

SAVI
The Open Space
Edgcott Road
Doddershall
Buckinghamshire
HP22 4DE

Your ref: 11/20000/AWD by WRG Limited

Mr David Periam
Buckinghamshire County Council
Planning, Environment & Development
County Hall
Walton Street
Aylesbury
HP20 1UY

28 Junel 2011

Dear Mr Periam,

Re: Objection to: Energy from Waste Facility: incinerator bottom ash: air pollution control residue treatment; access road from A41, revision to Pit 6 restoration contours and restoration scheme, surface waste management and habitat management and that the application is accompanied by an Environment Statement
Site: Greatmoor Farm at Southern End of WRG's Ownership of Land at Calvert
Planning application: No. 11/20000/AWD by WRG Limited

i) Introduction

I am sending this letter on behalf of Stop Aylesbury Vale Incineration Limited (SAVI) as a formal consultee.

On behalf of SAVI, I wish to raise formally a number of objections to the above planning application.

Given the extent of the documentation accompanying the planning application, it has not been possible to assemble all of the objections to this application within the statutory consultation period. You have advised SAVI and others that it will be possible to lodge further objections throughout the summer 2011. I therefore reserve the right to add further objections and supporting information to those set out below.

SAVI has the following objections to this application which I will summarise below.

ii) Content

SAVI's objections have been grouped into the following themes:

1. Secrecy
2. Environmental Impact
3. Contravention of Planning Polices and the proximity principle
4. Lack of justification of the need (Waste Volumes including importing waste)
5. Impact on Cultural Heritage
6. Health concerns
7. Visual Impact
8. Noise
9. Transport Impact
10. Impact on Community

I. Secrecy

I.1 The County Council has consistently refused to give SAVI (or taxpayers and residents in the area surrounding the incinerator) information about the volumes of waste to be handled over the life of the contract or any economic justification. This means the basis of the application cannot be judged and is a frustration of due legal process in relation to the exercise of the County Council's planning powers.

I.2 The planning application [Chapter 5 para 47], in seeking to justify the need for the incinerator, refuses to reveal the volumes of waste to be handled. It claims that:

“The most up to date and reliable data on future residual municipal waste treatment capacity requirements have been produced in support of the BCC residual waste treatment procurement contract. The tonnage of residual MSW requiring treatment during the contract period from 2014/15 to 2043/44 has been modelled by BCC. The actual figures are part of a competitive tender process and are therefore confidential”

I.3 The planning process should be open and transparent and not constrained in the information it provides by a separate procurement process. The application should be rejected on the basis that the applicant has not demonstrated the need for this incinerator throughout the contract period.

2. Environmental

- 2.1 There are immense environmental considerations regarding and objections to this application.
- 2.2 Rather than duplicate the comments, SAVI would wish to refer to the report submitted by Mr C Prideaux (Planning Applications 11/20000/AWD (Full Application) Calvert Energy from Waste, Calvert, Buckinghamshire, Planning Application Objectives) and the objection submitted by Aylesbury Vale District Council following a meeting of its Strategic Development Control Committee. These reports are attached as Appendix 1 and Appendix 2 respectively to this submission.
- 2.3 After extensive analysis, the former report concludes that the application should be rejected for the following reason:

“This planning application fails to adequately address the impacts of the proposals on biodiversity and will, if granted, result in a significant irreversible net loss to biodiversity of national importance that is not adequately mitigated or compensated for.”

- 2.4 This report makes the following points:

“Insufficient information is provided to allow the local planning authority to meet its responsibilities and obligations under PPS9, the Natural Environment and Rural Communities Act 2006 and the regulation 9(5) of the Conservation of Species and Habitats Regulations 2010 for the following reasons;

1. *The planning application does not adequately address the requirements set out in Buckinghamshire County Council’s scoping opinion (Pickard 2009) and meetings between the applicant and the council.*
2. *The planning application includes inadequate survey information deficient of the requirements set down in published good practice guidelines and standard methodologies including data searches, invertebrates including butterflies, great crested newts, bats and birds. The application is therefore fundamentally flawed and does not allow Buckinghamshire County Council to adequately address their responsibilities and obligations under PPS9, Natural Environment and Rural Communities Act 2006.*
3. *The national significance of the site including the presence of Bechstein’s bat in the local area and importance of the disused railway line for nationally and internationally protected species, UK BAP, Red Data Book and local BAP species is not adequately recognised or addressed within the planning application.*
4. *With regard to European Protected Species (great crested newts and bats) insufficient information is provided to enable the local planning authority to fulfil its their obligations under the regulation 9(5) of the Conservation of Species and Habitats Regulations 2010 including consideration of derogation tests of;*
 - a. *Overriding public interest or public health and safety.*
 - b. *No satisfactory alternative.*
 - c. *Favourable conservation status.*

5. *The planning application fails to adequately address the requirements for mitigation and compensation, particularly with regard to the loss of habitat along the undisturbed disused railway line which links sites of biodiversity importance and provide routes and stepping stones Bernwood ECS Calvert Energy From Waste Planning Objections for the migration, dispersal and genetic exchange of notable species in the wider environment. The linear corridor is an important network that the applicant has failed to adequately protect, strengthen and/or integrate in the proposed development.*
 6. *The planning application fails to adequately address the scale of impacts and substantial and irreversible harm and loss to biodiversity resulting from the proposals that can reasonably be avoided by alternative options that can be located on alternative sites and would result in less or no harm.*
 7. *Insufficient information with regard to the quantified scales (number, area, length and duration) and degree of impacts or compensation being proposed is provided.*
 8. *In the absence of decisive management plans, funding arrangements and legal agreements the planning application is reliant on unsecured compensation including the absence of agreements with third parties without which the proposed and inadequate compensation cannot be relied upon for the delivery of biodiversity commitments by the local planning authority in making their decision on the planning application.*
 9. *The disused railroad [sic] is of high terrestrial habitat value supporting a nationally important population of black hairstreak butterflies and assemblages of invertebrates including other RDB butterflies, bat species, amphibians including great crested newt, palmate newt, smooth newt and frog, three species of reptile (grass snake, slow worm and lizard) together with breeding birds including a significant proportion of the counties turtle dove population. A wide range of mammals utilise the foraging habitat and connectivity within this important area of significant ecological value (9 bat species bat including Bechstein's (confirmed breeding (2010) at Grendon & Doddershall Woods SSSI, present at Sheephouse Wood SSSI and Waddesdon) from the wider landscape. The site meets the criteria for local wildlife site and SSSI status "should be protected from development, and, where possible, strengthened."*
- 2.5 SAVI supports these conclusions.
- 2.6 In relation to the AVDC objection the detailed report concludes in relation to biodiversity issues:
*"Objection: This application fundamentally fails to achieve "no net loss" to biodiversity as required by PPS 9. It is based on inadequate survey effort and fails to propose any firm mitigation or compensation measures. Granting permission to this scheme in its current state would result in irreversible damage to nationally important species populations and potentially lead to regional extinctions. **This is in direct contradiction to PPS 9 and therefore this planning application must be refused.**"*
- 2.7 SAVI agrees with and supports this conclusion.
- 2.8 In his summary evidence on the proposed mass biomass incinerator (Appendix 3) Dr Raymond Gemmell concludes:
"The Site area is of substantive and significant importance for its assemblage of Bat species and other protected species and other wildlife interests including unusually high biodiversity for breeding and other birds, butterflies including uncommon and rare species notably Common Lizard which is rare in Buckinghamshire, possibly other reptiles, and important plants of ancient woodlands. The Site

Area is worthy of designation in whole or at least in part as a Local Wildlife Site. Further surveys, particularly of bats and invertebrates, are likely to justify a statutory designation as SSSI and possibly SAC.

The recent surveys have shown that the Site Area is a unique system of habitats and of national and likely international importance for its assemblages of bats, butterflies and other protected species. If I were advising a developer, I would have to alert my client that because of ecological importance and likely adverse effects of development on biodiversity, the ecological and nature conservation issues would be likely to be show-stoppers”

- 2.9 In reaching this conclusion Dr Gemmell makes a series of points set out in Appendix 3 but summarised here:

“Effects of the Proposed Incinerator on Biodiversity and Nature Conservation

The survey results indicate adverse ecological effects of high magnitude and long or permanent duration are highly likely. Effective mitigation is unlikely to be feasible.

The development will have various effects on wildlife including permanent losses of wildlife habitat during construction and disturbance during construction, and for the duration of the operation of the development because of the use of the access road by delivery vehicles.

There may also be adverse effects on bats throughout the use of the incinerator if air pollutants such as nitrogen oxide and dioxins enter the food chain via deposition on vegetation and intake by invertebrates because bats feed on flying invertebrates.

Construction and use of the access road will destroy the ecological value of the disused railway and its use for bat foraging and commuting, and therefore adversely and severely affect bat activity and bat use of the entire site and surroundings. Even if sections of the disused railway (which was largely abandoned by British Rail since the mid 1960s) are retained, its commuting and foraging value for bats and other wildlife will be lost due to fragmentation.

Although there are adopted measures to prevent the release of emissions of dioxins, PCBs (polychlorinated biphenyls), heavy metals (lead, copper etc) from incinerator stacks that could affect human health, there has been very limited research in recent years on the effects of such contaminants on bats and their invertebrate prey.”

- 2.10 And again drawing out the main points in relation to planning policies:

“Consideration of Legislation, Planning Policies and UK Government Directives

There has been no Environmental Statement for the development and no bat roost and bat activity surveys. Because all bats are European Protect Species (EPS), bat surveys and a mitigation method statement are needed before the application can be registered. This is required to ensure that European Protected Species and their habitats are fully considered and protected to ensure compliance with The Habitats Directive.

Government directives to planning authorities have been necessary to avoid the situation where planning permission is granted where there are effects on bats or Great Crested Newts which cannot be mitigated satisfactorily and development cannot commence because Natural England cannot issue an EPS Mitigation Licence.

Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) contains Key Principles which require the protection of European Protected Species, designated nature conservation sites, Local Wildlife Sites, and no net loss of biodiversity. PPS9 Key Principles require that planning decisions should be based on up-to-date biodiversity information. Further, Key Principles of PPS9 require the maintenance of existing biodiversity and incorporation of beneficial biodiversity in the design of development, to ensure that there is a net increase in biodiversity.

If planning permission is granted in this case, existing biodiversity cannot be maintained, and a net loss of biodiversity cannot be avoided. A net increase in biodiversity cannot be achieved. There would be no realistic prospect of compliance with PPS9. Further, PPS9 Key Principles state that if significant harm to biodiversity cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused.

A major consideration is compliance with The Habitats Directive. If Great Crested Newts and their habitats, and/or bats and their habitats are adversely affected and an EPS Mitigation Licence is required from Natural England, it will be necessary to demonstrate that there is no alternative site for the proposed development, and that all possible alternative sites have been investigated. In this case there is an alternative development which, if permitted at the Site, will have reduced, if any, adverse effects on ecology and the environment. Further, effects, if any, could be satisfactorily mitigated.”

