surroundings has already taken place. These works are not part of this proposal and accordingly, they should not have a bearing on my assessment of the appeal.
18. The day-to-day operation of the proposal would also bring with it considerations that would impact upon the character and appearance of the area, as well as the AONB. However, matters such as the potential for littering, fly-tipping, and the queuing of vehicles would also have been associated with the previous use. Accordingly, I am satisfied that a distinction between the two does not have to be made. From a character and appearance perspective, the use of the site has previously been deemed to be acceptable and on the basis of the evidence before me, I have no reason to arrive at a different conclusion. Consequently, the proposal would comply with the requirements of Paragraph 176 of the Framework.
19. For the reasons identified above therefore, having particular regard to the AONB, I conclude that the proposal would not harm the character and appearance of the area. Consequently, it would comply with Policies 20, 22, and 24 of the MWLP, and Policies CP10 and DM30 of Wycombe District Local Plan (2019) (LP). Taken together, these seek amongst other things, development which conserves and enhances the Chilterns AONB.

Biodiversity

20. Policy CP10 of the LP seeks amongst other things, to ensure there is a net gain in biodiversity within individual development proposals. Policy DM34 of the LP seeks to protect and enhance biodiversity and Policy DM14 of the Delivery and Site Allocations Plan (2013) (DSAP) seeks to maximise biodiversity. Accordingly, these policies are broadly consistent with Paragraph 174 'd' of the Framework which states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Consequently, the clear thrust of both local and national policy seeks to enhance the natural environment.

21. The proposal seeks to re-commence a previous use on the site. It does not propose any construction activity or seek to increase the developed space on the site. Accordingly, the existing site would not substantially alter if the appeal proved successful and as a consequence, it is recognised that the proposal would fail to provide a net gain in biodiversity. However, due to the nature of the proposal, it is also recognised that this would be difficult to provide on site.
22. To mitigate this matter, the Council allude to a financial contribution for off-site improvements. However, based on the evidence before me, there is no specific policy mechanism to achieve this. Moreover, I note that the ecological advice provided to the Council raised no objection to the proposal.
23. On this basis, although local and national policy seeks to enhance the natural environment, it also seeks to minimise impacts on biodiversity. Based on the evidence before me, and due to the specific nature of the development proposed, the proposal would do this. Accordingly, I conclude that the proposal would have a neutral effect on biodiversity and in this regard, I am satisfied that it would meet the general requirements of Policies CP10 and DM34 of the LP and Policy DM14 of the DSAP, which are set out above.

Conclusion

24. I have found that the proposal would not represent inappropriate development within the Green Belt, and that it would not harm the character and appearance of the area, having particular regard to the AONB. However, these are not direct benefits of the proposal and consequently, they weigh neutrally in my assessment of the appeal. The proposal would also have a neutral effect on biodiversity.
25. However, I have also found that the proposal would fail to accord with the locational and functional requirements of the MWLP. This is a fundamental conflict with local policy and is one to which I attach substantial weight. Therefore, for the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

Martin Chandler

INSPECTOR