2.11 These views are repeated by other organisations and experts:

Letter from Butterfly Conservation, Upper Thames Branch, D Wilton and Dr D Hoare 1 April 2011 reproduced as Appendix 4

*“We are writing on behalf of Butterfly Conservation to **object** to the above planning application. Butterfly Conservation is the national charity working to conserve butterflies, moths and their habitats. Butterfly Conservation objects to the planning application for the following reasons:*

1. The proposed development will cause loss or damage to the following BAP priority species:

Dingy Skipper (UK BAP Priority species; UK Red List species as “vulnerable”)
Grizzled Skipper (UK BAP Priority species; UK Red List species as “vulnerable”)

Note that both of these butterfly species are listed as Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act of 2006.

Brown Hairstreak (UK & Bucks BAP priority species; UK Red List species as “vulnerable”)

The Ecological Assessment states that certain hedgerows within the EfW development area were searched in 2009 and no eggs were found. However, a casual search by one BC volunteer during the winter of 2010 produced eggs with little effort close to Lower Greatmoor Farmhouse and further north along the “mega drain”, as well as

at the southern end of the proposed access road. This suggests that the Ecological Assessment was inadequate with respect to this species, and that a more detailed assessment is needed to ascertain the true importance of the site for Brown Hairstreaks.

Note that this butterfly species is listed as a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act of 2006.

Black Hairstreak (Bucks BAP Priority species; UK Red List species as “endangered”)

The Black Hairstreak is a very rare and sedentary butterfly. The population to be found on and around the planned development is of **national importance**. The area between Kingswood and the Claydon Estate, including the planned development site, represents the butterfly’s **major stronghold** in the UK.

We note that none of the butterfly surveys carried out for the Environmental Statement were completed during the Black Hairstreak’s brief flight season (the last three weeks of June) even though the surveyors would have been aware of the importance of this particular species to the local area. We also note that an attempt was made to look for Black Hairstreak eggs but this is not a recognised survey method for the butterfly. Unlike those of the Brown Hairstreak, eggs of the Black Hairstreak are notoriously difficult to find, even by experts, so this will have been a pointless exercise. During surveys for adult Black Hairstreaks carried out by Butterfly Conservation members in June 2010 the butterfly was found in the hedgerows along the entire length of the disused railway line from Greatmoor to Woodham.

Butterfly Conservation has particular concerns about the surveying carried out during the Ecological Assessment. Three “transect” walks along the disused railway line over a period of barely more than two weeks, one of which was completed in totally unsuitable weather conditions, hardly constitutes a thorough survey for butterflies. Butterfly Conservation records show 35 species as having been recorded over the past ten years from within the kilometre squares covered by the access road and development site. This is a significant total, considering that only 42 species are currently found anywhere in Bucks from the UK list of 62 resident butterfly species. Such a diverse species list shows that the area has a particular importance for butterflies. The Ecological Assessment for this development relies on data supplied during 2008 and 2009 from the Bucks & Milton Keynes Environmental Records Centre. It does not therefore include Butterfly Conservation’s extensive local data now available, because this was only uploaded to the BMERC database in 2010 following completion of a data exchange agreement. In addition to the four UK BAP species already mentioned, the following are included amongst the 35:

Green Hairstreak (Bucks BAP key species)

White-letter Hairstreak * (UK BAP Priority species; UK Red List species as “Endangered”)

Small Copper (Bucks BAP key species)
Holly Blue (Bucks BAP key species)
White Admiral * (UK BAP Priority species; UK Red List species as “Vulnerable”)
Purple Emperor (Bucks BAP key species; UK Red List species as “Near Threatened”)
Dark Green Fritillary (Bucks BAP key species)
Silver-washed Fritillary (Bucks BAP key species)
Wall Brown * (UK BAP Priority species; UK Red List species as “Near Threatened”)
Small Heath * (UK BAP Priority species; UK Red List species as “Near Threatened”)

In addition, notable moth species recorded from the same kilometre squares over the past ten years include:

The Forester * (UK BAP Priority species)
Figure of Eight * (Bucks BAP key species)

** Species of Principal Importance under Section 41 of the NERC Act of 2006.*

Overall we consider that the Environmental Statement does not adequately consider the importance of the linear nature of the access route in the context of local population structure for priority butterflies. The extent to which this area functions to improve connectivity between local metapopulations of several key species has yet to be fully established, making it difficult to accurately assess the real impact of the proposals. Any successful mitigation measures would need to address both the area of habitat lost and its function as an important habitat connection within the landscape.

Evidence to support an application for Village Green status at Doddershall reproduced as Appendix 5.

This evidence supports the above objection and provides detailed maps concerning the butterfly population in and around the application site.

2.12 SAVI understands that further objections will be lodged in relation to endangering bats in the area. This will further reinforce the case for rejecting this application.

3. Contravention of planning policies and the proximity principle

- 3.1 This whole application is contrary to a number of planning policies and should be rejected. In summary:
1. The Application breaches the Minerals and Waste Local Plan which was adopted in April 2006. The application infringes Policy 10, 11, 12, 15, 16, 17, 19, 24, 25, 28, 30, 35 and 37 of that Plan.
 2. The Application breaches Planning Policy Statements (PPS) 1, 5, 7, 9, 10, 13, 22 and 24.
 3. The Environmental Statement filed with the Planning Application does not comply with Regulation 2 (1) and Schedule 4 of the EIA Regulation.

Planning Policy Statement 9 – Biodiversity and Geological Conservation

- 3.2 PPS9 states that:
- "Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."*
- 3.3 SAVI supports the Butterfly Conservation is objecting to this planning application in its current form.

Natural Environment and Rural Communities Act 2006

- 3.4 Section 40 of the Natural Environment and Rural Communities Act 2006 has brought in a new biodiversity duty on public bodies – updating that in the CROW Act 2000:
- "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."*
- 3.5 SAVI considers that this application does not seek to conserve biodiversity.

Planning Policy Statement 10: Planning for Sustainable Waste Management

- 3.6 Planning Policy Statement 10 (PPS10) sets out the Government's policy to be taken into account by waste planning authorities and forms part of the national waste management plan. PPS 10 states that planning authorities should prepare and deliver strategies that help deliver sustainable development by driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option.
- 3.7 The County Council will have failed to do this if it agrees this application.
- 3.8 PPS 10 notes that in searching for new or enhanced waste management facilities waste planning authorities should consider:
- Opportunities for on-site management of waste where it arises;
 - A broad range of locations including industrial sites, looking for opportunities to co-locate facilities together with complementary activities
- 3.9 The County Council will have failed to do this if it agrees this application.
- 3.10 PPS 10 also requires planning authorities, in considering planning applications for waste management facilities, to consider the likely impact on the local environment and amenity.
- 3.11 When the County Council does this, it must reject the applications for reasons set out in other parts of this response (e.g. environmental impact, visual impact, noise etc.).

South East Plan

- 3.12 The South East Plan policy W12 states:

“The regional planning body, SEEDA, the Environment Agency and the regional partners will promote and encourage the development and demonstration of anaerobic digestion and advanced recovery technologies that will be expected to make a growing contribution towards the delivery of regional targets for recovery, diversion from landfill, and renewable energy generation over the period of the Plan.

Waste development documents and municipal waste management strategies should only include energy from waste as part of an integrated approach to management. All proposed waste facilities should:

- *Operate to the required pollution control standard*
 - *Include measures to ensure that the appropriate materials are recycled, composted and recovered where this has not been carried out elsewhere.”*
- 3.13 The point about pollution control standards is addressed elsewhere. There is little evidence of the measure taken to avoid the need to incinerate all of the waste.

Infringement of Minerals and Waste Local Development Plan (Saved Plan)

Policy 10 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

3.14 Policy 10 deals with the overarching Waste Management Principles including:

“All proposals for new waste management facilities within Buckinghamshire during the life of this Plan will be expected to demonstrate conformity with the following principles:

- i) wastes set out in this Plan;
- ii) support the waste hierarchy, and represent the best practicable environmental option (BPEO) for the waste stream(s) it will serve;
- iii) not inhibit or prevent the development of more sustainable waste management options further up the waste hierarchy;
- iv) conform to the proximity principle;**
- v) allow for the recovery of materials and/or energy from waste, wherever practicable.
- v) meet an identified waste management **need**, consistent with the policies for local and regional

Development of new waste management facilities at sites in the open countryside will not be precluded where there is a demonstrable need for the facility; the proposal is consistent with the proximity principle; and no other suitable alternative sites exist.”

3.15 PPS 10 requires the Council to apply Policies to ensure that this waste is prevented, reused and recycled prior to the Lower Waste Hierarchy methods including recovery and disposal.

3.16 Proposals will be expected to conform to other relevant policies contained in this Plan and should also be consistent with the Council's current Supplementary Planning Guidance.

3.17 There is no demonstrable need for the facility on this scale, the proposal is not consistent with the proximity principle and there are other alternative sites (of smaller capacity).

3.18 Paragraph 3.1.11 in the Plan states:

“Finally, many new (permanent) waste facilities will need to be located close to the origin of the waste that they manage and will, therefore, generally be close to the towns.”

3.19 In direct contradiction, this application is not located close to the origin of the waste but in a rural location a significant distance from any centre of population.

3.20 The planning application would require rejection based on the Proximity Principle alone. It is noted that it is said Policy 10 will be applied by BCC with a “degree of flexibility...in relation to waste movements and the Proximity Principle in identifying the best practical environmental option”. This could not support any favourable consideration of an application. Whilst there are considerable reasons for concluding (objectively others have dealt with this) that incineration is not the best practical environmental option, the legal position is that there is no such “flexibility” in the Proximity Principle in the manner the Policy anticipates. The Waste Framework Draft Waste Regulations 2011 oblige the Council to abide by the Proximity Principle when determining all planning applications. No flexibility is allowed.

3.21 PPS 10 requires waste management to be undertaken so as to permit environmental waste disposal and is dependent on imports from outside the County. The breaches of PPS 9 identified in the submissions of AVDC (Appendix 2) , Dave Wilton (Appendix 4), Chris

Damant (Appendix 1) and ERAP (appendix 3) are relied upon. Even supplementing the information provided by the Environmental Impact Assessment (EIA), the EIA has not been carried out in accordance with the EIA Regulations. The developer's EIA is inadequate and infringes the Regulations. The grant of permission would involve breaches of the Habitats Directive.

- 3.22 In particular, no proper surveys have been undertaken on the access route in relation to bats and butterflies. The site and proposed access route are well known as supporting very significant numbers out of the national Black Hairstreak population but the surveys undertaken by the developer's consultants were carried out at times when the Black Hairstreak would not be present as it is June which is the butterflies' maturity period.
- 3.23 Similarly inadequate surveys have been done in relation to bats and this illustrates a partiality in carrying out the EIA which infringes the EIA Regulations. An EIA survey must deal with the matters as required by the Directive. The developer's consultants have deliberately set out to avoid surveying essential environmental features of the site notwithstanding the clear directions to do so in the Scoping Opinion.
- 3.24 Further details with regard to the insufficiency of the EIA in relation to butterflies are set out in the schedule together with the current red list.

Policy 11 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

- 3.25 Policy 11 deals with Imported Wastes & Landfill Sites and states:

“Proposals for facilities primarily intended for management of imported wastes by any means other than landfill will not normally be consented.”

- 3.26 The WRG planning application indicates that up to 30% of the waste delivered to the site could come from outside the County. This is likely to be an underestimate as recycling and other forms of disposal continue to increase. The application should be refused on the basis that there is every likelihood that the proportion of imported waste will need to rise to become the major element during the period of the contract. This is already happening in other locations as the case study below shows:

Case Study: UK: Veolia to seek 50,000 tonnes of waste from outside of Sheffield

LetsRecycle.com, 27 May 2011, online:-

Veolia Environmental Services has been allowed permission to source around 50,000 tonnes of additional waste feedstock for its energy-from-waste incinerator by Sheffield city council, as it aims to combat future under-capacity. The city council approved the plan, despite objections from 22 campaign groups over the proposal. Veolia first submitted its plan in December 2010, which allows a temporary variation of the contractual arrangements for the 225,000 tonne-per-year capacity incinerator. Veolia said more feedstock was required for the incinerator, after a rise in recycling, coupled with reduced waste growth in the city. Under the terms of the original deal Veolia is able to source around 22,500 tonnes of material from outside of Sheffield, but under the new deal, this level has been doubled.

- 3.27 There are competing facilities nearby, at Ardley and Rookery Pit. The above scenario is therefore a real concern in relation to the Greatmoor Farm incinerator.
- 3.28 In addition, as reported in Appendix 6, the Department for the Environment, Food and Rural Affairs (DEFRA) has removed seven council groups' funding for 25 year waste disposal contracts, following the spending review. DEFRA said these were not needed to meet landfill diversion targets under the EU Landfill Directive. The UK is already ahead of its 2013 target. A number of the schemes that have been stopped were due to be in the South East.
- 3.29 The policy continues:
“Provision for recovery and processing capacity for imported waste will only exceptionally be made where there is a proven need, with demonstrable benefits to Buckinghamshire including improving the viability of recovery and reprocessing activity within the county, and where this is consistent with the proximity principle.”
- 3.30 There is no proven need to handle imported waste. There are no benefits demonstrated including the absence of information about the viability of recovery. The proposal is not consistent with the proximity principle. It should be refused.

Policy 12 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

- 3.31 Policy 12 sets out the aim of Integrated Waste Management:
“The County Council will give favourable consideration to proposals for the co-location of waste management processes to achieve new larger integrated facilities where there will be operational, transport cost and environmental benefits, and the proposal will not be at the expense of existing waste management operations located closer to the source of the waste.”
- 3.32 This is supported by the implementations statement that the County Council: will *“work with the waste management industry to identify suitable opportunities and to safeguard sites for the co-located and integrated treatment/processing of waste near to the larger towns.”*
- 3.33 This application is in one of the most rural parts of the County.

Policy 16 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

- 3.34 Policy 16 sets out support for other advanced techniques which the County Council will use:
“The County Council will support the development and demonstration of anaerobic digestion (AD), mechanical-biological treatment (MBT), and other advanced techniques that are expected to make a growing contribution towards the recovery of waste and energy generation.”
- 3.35 The Planning Application does not properly address the other forms of waste disposal and/or recovery highlighted in Policy 16. It is necessarily a pre-condition of Policy 17 that Policy 16 has been implemented. That implementation required the Council to encourage the Waste Management Industry to develop and pilot demonstration Anaerobic Digestion (AD) and Mechanical Biological Treatment (MBT) facilities within the region and thereby establish their advantages for Buckinghamshire. The Council is required to carry out this Policy until a different Waste Strategy is approved by the Secretary of State and formally adopted. The determination of the application for incineration under Policy 17 is clearly

premature since no opportunity has yet been afforded for the establishment in the County of the advantages of AD and MBT as envisaged by Policy 16.

- 3.36 Indeed, the Application compromises Policy 16 which has as a necessary component the development of AD and MBT at High Heavens. The current Application provides for a waste transfer station at High Heavens and it is not explained how it would be possible for this to function as a waste transfer station and at the same time host established Anaerobic Digestion and Mechanical Biological Treatment facilities.
- 3.37 These forms of waste facilities are already sufficiently to be provided for in Aylesbury Vale at the Westcott Venture Park. There is no need for further AD and MBT facilities in the north of the County. If further development is required in order to provide AD or MBT in an integrated waste policy that provision should take place at High Heavens or another suitable location near to waste arising in the south of the County in order to comply with the Policy.
- 3.38 The application is based on securing planning permission at the two transfer stations at Amersham and High Wycombe. This should not be assumed. The application contains no information about the consequences of not securing these permissions. It cannot be approved without this assessment.

Policy 17 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

- 3.39 Policy 17 sets out the County's position in relation from Energy from Waste:

"The County Council will support proposals for incineration, pyrolysis or gasification plant ("energy from waste") only as part of an integrated approach to waste management that will increase the recovery of materials, and where:

- a) the need for the facility can be demonstrated;*
- b) the proposed facility will operate to the highest pollution control standards;*
- c) the site is environmentally acceptable and complies with national advice to deal with waste in accordance with the BPEO (including an assessment of possible alternative sites which demonstrates that the proposed site will provide the most benefits or least damage to the environment);*
- d) the facility will include measures to recycle, compost and recover materials where this has not been carried out elsewhere; and aim to incorporate combined generation and distribution of heat and power. Proposals for incineration or other thermal waste process that do not include the recovery of energy will not normally be permitted."*

Policy 17(a) of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

- 3.40 There is no justifiable need for a facility of this size and capacity.
- 3.41 The Application identifies anticipated municipal waste for the County of Buckinghamshire at 109,000 tons per annum. No imported municipal waste or commercial waste can be included when assessing need. For the reasons set out earlier this figure is a significant overestimate.
- 3.42 The Planning Application and the Waste Authority's encouragement of the proposal are for incineration of that municipal waste. A 300,000 ton incinerator dependent on either large imports from outside the County or of other Counties' municipal waste and commercial and industrial waste must be disregarded when assessing the "need".
- 3.43 The grant of planning permission for an incinerator three times the size of the available municipal waste does not constitute a need and is not sustainable waste development.
- 3.44 Policy 17 (a) cannot be demonstrated.

Policy 17 (b) of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

- 3.45 The Council must accept that there are serious doubts as to whether Policy 17 (b) can be achieved with the proposed Applicant.
- 3.46 It was established by Mr Trevor Eggleton at the Overview and Scrutiny meeting on 11 January 2011 that WRG had built two incinerators only and even a cursory examination of the way in which these have been constructed and operated gives rise to serious concerns with respect to the ability of the Facility to operate at the highest pollution control standards. The Nottingham incinerator is the oldest but its efficiency is well below a Recovery operation. Nottingham City Council's figures for 2007 showed only a 21% energy return which resulted in a requirement for a further £20 million of expenditure and it still remains unclear whether this investment will qualify the incinerator as a Recovery facility in accordance with the Directive.
- 3.47 The Maidstone facility had to be closed between the middle of 2007 and spring 2008 due to defects. The closure left 4,700 tons of waste at the site undisposed of causing significant environmental odour infringement. The provision of the incinerator is widely considered to be a disaster even by the local politicians who promoted its construction and operation.
- 3.48 Assessments assume the plant is working 100% effectively and rely to a considerable extent on self-monitoring. There is no information in the application which demonstrates the performance of WRG.
- 3.49 It is clear from court records and the Internet that WRG has been the subject of various prosecutions and enforcement action for failures in its activities and safety record. The following are just a selection:
 - Appendix 9 Ends report – WRG fines
 - Appendix 10 Ends report – WRG Landfill gas leak
 - Appendix 11 Ends report – WRG Landfill offences
 - Appendix 12 Ends report – WRG permit revoked
 - Appendix 13 WRG details of convictions of relevant offences
 - Appendix 14 Waste Management World - WRG offences

- 3.50 There is a very strong suspicion in the local community that inappropriate waste has been handled at the adjacent Calvert site (e.g. during the BSE crisis).
- 3.51 WRG has a long list of previous convictions for pollution infringements. This should be brought out before a decision is made.
- 3.52 Whilst there is a separation between the planning process and regulation, the Development Committee should have regard to the track record of the applicant in assessing whether claims about health impacts can be relied upon. The presumption is that the plant is operating efficiently and monitored effectively including self monitoring. This presumption is not appropriate for the applicant.

Local Example of WRG's poor performance

- 3.53 The following example illustrates the impact of facilities which are not competently run:

"On the 7 July 2009 WRG appeared at Aylesbury Magistrates Court to answer charges that they breached the conditions of their Environment Agency permit at Calvert Landfill Site.

Mrs. MacDonald, appearing on behalf of the Environment Agency, told the court that WRG had failed to ensure that appropriate measures were in place to prevent "fugitive" emissions into the air. Between February and May 2007 high releases of methane emissions into the atmosphere occurred resulting in 56 complaints from residents of Calvert Green and elsewhere. Residents reported feeling sick, having to keep their windows closed and in mild May weather they were unable to eat outside in their gardens due to the malodorous emissions. A number of residents reported being embarrassed to ask people to visit them because of the smell and other health effects.

The Environment Agency's advocate told the court that initially WRG accepted that the emissions were caused by their failure to complete piping infrastructure at the landfill site, but subsequently the company sought to correct this stating that this information had been given in error. Ms Quaid, counsel for WRG, entering a plea of not guilty, stated that there had been a misunderstanding at the time this information was provided to the Environment Agency and that WRG did not accept that they had breached the terms of the permit and, she submitted, WRG had discharged their responsibilities to prevent fugitive emissions. She stated that the emissions are naturally occurring in the atmosphere and that WRG had continued to operate the landfill site at all material times after May 2007 without further complaints.

The magistrates were advised that they would need to resolve whether there were emissions from the landfill site and whether they were "fugitive". Fugitive emissions are emissions from pressurized equipment due to leaks and other unintended or irregular release of gasses.

The magistrates decided that the case should proceed to a full trial commencing on the 9 November 2009 when more than 20 witnesses will be called by the Agency and WRG to resolve whether WRG are at fault, which could lead to a fine of up to £20,000. The prospect of WRG being fined is however of less concern to residents of Calvert and neighboring parishes than the prospect of them operating an incinerator.

It is understood that WRG were fined for this incident.

- 3.54 Mr Eggleton was also able to establish that WRG's parent company, FCC, had not built any incinerators. The question arose as to how the proposed facility would operate in the event of the failure of the special purpose vehicle which WRG would incorporate in order to

operate the Greatmoor Farm incinerator. It is said that prior to commencement of operations that there will be an inter-company guarantee from FCC to the Council. If this provides a financial guarantee that may mitigate financial losses but it does not explain how in fact the facility will be operated.

- 3.55 Given that the County's waste arisings are entirely insufficient to produce enough waste to burn to meet any potential Recovery threshold that the facility could operate to (it is not accepted as set out below that it could in fact do so) the financial viability of WRG's operating company will be based on the Council's strategy of importing sufficient waste from London Boroughs and other Counties. The necessity to include such imports into the business case necessarily breaches Policy 17 (a) but it clearly impacts on Policy 17 (b) to the extent that there are doubts about the operator's ability to manage the facility and to generate sufficient capacity for it.
- 3.56 If it is to operate to the highest pollution control standards and it is an obligation of the Council to take over the facility in the event of a failure of the operator, the cost of the demolition of the facility and the restoration of the site in 2045 is a material issue in the Application. It is not clear in the event of the Council being required to rely on the guarantee whether all the costs of demolition and restoration will be covered. This is an essential part of the environmental standards of operation of the facility and since there is a considerable expectation amongst those groups opposed to incineration on environmental grounds that within the 30 year life span of the proposed incinerator the failure of planners and politicians to apply the precautionary principle will have been amply demonstrated. The decommissioning and restoration costs are likely to be extremely high.

Policy 17 (c) of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MVLPL)

- 3.57 The Application does not include an assessment of possible alternative sites which demonstrate that the proposed site will provide the most benefit or least damage to the environment. It simply relies on the fact that the unadopted Core Waste Strategy expresses (with some serious reservations) that the neighbouring Calvert Landfill is a potential strategic waste site. In fact, there is very little detailed analysis of the environmental impacts of the Application. The Environmental Impact Assessment is rudimentary, fails to address material environmental issues, does not comply with the Habitats Directive and contains no detailed mitigation proposals for nationally protected species. SAVI's own environmental report by ERAP, with the addendum on bats by Bernwood Environmental Conservation Services, gives further evidence of the BAP priority species and Red List species of butterflies along the proposed access road and at Greatmoor puts the proposed facility on a collision course with Policy 17 (c).

Policy 24 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MVLPL)

- 3.58 Policy 24 requires the Application to be refused:

“Permission will not be given for mineral or waste development where such proposals would be likely to endanger or have a significant adverse effect on the character, appearance, intrinsic environmental value and/or setting of the following:-

- a) Sites of Special Scientific Interest, RAMSAR I, SAC2, SPA3 and any other nationally or internationally important nature conservation sites;*
- b) Scheduled Ancient Monuments and other nationally important archaeological sites;*

- c) Registered Historic Parks and Gardens;
- d) Listed Buildings;.....”

- 3.59 The proposed development is not in accordance with the development plan in that it would affect the setting of a Listed Building. [Email from Buckinghamshire County Council - 2 March 2011].
- 3.60 An application is being seriously examined by Defra to seek SSSI registration for area in and around the proposed access road to the site. This has not yet been determined.

Policy 30 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MWLP)

- 3.61 Policy 30 relates to the Proximity Principle and Sustainable Transport. It states:

“All proposals for minerals or waste management development will be expected to demonstrate that due regard has been paid to the need to minimise any adverse transport impacts. In addition, all proposals for waste management development will be required to show consideration of proximity to the area and waste streams that they are intended to serve. Proposals that do not comply with the proximity principle will not normally be permitted.”

Wherever practicable, the County Council will seek the use of rail, waterways, conveyors or pipelines in preference to the use of roads for the transport of bulk materials. Proposals must therefore demonstrate that alternative means of transport to roads have been considered, and will be used where practicable.

Where a proposal can only be served by road, the County Council will only grant planning permission for minerals and waste development where the material is capable of being transported to and from sites by the Strategic Highway Network (SHN) as defined in the adopted County Structure Plan and Local Transport Plan. The suitability and capacity of available access roads will be taken into account and proposals which use significant lengths of unsuitable other roads to gain access to the SHN will not normally be permitted unless suitable improvements can be agreed and secured with the developer.”

- 3.62 Policy 30 sets out the Council’s requirements in relation to the Proximity Principle and sustainable transport. Supporting paragraph 4.72 is:
“Waste facilities need to be located as close to the source of waste arisings as is possible. This helps to reduce the distance travelled by waste collection vehicles, which can have beneficial results from less traffic movements particularly in large urban areas. It is essential that waste facilities have good transport communications whether it be to transfer waste onward to other treatment facilities or remove residual waste to landfill sites.”
- 3.63 This imports into the Council’s Policy the requirement of the Principle that waste facilities need to be located as close to the source of waste arisings as is possible. This is not the case with this Application either in relation to Buckinghamshire’s waste or the waste imported from other parts of the Country.
- 3.64 As a planning authority the Council had a statutory duty to implement the Principles in the Directive and by reason of the Environmental Permitting (England and Wales) Regulations 2007 (“2007 Regulations”) which came into force on the 6 April 2008 soon to be replaced by the 2011 Regulations (“the Regulations”). The Directive and the Regulations apply the Proximity Principle differently to waste disposal and waste recovery. A higher obligation

exists in relation to disposal than recovery. Disposal includes “incineration on land” and recovery requires an activity which falls into any of the categories listed in Annex II B to the Directive. The discussion documents and draft DPD’s appear to have used recovery as if it could be applied to incineration. The WRG application should fall into the category of disposal.

- 3.65 The developer and the Council claim that the proposed incinerator is a “recovery” operation under the Waste Framework Directive. An incinerator may constitute a recovery operation where the facility is “*dedicated to processing of municipal solid waste only where their energy efficiency is equal to or above 0.65 for installations permitted after the 31st of December 2008 applying the energy efficiency calculation set out in Annex 2 of the Directive*”. The proposed incinerator does not comply with this definition because it is not dedicated to the processing of municipal waste. The developer estimates the incineration of up to 150,000 tons of commercial waste.
- 3.66 In any event the published energy efficiency of the Applicant’s proposed incinerator is only 65.5% and therefore, on its own calculation, is only within a margin of 0.5% of the threshold under the Directive even if the developer could qualify. No calculation has been provided within the papers of how the Applicant has satisfied itself that this tiny margin above the waste regulation is satisfied and the Applicant should disclose all necessary documents and technical data in order that the Planning Authority and other interested parties are able to verify the claims. Without definitive information to permit verification that the energy requirement threshold specific in the Directive is reached, the application should not be accepted. Independent verification should be provided of this claim.
- 3.67 The margin of error is all the more smaller in the case of WRG’s proposal as the incinerator supplier they have selected became insolvent and that supplier has been the subject of a foreign takeover which are likely to result in different parts, manufacturing process and delivery logistics. This will require close examination to see whether this tiny margin of qualification is affected.
- 3.68 The Planning Authority needs to be all the more careful given that the Council’s Waste Management Authority has accepted these figures in the full knowledge that when compared with the other incinerator it considered contracting with was clearly a recovery operation since its energy efficiency was approximately 80% and qualified on the grounds of proximity to the waste arising. A failure of the proposed incinerator as a recovery operation exposes the Council to a significantly increased appeal and/or judicial review risk if the figures turn out to be inaccurate.
- 3.69 Even if the small margin of waste efficiency is accepted at face value, the application still fails to satisfy the policy statement in the Minerals and Waste Local Development Plan at 7 and 8 above. The Council’s obligation to follow the Policy in relation to the Proximity Principal, is not loosened by reference to the distinction in the Waste Framework Directive between Recovery and disposal, since that Directive had not been adopted at the date the Council’s Policy was saved
- 3.70 If the incinerator is a disposal operation the Application should be refused on the basis that this does not achieve what is required in relation to the Waste Hierarchy by the Directive and the Sustainable PPS.
- 3.71 The 109,000 tons of municipal waste arises predominantly in the south of the County and long journeys to waste transfer stations and then by road journey using both Strategic

Highway Networks and non Strategic Highway Networks and out of County motorway facilities transiting other Counties offends against the Proximity Principle.

- 3.72 The Planning Authority needs to specifically take into account the widespread acceptance that the waste decision making bodies within the Council are dominated by southern Conservative councillors and that the siting of the incinerator in the far north of the County away from their wards is regarded by most as cynical political considerations infecting what should be a decision based upon due regard to the Proximity Principle and the need to restrict movements of waste to the minimum.
- 3.73 This widely held perception is born out of the developer's failure to set out fully and clearly in the Application the alternative sites both in terms of their waste characteristics but more importantly in relation to their effect on the County's traffic and emissions from traffic.
- 3.74 BCC must implement the Proximity Principle as a planning authority and as a waste authority must take the Proximity Principle into account as a main or principal consideration so as to ensure disposal in the nearest possible installation.
- 3.75 The Proximity Principle is an important issue and it is relevant here to remind the Council what the Principle is and the extent to which it binds decisions of the Council. The Proximity Principle is a matter of European and National Law. It is clear that the Principle must be kept in mind at all times in any plan making process and applied in considering any planning application. There appears to be an understanding on the part of BCC that the Principle is inherently flexible. It is not. This binds the Council in both waste disposal and planning authority capacities.
- 3.76 The legal requirement so stated contains an absolute obligation "must" in relation to the disposal and a conditional obligation on transporting waste so that it is limited "as far as possible". If there were any degree of flexibility, and it is difficult to see that there is, it would have to be exercised within these parameters. The Council's Saved Plan cannot abrogate these requirements because transporting waste over long distances would also breach the Best Practicable Environmental Option (BPEO) principle.
- 3.77 Accordingly, the Council, in considering this application under the Saved Plan, is bound to reject it because of the breach of this free standing legal requirement, whether or not the Council takes the view that the current draft Core Waste Strategy might in future be approved as sound by the Secretary of State's inspector. There could be no assumption by the Council that, in view of the need to bend the Proximity Principle to such a degree, a grant of permission could be consistent with the Council discharging its obligation in relation to the Proximity Principle.
- 3.78 The Council's own advice recognises this lack of soundness in the Sustainability Appraisal, which states "*In the case of Calvert Landfill, the Council recognises that major proposals would significantly increase road movements*".
- 3.79 Further, at Paragraph 11.10 the Sustainability Appraisal acknowledges that Calvert was in "*poor proximity*" and its only positive rating on transport grounds was the potential for rail movements. Rail movements are irrelevant to the municipal waste movements. Ignoring the Council's own advice would involve breaches of the policies referred to above.
- 3.80 Under the Environmental Permitting (England and Wales Regulations 2007) the planning authority is required to implement Article 4 of the Waste Framework Directive and must

exercise its powers for the purposes of implementing Article 5. Article 5 contains the European statutory basis of the Proximity Principle.

- 3.81 The extent of the flexibility is also limited below County level. The statement in the Council's July 2009 Press Release that "*transporting waste within the County is consistent with the Principle*" is plainly wrong in law because it ignores the Court of Appeal's decision in *Thornby Farms Murray v Derbyshire County Council* [2002] [JPL 937] that the Proximity Principle continues to apply at and below "County level". *R (Adriano) and others v Surrey County Council* 2002 [EWHC 2471] re-affirms this and makes clear that the Proximity Principle is a main or principal test, not just one amongst many. In addition it needs to be applied below regional or County level, (See the report at [2003] 2 PLR at paragraph [35] and [36]). This makes clear that the Proximity Principle must be applied below County level as a main consideration.
- 3.82 The practical circumstances of the two cited cases are equally applicable to Buckinghamshire. Sufficient information is available to the Council in its own Sustainability Appraisal to determine the WRG site is unsuitable on proximity grounds. Jacobs state "However, a main source of pollution from waste management is the emissions from transportation of waste across the County. There was no data available on the level of emissions from this activity, or alternatively the level of use of sustainable transport modes for moving waste such as rail or canal." This is fundamental to the environmental element within the Proximity Principle.
- 3.83 The approach of transporting all of Buckinghamshire's waste to a location in the North of the County and drawing in waste from other surrounding parts of the region directly contradicts this policy. The application should be rejected.

Waste Framework Directive ("the Directive"), 2011 Regulations

- 3.84 Article 13 of the Directive - Protection of human health and the environment states that:

"Member States shall take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:

- (a) without risk to water, air, soil, plants or animals;*
- (b) without causing a nuisance through noise or odours; and*
- (c) without adversely affecting the countryside or places of special interest."*

Article 13(a) and 13(b)

- 3.85 The Council's Sustainability Appraisal acknowledges that "*EfW's generate greenhouse gas emissions and other particulate emissions therefore exacerbating climate change, impacting upon air quality and can have psychological impacts upon the local community*". The Directive itself would have to require rejection of the WRG proposal and planning consents, but even if the Council were tempted to agree an application because of WRG's incorrect planning assumption that they could borrow from the as yet unadopted DPD's it would have to take into account the advice by the authors of the Sustainability Appraisal that environmental risks are only discounted "*because the proposals must operate to the highest pollution standards*" (2.21). (See "Reliance on Development of Core Waste Strategy" below).

Article 13(c)

- 3.86 The second free standing element of the Directive, which should preclude planning permission, is that it would infringe Article [13(c)] of the Directive which requires that waste is disposed of without adversely affecting the countryside or places of special interest. The Council's own Sustainability Appraisal concludes that the planned incinerator site adjoining Calvert Landfill is "*within a rural location adjacent to a SSSI*". The Council's own advice raises environmental reservations, including in relation to the village adjacent to Calvert Landfill Site "*there are a number of constraints such as the amenity issue, ecology flooding to a small area of site and its rural location*".

Waste Framework Directive ("the Directive"), 2011 Regulation

- 3.87 Granting permission for incineration will require greater volumes of waste than the County produces. This infringes the central requirements/objectives of the Waste Framework Directive ("the Directive"), 2011 Regulations.

Reliance on Developing Core Waste Strategy

- 3.88 The Application concedes at paragraph 37 that the relevant Planning Documents are the Buckinghamshire Minerals and Waste Local Plan and the Aylesbury Vale District Local Plan but seeks to incorporate into the Application the proposed replacement of the Development Plan with the Buckinghamshire Minerals and Waste Core Strategy. This is clearly an attempt to sidestep the clear breach of Policy 17 of the Minerals and Waste Local Plan which would be involved in granting the Application. The Minerals and Waste Core Strategy Development Plan Document (CSDPD) has not been adopted. The timetable for its production has been significantly delayed either by prevailing factors or by design. The next programmed date, for the publication draft, has been delayed until June May 2011 but it is subject to public scrutiny and presentation to the Secretary of State.
- 3.89 It is not open to the Development Control Committee to decide a planning application in relation to a Core Waste Strategy before its examination in public, at the very least, and probably not until its formal adoption. This is because (as illustrated in a number of other planning appeals) that whilst an emerging Waste Strategy may be taken into account prior to its formal adoption, it must necessarily meet the criteria for soundness in PPS 12 in order to be taken into account. No weight can be afforded to a Core Waste Strategy prior to the close of an enquiry and examination in public report into the Strategy has been published in order for the Development Control Committee to conclude that it meets that criterion for soundness.
- 3.90 This is far from the position in Buckinghamshire where the Core Waste Strategy Document has been continually delayed, has not been the subject of public consultation, has not been the subject of an examination in public and its soundness cannot be presumed. Any reliance on the emerging Core Waste Strategy in Buckinghamshire should therefore be excluded.
- 3.91 The Buckinghamshire County Council is preparing a new waste plan (the Bucks CC Minerals and Waste Core Strategy Development Plan Document). Because it is in draft it has very limited relevance but as an indication for the future the Council prefers two sites for waste management – one in the North (at Calvert) and one in the South (Wapsey's Wood). Contrary to the WRG view in the planning application, the application would contradict this approach by taking all the waste to the Lower Greatmoor Farm.

Planning application for waste pit

3.92 WRG are not applying for planning permission to construct the waste pit for the hazardous waste despite stating in their scoping document “*The site historically received planning permission for such a cell, however, this was never implemented and the permission lapsed*” [Scoping report 2.2.3]. Either the local population has been misled throughout the consultation or the application is not complete and should be refused.

4. Lack of justification of the need (waste volumes including importing waste)

4.1 There is no justification for a proposal that involves taking all of Buckinghamshire’s residual waste – and more. The application should be rejected on the grounds:

- That it overstates the volume of municipal waste over the period of the contract
- That it is not appropriate to centralise all of this waste to be disposed of in only one location
- That it relies on waste being imported from a wide surrounding area
- That the capacity is being justified not on the basis of the needs relating to waste disposal but on the basis of financial profit for the applicant,

- 4.2 The capacity of the proposed incinerator is 300,000 tonnes per annum (tpa). The municipal waste to be disposed of for the whole of Buckinghamshire is only 110,000 to 150,000 tpa. The figures for municipal waste are overestimates. Recycling rates in the County, particularly Aylesbury Vale which is very significantly below the national average, will improve; alternative forms of disposal will divert waste from this facility and total waste volumes will reduce as awareness of packaging etc increase.
- 4.3 The current position (Department for Environment, Food and Rural Affairs – Municipal Waste Statistics – Local Authority Data 2009-10) shows the current amounts not recycled:

	TOTAL	Recycled		Other	
	Tonnes pa	Tonnes pa	%	Tonnes pa	%
BCC – Household Waste Recycling Centres (HWRC)	59,500	42,700	72%	16,800	28%
Aylesbury Vale DC	56,200	12,500	22%	43,700	78%
Chiltern DC	32,900	15,300	47%	17,600	53%
South Bucks DC	23,700	7,900	33%	15,800	67%
Wycombe DC	64,600	27,200	42%	37,400	58%
Bucks Household total	236,900	105,600	45%	131,300	55%

- 4.4 However assuming that the District Council recycling rates improve to equal that already being achieved by the top 10 authorities the volume to be recycled will fall:

	TOTAL	Recycled		Other	
	Tonnes pa	Tonnes pa	%	Tonnes pa	%
BCC – Household Waste Recycling Centres (HWRC)	59,500	42,700	72%	16,800	28%
Aylesbury Vale DC	56,200	32,596	58%	23,604	42%
Chiltern DC	32,900	19,082	58%	13,818	42%
South Bucks DC	23,700	13,746	58%	9,954	42%
Wycombe DC	64,600	37,468	58%	27,132	42%
Bucks Household total	236,900	145,592	61%	91,308	39%

- 4.5 The County Council's appointment of WRG as the preferred bidder and this application assumes that all district councils will send their waste to this facility. This is a false assumption in relation to Aylesbury Vale District Council at least which is opposed to the WRG application and is entitled to send its waste to alternative disposal / recovery facilities.
- 4.6 To maximise WRG's profit they have applied to build an incinerator which will also take the County's commercial and industrial waste (between 75,000 – 157,000 tpa). [Planning application form]. At the low end of this projection and assuming the municipal requirements above, only just over half of the total incinerator capacity will be required for

the waste arising in Buckinghamshire. If any of this waste is disposed of in other ways or in other locations the total figure for Buckinghamshire's waste falls still further.

- 4.7 The planning justification for an incinerator should disregard the profit motive for such a massive facility. This facility is not needed locally on this enormous scale and is not justified on planning policy, environment or social grounds. Aylesbury Vale should not become the dumping ground for all of the waste –domestic, commercial and industrial – from across Buckinghamshire and beyond.

Importing waste

- 4.8 To maintain its viability for 30+ years will require waste to be imported from an enormous area across the South East. The WRG planning application indicates that up to 30% of the waste delivered to the site could come from outside the County [Chapter 8 para 163]. The counties of Bedfordshire and Hertfordshire as well as Luton, Windsor and Maidenhead, Bracknell Forest, Wokingham and Reading are all identified as potential sources of C&I waste [PSS Chapter 5 paragraph 58] plus potentially London boroughs. There is absolutely no need for this importation of waste except to increase the applicant's profits. No justification on planning grounds exists to justify making the Vale the regional disposal site.
- 4.9 The Covanta application for an even larger facility assumes waste will come from Buckinghamshire. There is no explanation about the interrelationship between this facility, that of the 300,000 tpa incinerator at Ardley, the 585,000 tpa incinerator at the Covanta site and the potential 352,000 tpa incinerator at the Hertfordshire site (Appendix 7). Put simply they constitute a significant over supply (see also Appendix 6 on schemes being cancelled since they are no longer needed) and they certainly cannot be justified in terms of their geographical location. This view is reinforced by others, for example:

“The UK is “coming close” to having enough waste treatment plants built or in planning to meet future needs.” Waste Consultancy - Eunomia. (Appendix 8)

Changes (since the waste strategy)

- 4.10 There have been a number of developments since the adopted waste plan was agreed which affect the justification of need for this application.
- 4.11 The application and the assumptions are out of date and seriously underestimated the trends in relation to recycling and alternative technologies. A massive incinerator is not needed – it is relying on out of date information
- 4.12 Other local waste disposal provision is being introduced including 50,000 tpa anaerobic digestion plant for Shanks at Westcott. This trend involving more local treatment is likely to increase in the future, particularly as transport costs rise.

Basis of waste predictions

- 4.13 There is considerable uncertainty about the volume of Commercial and Industrial Waste currently which makes a justification for the incinerator for the next 30 years impossible. To quote the applicant:

“Planning Application Doc 74 PSS Chapter 5 Need

5.23 The strategy provides very little information or guidance on C&I waste other than forecasting a reduction in the amount of C&I waste that is landfilled. It does, however, signal that new national targets will be set for reducing the amount of C&I waste landfilled.

5.50 Data on C&I waste arisings and the way in which these wastes are currently managed are scarce. It is widely recognised that the whole topic of C&I waste has an inadequate statistical base. This makes it difficult to come to a firm conclusion about the availability or abundance of C&I wastes that would be suitable and available for this proposed facility.

5.72 The data on C&I waste available at this time is generally recognised to be inadequate to reach a firm conclusion as to the abundance of suitable C&I waste in Buckinghamshire.

Total Waste Arisings

6.5 Data for Municipal Solid Waste (MSW) is collated by the County Council in accordance with the COI and NI requirements set out above. Unlike MSW, there is currently a lack of recent actual data for the 2009/10 period regarding commercial and industrial (C&I) and construction and demolition (C&D) waste arisings in Buckinghamshire.”

- 4.14 This position cannot be used as a sound basis to justify the application. The application should be refused because it will commit the Council to a potentially massive import of waste from outside the County. If the existing or proposed developments in neighbouring counties are taken into account there will be a need to import waste from a very large catchment area.

Viability

- 4.15 The applicant states:

Planning Application Doc 74 PSS Chapter 5 Need & Doc 75 PSS Chapter 5 App 2/A Waste Review

5.55 A review of the waste being managed at Calvert landfill site in 2007-8 indicates that up to 55,000 tonnes of third party C&I waste was disposed at the Calvert site per annum. At present Calvert landfill site accepts 34,000 tpa of locally arising C&I waste.

5.62 Following the application of logistical filters, it is estimated that, in 2015, there will be between 193,000 tonnes and 203,000 tonnes of potentially suitable C&I waste that could be sourced from outside of Buckinghamshire for treatment at Greatmoor EfW, within a 45 minute drive time of Greatmoor or a 30 minute drive time of High Heavens and Amersham

- 4.16 There is no justification on grounds of need for this 400% increase in the commercial and industrial waste being imported to the Greatmoor site.
- 4.17 To incinerate at the same time as MSW, the C&I waste has to have more or less the same constituents and calorific value. This means selection not by proximity to Calvert but by waste content drawn from a wider area. The “right kind” of C&I waste is:

Waste description	Type	Suitability for EfW
Chemicals		N
Metallic		N
non-Metallic		?

Discarded Equipment	N
Animal & plant	N
Mixed	Mostly
Common sludges	N
Mineral Wastes	N

Long term viability of technology / contractor

- 4.18 The application is in respect of a facility expected to operate for 30 years. Only after that will the land be “restored” to its final condition. The guarantee from FCC will not avoid the likelihood that the facility will be able to run for this period without the Council sourcing an alternative operator or operating it themselves. Any financial guarantee from and overseas guarantor may be difficult to enforce and poses a serious risk of the Council picking up the incinerator costs.
- 4.19 The viability of this proposal will be undermined over time:
- Technologies will change (look at the last 30 years) meaning the viable supply quantity of waste may not be available,
 - Waste transport costs will increase – making transport of waste from across the region prohibitively expensive and the plant uneconomic;
 - Alternative, better technologies are already available and can be implemented
 - Pollution control levels will tighten and environmental standards can be expected to increase further (look at the last 10 years and the developments in the rest of Europe and the USA) – making the incinerator old technology unable to meet the new requirements. This would make this plant impossible or very expensive to operate.
- 4.20 The County Council acknowledges in its Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 at paragraph 5.1.4 that “Waste management technology is rapidly evolving and it is not therefore possible to say that one currently feasible approach will continue to represent best practice over the duration of the plan period. The County Council, as waste planning authority, will instead use guiding principles such as the waste hierarchy, to forward the objectives of sustainable waste management, as and when proposals are brought forward for consideration as planning applications.” The Waste Plan covers 12 years; the planning application is for a facility operating for 30 years. How much more will technologies and best practice change over this period?
- 4.21 There should be extensive scenario testing of these changes in the application – which there is not. The application offers no condition to secure closure of the plant, clean up the site and restore the environment (if the damage was not permanent). As a minimum the applicant should be required to pay at the outset into a separate account the money required to achieve these requirements at the end of the contract.

Alternatives for waste disposal

- 4.22 There are better alternatives for waste disposal
- 4.23 The County Council is committed to “support the development and demonstration of anaerobic digestion (AD), mechanical-biological treatment (MBT), and other advanced techniques that are expected to make a growing contribution towards the recovery of waste and energy generation.”

[Bucks CC Minerals and waste local plan 2004-16]. There is no evidence of this in the planning application; it assumes all of the waste will be incinerated.

4.24 There are a variety of alternative technologies including:

- Thermal Treatment Processes,
- Advanced Thermal Treatment
- Mechanical Biological Treatment
- Mechanical Heat Treatment
- Anaerobic Digestion

5. Impact on Cultural Heritage

5.1 The scoping opinion provided for/by BCC in February/March 2009 identified the need to assess the potential impact of this scheme on specific aspects of the historic environment. These included the effects of the development on nearby listed buildings (Lower Greatmoor Farm, Claydon House, Waddesdon Manor, Wooton House, Doddershall House (more properly called Manor or Park) and Finemere Hill House, registered parks and gardens (Claydon House, Waddesdon Manor and Wooton House) and adjacent conservation areas alongside heritage resources which include the Roman Road (Akeman Street) and adjacent Iron Age/Romano-British activity.

5.2 It is dubious and certainly misleading practice that this important direction from the Council appears to have been interpreted by WRG and its advisers in a very limited fashion, so as only to look at the impact, in any detail, on the *immediate vicinity* to the application site. The application specifically excludes full detailed and proper examination on the real impact and consequences of the proposed planning application on four highly important Grade I listed buildings (Claydon House, Wooton House and Waddesdon Manor and Doddershall Manor); the latter is Grade II* listed. Any adverse impact on these listed buildings would be significantly detrimental to the cultural and indeed historical heritage of this important rural and unspoilt area, and further will detract from the valuable rural tourism which currently takes place.

5.3 It is noted that BCC's county structure plan 1991 to 2011 states:

“permission will not be given for any development that would endanger or have a significant adverse effect on the character or appearance and/or setting of any of the following:-

- *Listed buildings*
- *Scheduled ancient monuments and other important archaeological sites*
- *Historic parks or gardens*
- *Conservations areas”*

- 5.4 Accordingly, on the basis of the BCC county structure plan alone, the WRG planning application should be rejected outright.
- 5.5 The major and adverse impact of the application proposals are admitted by WRG's advisers in the case of Finemere Hill House and Lower Greatmoor Farm (listed buildings). Only cursory consideration has been paid to the visual impact on Doddershall Manor, which has not been examined in any great detail, nor to other important local features and buildings.
- 5.6 The National Trust has already submitted important objections specifically in relation to the impact on Waddesdon Manor and Claydon House, which SAVI fully endorses and supports.
- 5.7 The visually offensive and intrusive WRG industrial complex proposed would have a major and adverse impact on Waddesdon Manor. Waddesdon Manor is a renaissance style chateau commissioned in 1875 by Baron Ferdinand de Rothschild, which dominates and sympathetically beautifies the local rural Aylesbury Vale landscape.
- 5.8 Waddesdon's attractions include not only the Manor and its renowned gardens, Waddesdon Dairy, a wonderful, enchanted venue for weddings and conferences, the Aviary, the Coach House Gallery, Restaurant and the Waddesdon Plant Centre. Waddesdon Manor hosts events such as concerts, MAD about Waddesdon (Music Art and Drama), events for local schools, gardening groups and various other interested groups. The Waddesdon Estates' developments are notably sympathetic to and indeed enhance the local landscape and its cultural history.
- 5.9 As one of the **top 5 National Trust attractions in the UK**, the Manor also currently attracts significant numbers of visitors and brings in further benefits from rural tourism to this part of Buckinghamshire from far and wide. The visual impact of the massive and hideous 300k tpa incinerator proposed by WRG would detract from the beauty and unspoilt rural countryside within which Waddesdon Manor is positioned and would have a significant detrimental impact to the Manor and its related attractions and rural tourism generally. Visitors to the Manor would be deterred from visiting in future after having been stuck behind 44 tonne rubbish lorries – hardly designed to enhance the local rural landscape.
- 5.10 The planned WRG complex would be easily visible from Waddesdon Manor. Thus the visual impact of what would be an enormous industrial complex will endanger the character, setting and appearance of Waddesdon Manor as a listed building, changing forever the surrounding rural landscape and inserting an incongruous, dominant and ugly industrial building with a 315 foot high chimney. There would also be a significant and adverse impact on Claydon House, which would not dissimilarly be adversely visually affected. Claydon House is owned by the National Trust and attracts 60,000 visitors per year to the regimental museum of the Oxfordshire and Buckinghamshire Light Infantry which includes colours from the battle of Waterloo.
- 5.11 Doddershall Park and Manor is also an hidden and important gem in the cultural and historical heritage of this area. The proposed access route for rubbish trucks over the abandoned Akeman St railway line would slash an incongruous and noisy road, laying waste not only to an internationally important environmental site but also creating permanent damage to the unspoilt heritage of Doddershall Manor.
- 5.12 The dominating visual impact of the proposal, when driving south down the A41 from Bicester or Northwards from Waddesdon up towards Bicester (for example to Bicester Village) will be massive and cannot be mitigated. The planting of trees, *however high they may*

grow, simply cannot mask or even partially hide the 55 metre building or the 95 metre chimney. It is inaccurate, misleading and incorrect to state as WRG have, that the application site is within “a valley”. The local landscape including landscaping of the landfill provides some undulations, but there is no ‘valley’ per se. The incinerator would not only be very easily seen but would dominate and tower over this currently rural unspoilt landscape.

- 5.13 The diagram at Fig 12-8 at page 12-24 of WRG’s planning application is highly misleading as it looks at the impact only on a two dimensional basis, whereas a three dimensional analysis would immediately throw into relief the degree of adverse visual impact such an ugly and monstrous industrial building would have on the rural area.
- 5.14 The application site is in the heart of the ancient Bernwood Forest to which only lip service is paid in the application documents at 12.61. This minor mention belies the significance which Buckinghamshire County Council has paid to the importance of the ancient Bernwood Hunting Forest as part of the cultural and historical heritage of the Aylesbury Vale, and which we respectfully ask BCC to bring to mind again now. The owners of Finemere Wood, part of the Bernwood Forest, have strongly objected to this application.
- 5.15 Buckinghamshire County Council has published a booklet relating to the Bernwood Forest, together with a further walking booklet prepared for the Bernwood Jubilee Way. On the map of the Bernwood Forest within the middle of ‘Welcome to Bernwood’ (*explore and uncover the secrets of an ancient forest*) the proposed application site for WRG sits exactly where currently there is a picture of a horse and rider positioned by Finemere Wood.
- 5.16 Specifically in the Bernwood Jubilee Way Walks booklet there is Route 6 Quainton to Finemere Wood. In the introduction to this walk the booklet states:-
‘This interpreted linear route takes the walker through the quiet village of Quainton before passing through agricultural fields to reach the remains of the deserted medieval village of Shipton Lee. The walk then begins to slowly rise uphill to skirt around the northeast edge of the ancient woodland area of Finemere Wood before finally reaching the top of Finemere Hill. The hill, with its views across the ancient Forest area, and towards the Oxford plains in the southwest and the Chiltern Hills to the South, provides arguably one of the best panoramic views in Aylesbury Vale.’
- 5.17 The WRG planning application proposes to site a 300,000tpa waste incinerator with a 315’ chimney precisely within the land encompassed within the view from this spot.
- 5.18 The Bernwood Forest is an area which attracts a huge number of rural tourists (350,000 annually for Waddesdon Manor for example) for its cultural, historical, and even religious significance which brings within its wake significant financial benefits not only to Aylesbury Vale but Buckinghamshire as a whole. For every £1 spent on an heritage site, £1.60 is brought back into the community in spending over a 10 year period. Waddesdon Manor is also a major employer within the area – 450 jobs (including voluntary jobs) provided in a small rural community. In the wake of the inevitable blight from the incinerator, jobs will be lost and rural tourism income stripped away? The National Trust is currently seeking to assess the adverse financial impact and it is hoped that this information will be provided before this planning application is considered.
- 5.19 Surrounding the proposed site are several villages, whose origins date back to medieval times. Grendon Underwood, which lies to the south, near the Bernwood Forest, is mentioned in the Domesday Book of 1086, where it is recorded as “Grennedone”. St. Leonard’s parish church dates from the 12th or early 13th century and lies on what is now

the main road, which bypasses the village from the Akeman Way (A41) to Buckingham. There are also several listed cottages in the village which date back to a similar period. William Shakespeare is purported to have stayed in a former Grade II listed Elizabethan coaching inn in the village en route to Stratford and to have written *Midsummer Night's Dream* in a local wood (now one of the 4 SSSIs which surround the area.) Shakespearean enthusiasts now visit the village and sometimes stay at "Shakespeare House" on their pilgrimage to Stratford-upon-Avon.

- 5.20 The villages of Quainton, Waddesdon, Twyford, Charndon and Edgcott also have long historical roots, uniquely unspoilt settings and a cultural heritage which could only be damaged and not enhanced by this proposal. Further, the public house at North Marston (approximately 5 kilometres from the site) has recently been renamed "The Pilgrim" with reference to the pilgrim walking that is growing in the area, which would again be adversely impacted by a mass burn incinerator with its ugly visual and damaging environmental impact.
- 5.21 The Claydons, to the north of the proposed site, are similarly endowed with listed cottages and ancient churches, displaying some unique architectural examples of medieval times.
- 5.22 At minimum, the planned application will not and cannot be empathic to the uniqueness of this part of North Buckinghamshire however in truth it will damage forever the historic and cultural heritage. Local village buildings were built to withstand minimal impact from horses and carts traversing the roads; not the substantial, continuous impact, vibration and pollution that occurs from consistent heavy goods vehicle use.
- 5.23 There can be no place within this rural, ancient and still unspoilt and undeveloped beautiful countryside for a megalithic industrial unit such as is being planned to blot this distinctive landscape. BCC should act as stewards of the countryside, not destroyers.
- 5.24 WRG's failure to take all of the above into consideration and in any event the impossibility of mitigating the damage should, again, immediately lead to a rejection of this application.
- 5.25 Policies which affect the use of land and the decision currently facing the BCC Development Control Committee (or the Inspector) will have a major and adverse impact of the use of land in the Bernwood Forest. By permitting the WRG application, the considerable social benefits (which include benefits of physical and mental health derived from enjoyment of the countryside from visitors to the area) will be harmfully impacted.
- 5.26 Please also find attached a paper entitled "Land Use Policy" by Carys Swanwick of the Department of Landscape, University of Sheffield (accepted 26th August 2009) for further background on the appropriate use of landscape (Appendix 15). WRG's application for a 300,000 tpa incinerator is self evidently a wholly invalid and conflicting proposed usage of this important cultural landscape.

6. Health

- 6.1 Planning Application Environment Statement Chapter 6 states:

6.15 DEFRA published their Review of Environmental and Health Effects of Waste Management in 2004. The report, which was reviewed by the Royal Society and is considered by the Health Protection Agency (HPA) as the most extensive in the field, concluded that there was 'no

consistent evidence for significantly elevated levels of ill-health in populations potentially affected by emissions from MSW incineration’

6.2 However the DEFRA full report (Appendix I6) stated:

- That they had not undertaken any new epidemiological studies, just a review of existing ones
- Modelling was based on Environment Agency (EA) data
- There are a limited number of epidemiological studies on populations around incinerators and the results of these are typically inconsistent and inconclusive
- In reality, most data on the possible health effects of incinerator emissions are derived from risk assessments

6.3 The report identified the evidence base. This is set out below:

area of waste management	epidemiological studies	conclusion
people living near Materials Recycling Facilities (MRFs)	none available	-
workers at MRFs	some	no reason to think there are likely to be health effects
people living close to Composting Facilities	limited	Suggest link between commercial scale composting & respiratory and irritative symptoms
pyrolysis	none available	-
gasification	none available	-
transport of MSW	none available	-
people living near landfill	recent	within 2km may experience slightly higher rates of certain birth defects
incineration	23 studies	no consistent or convincing evidence of a link between cancer and incineration. There is little evidence that emissions from incinerators make respiratory problems worse

6.4 This illustrates the very limited number of studies which were available and the extremely limited conclusions that can be reached.

6.5 The Defra report reviewed 23 epidemiological studies in relation to the pollution from incineration,

	authors		conclusions
1	Diggle et al 1990	C&I	associations for laryngeal cancer
2	Gatrell & Lovett 1992		
3	Elliott et al 1992	C&I	no association found
4	Biggeri et al 1996	C&I	lung cancer risk significantly related to the incinerator
5	Elliott et al 1996,2000	MSW	risk of all cancers, and of stomach, colorectal, liver and lung cancer
6	Michelozzi et al 1998		associations for laryngeal cancer in men
7	Knox 2000	MSW Hosp	associations for childhood cancers

8	Viel et al 2000	MSW	statistically significant relationship between risk for non-Hodgkin lymphoma and dioxin exposure
9	Floret et al 2003	MSW	risk of developing non-Hodgkin lymphoma was 2.3 times higher for those living in the area with the highest dioxin concentration than in the area with the lowest dioxin concentration
10	Gray et al 1994	sludge	no significant difference from control group
11	Shy et al 1995	biomed hazardous MSW	higher acute/chronic respiratory diseases / symptoms (not statistically significant)
12	Mohan et al 2000		
13	Hu et al 2001		
14	Legator et al 1998	toxic element kiln	respiratory symptoms significantly more prevalent
15	Pichette 2000		

16	Lloyd et al 1988	MSW C&I	increased twins in areas at most risk from emissions
17	Jones 1989		
18	Jansson & Voog 1989	MSW	no increased risk of cleft lip and palate
19	Williamset al 1992	MSW	a significant excess of female births in the district at most risk
20	Rydhstroem 1998	MSW	no clustering of twinning in area/time
21	Tusscher et al 2000	C&I	double incidence of orofacial clefts (from 1.2 to 2.5 per 1000 births)
22	Drummer et al 2003	3 “difficult” incinerators	increased risk of lethal congenital anomaly, in particular spina bifida and heart defects
23	Drummer et al 2003	crematoria	increased risks of stillbirth and anencephalus

- 6.6 The Royal Society undertook a review of the Defra study in 2003. That review concluded:
“We believe that the report has significant limitations that restrict its usefulness to those making policy decisions.”
“These limitations concern what is missing from the report and, in some places, the use made of the data reported”
- 6.7 The pollution impact of incineration has not been measured objectively. Conclusions are based on indirect studies extrapolated to incineration.

- 6.8 Proponents argue that the studies that do exist relate to the period when incinerators were less tightly controlled. In reality the effects of incinerators can be expected to be cumulative over the period of the plant operating and it is acknowledged that many of the effects of incinerator (for example, increasing the incidence of cancer) can take 10-20 years to be scientifically confirmed but by then it is too late.
- 6.9 Proponents of incinerators argue that incinerators are safe because of the tighter regulation of pollution levels. In practice the maximum pollution levels are progressively being reduced because increasingly low levels of pollutants are shown to have major effects. Although the UK has tightened its limits, standards in the USA and as laid down by the World Health Organisation are already very, very much lower than in the UK.

	pollutant	WHO 2005	US EPA 2010	UK WID 2007/10	unit
1	HCl		0.25	10	mg/m3
2	CO	10	3.4	50	mg/m3
3	Pb	0.25	0.002	0.5	mg/m3
4	Cd	0.0003	0.00041	0.05	mg/m3
5	Hg	0.001	0.00013	0.05	mg/m3
6	Particulate Matter (PM) filterable	0.02	4.4	10	mg/m3
7	Dioxin, furans, TEQ	-	0.0027	0.1	ng/Nm3
8	NOx	0.04	141	200	mg/m3
9	SO2	0.05	10.7	50	mg/m3

- 6.10 It is quite realistic to assume that in a relatively short time further tightening of UK will need to take place to keep people safe. This will call into question the viability of the proposed incinerator to meet these standards.
- 6.11 There are already studies setting out growing evidence for need for next change in emissions standards:

Zambon et al 2007		risk of developing sarcoma is 3.3 times higher with exposure to dioxin emissions from incinerator
Viel et al 2010	MSW	increased risk of non-Hodgkin lymphoma near incinerator with cumulative dioxins and furans
Cordier et al 2010	MSW	link between risk of urinary tract birth defects and exposure to incinerator emissions in early pregnancy

The absence of any quantitative studies is beginning to be addressed. In 2009 Paul Holmes, MP for Chesterfield was informed by the Secretary of State for Health that no recent assessments had been undertaken on the presence of a functioning incinerator and the incidence of infant mortality across Britain. "Given the huge public concern about the possible dangers and the relative lack of a track record then the Government should be doing much more to proactively monitor any effect from these plants," said Holmes.

The Health Protection Agency Chief Executive Justin McCracken has reportedly announced that he is "pleased to say that following discussions" with Professor Elliott, head of the Small Area Health Statistics Unit at Imperial College, it has been "concluded that an epidemiological study of birth outcomes around municipal waste incinerators would have sufficient power to produce reliable results. Work is now progressing in developing a detailed proposal for what will be a complex study."

The evidence base of the effects of incineration is inadequate.

Incinerator pollution

6.12 The incinerator produces at least 3 forms of pollution:

- *Bottom ash* (about 30% of the waste burnt) which WRG are seeking to recycle (e.g. building materials and road building materials) despite growing concerns about the carcinogenic risks. There should be a clearer demonstration by the applicant that this material is safe (which mounting evidence and the refusal to use this material for building blocks etc would indicate it is not) and that there is a long term market for this waste – otherwise it will go to landfill on the site and the claimed recovery benefit is no longer valid. The applicant fails to demonstrate how much of this will be landfilled and where it will be landfilled.

Appendix 19 sets out an example of the concerns around the use of bottom ash, the materials it contains and the environmental concerns.

- *Air pollution control* residues which are hazardous waste to be stored on site forever. About 9000 tonnes per annum for 30 years will be produced and stored. The applicant should not be permitted to import other waste from elsewhere to add to this volume. The applicant does not address adequately what will happen to this waste which is left in the ground forever to protect people and the environment.
- *Airborne pollution* – Spreading over a wide geographical area (up to 100Km). Given the prevailing SW wind this would encompass Buckingham, the Claydons, Winslow, the Horwoods and Northampton/Milton Keynes in its wake. This effect on the air quality and the deposit onto surrounding land will be cumulative. There is simply not enough evidence, which requires longitudinal studies spanning decades, to conclude this discharge is safe and so the precautionary principle should apply and the application should be rejected.

Hazardous waste

- 6.13 The planning application form Section 23 states there are no hazardous wastes involved in the proposal. This is contradicted throughout the planning application [e.g. non technical summary para 26]. The application should be rejected.
- 6.14 The WRG scoping document [para 2.2.3] says “WRG would also accept APC residues {Air Pollution Control residues – hazardous waste} from other EfW facilities {incinerators} for disposal into the mono cell {waste pit} if the demand for disposal facilities and market conditions were right.” This is not justified and contravenes planning policies. Again it is putting financial profit in advance of the planning justification and the applications should be rejected.
- 6.15 Even without imports from other incinerators there will be around 300,000 tonnes of hazardous waste stored on the site by the end of the contract. And then what happens to it – when the contractor has left but local residents remain facing the risks of damage to the cell and possible leakage into the watercourse or during periods of flooding.

7. Visual impact

- 7.1 The incinerator building is huge; it is 204m long and up to 72m wide. Most significantly it includes a 95m chimney to discharge the fumes from the incinerator. To quote WRG:
- “A building of this size in the country cannot be hidden. ““The proposed development is large in scale and the height and the main building mass, stack and plume would be visible from viewpoints to the north, east and south.” [Non-technical summary para 70]. This is a rural area which will be spoilt by the presence of this eyesore.*
- 7.2 The building design is based on economic factors not environmental or visual considerations. There is no justification for the building being this high. The applicant should be required to build the main building below ground level.
- 7.3 In addition to this there will be a plume from the chimney the length of which “would vary between 1m and 202m in length, with the plume length being between 19m and 99m in length for most of the time.” [Chapter 3 para 113]. This will significantly increase the area from which the chimney and the air pollution will be seen.
- 7.4 I have been informed that the chimney height is needed to provide a sufficient distance for the combustion to be completed and that there are no harmful discharges from the chimney. If there are no health impacts from the plant why does it need a chimney so high above ground level and why are wind dispersal patterns necessary? The processing of the pollutants could be done in other ways. The impression given at the consultation meetings was to ensure adequate dispersal of the airborne material – why is this necessary for “safe” pollutants?

8. Transport impacts

Policy 12 of the Buckinghamshire Minerals and Waste Local Plan 2004 - 2016 (MVLPL)

- 8.1 Policy 12 relates to transport implications and states:

- 8.2 The County Council will give favourable consideration to proposals for the collocation of waste management processes to achieve new larger integrated facilities where there will be operational, transport cost and environmental benefits, and the proposal will not be at the expense of existing waste management operations located closer to the source of the waste.
- 8.3 The attached report to SAVI by FW Consultancy (Appendix 17) is relied upon in relation to the breaches of Policy 12 and the inadequacies of the application data which are more particularly set out in the report.
- 8.4 At paragraph 8.158 of the Application the Applicant states that 75,000 tonnes of bottom ash will be produced annually and that this will be exported in 22 tonnes loads giving rise to 6,900 journeys if each lorry is full to capacity.
- 8.5 The import of waste and return journeys will generate 28,500 journeys assuming each lorry carries 21 tonnes and in addition 6,000 tonnes of reagents will be imported on 22 tonne loads generating a further 545 journeys assuming that these are at full capacity.
- 8.6 The Applicant doubtfully expresses these figures as being robust. The Council should take these figures as minimum figures to be precautionary.
- 8.7 Policy 12 provides for favourable consideration to proposals for the collocation of waste “where there will be operational, transport cost and environmental benefits”. There is little information about the emissions generated by these trips since the length of journey is a material consideration to the Policy. The notes to Policy 12 indicate that sites offering good transport links, especially direct access to rail and waterway, can be particularly appropriate. The Calvert landfill was constructed as a rail only facility originally and the creeping relaxation of this has contributed to some intensification of traffic. It was however the principal reason why the road proposal of 1993 was refused by the Council and the same considerations are still relevant except that the volume of trips generated by the proposed development is very considerably greater than anticipated in the Planning Refusal of 1993.
- 8.8 Even if, which is not accepted, the proposed incinerator could qualify as a Recovery Facility there would be a significant infringement of the Proximity Principle generated by the traffic from outside of the Aylesbury Vale area, particularly outside the County or waste travelling via other Counties from the south of the County to reach the Greatmoor Farm incinerator.
- 8.9 The BCC policy states that “Wherever practicable, the County Council will seek the use of rail, waterways, conveyors or pipelines in preference to the use of roads for the transport of bulk materials. Proposals must therefore demonstrate that alternative means of transport to roads have been considered, and will be used where practicable.” [Bucks CC Minerals and waste local plan 2004-16 Policy 30]. This planning application uses road transport exclusively to move waste to and from the incinerator.
- 8.10 The proposal to build a new access road from Woodham to the incinerator on environmentally sensitive land is indicative that the proposed site is in the wrong location. If it cannot be accessed without using local roads and not directly from the Strategic Highway, it fails the requirements of PPS 10. Further, the Council already considered an application for development of this site as a road in 1993 and refused the application on grounds which are similarly applicable today and the Council has no reason to change its decision.
- 8.11 The transport consequences have not been fully assessed. There is no evaluation of the impact on surrounding villages when the A41 is closed. There is no analysis of the impact of

lorries coming from the North and North East – they will surely come through the villages – creating a safety risk and causing further environmental damage.

Buckinghamshire's Local Transport Plan 2011-2016

- 8.12 The following is an extract of the Buckinghamshire County Council's transport plan (Appendix 18):

“Waste and Landfill Generation

As a society, we are currently producing more waste than ever before with the majority being sent to landfill sites. Economic growth and greater consumer consumption has led to year-on-year growth in waste. In response to this unsustainable growth central Government have set a framework and targets to limit waste production, minimise waste to landfill and to recycle or recover value from waste. A national target has been set to reduce the amount of household waste not re-used, recycled or composted by 29% in 2010 and 45% in 2020 (against a 2000 baseline).

Around 1.75 million tonnes of waste is produced a year in Buckinghamshire. In addition, the county has for many years received London's waste by rail and road; as the capital does not have sufficient facilities to deal with all its own waste. At present the main method of management is disposal at local landfill sites.

In the future Buckinghamshire must be prepared to deal with the waste it produces, through waste recycling, composting, other recovery (treatment) methods and landfill. This should all be performed as close to the source of waste production as possible. It is therefore essential that we and our communities work together to establish a range of measures to reduce waste, increase recycling and recovery and to minimise the amount of waste sent to disposal at landfill.”

- 8.13 There is no mention of incineration in this policy. It reaffirms the policy of disposal as close to the source of waste production as possible. The application should be refused since it directly contradicts this policy.

Traffic Impacts

- 8.14 The following matters in Chapter 8 of the Environmental Statement are relevant to the Objections:

Paragraph 8.114

- 8.15 This confirms that in order to maintain the incinerator's operating efficiency, additional waste would be imported for adjacent local authority areas. This underlines that there is no need for the incinerator.

Paragraph 8.5

- 8.16 The Applicant has not used the “Guidance on Transport Assessments and Circular 02/99” in the assessment methodology.

Paragraph 8.34

8.17 This breaches Policy 30 of the Buckinghamshire Minerals and Waste Local Plan. The Applicant has failed to show that the proposal is in close proximity to the waste. It has also failed to show that the waste cannot be moved by rail, water, conveyer or pipeline. The Applicant has failed to show that waste can be moved only from the Strategic Highway Network. Whilst it is proposed to build an access road immediately adjacent to the A41, because of the breach of the Proximity Principle, before reaching the Strategic Highway Network large tonnages of waste will move on roads not forming part of the Strategic Highway Network.

Paragraph 8.47

8.18 The Application fails to take account of developments in the Aylesbury Vale where planning permission is already in place for 8,000 new homes and a further 4,700 will be needed to cater for the District's natural growth. The effect on traffic on the A41 and surrounding roads has not been adequately considered in the traffic assessments.

Paragraph 8.83

8.19 The developer's baseline survey is inadequate and no up to date information has been provided. The baseline survey was undertaken in July 2008 and subsequently an automatic traffic count was undertaken in November 2008. However, the requirement for a full seven day record has not been complied with. Two and a half days' traffic information was omitted and the average traffic volumes are therefore incompletely calculated.

8.20 Paragraph 8.87

8.21 A ten year horizon has not been undertaken. If the Application was made in 2011 the junction assessments should be assessed until 2021.

8.22 Paragraph 8.94

8.23 No account has been taken of the waste development at Westcott Venture Park. The surveys have not taken Berryfields and Weedon Hill as permitted developments into the survey. As a result the traffic flows anticipated on the A41 are significantly underestimated.

Paragraph 8.116

8.24 The developer indicates that there is some uncertainty about the ability to import waste through to Pit 6 by rail. Accordingly, the developer should have produced information of the worst case scenario of Pit 6 waste traffic arriving by road as well as the incineration traffic.

Paragraph 8.127

8.25 No information has been provided as to the materials and standard of construction of the proposed access road. The large number of heavy goods vehicles on an unadopted road will suffer from significant wear and tear. Three properties adjacent to the proposed road, Oving Hill Farm, Doddershall Park and Knapps Hook Farm have legal rights to cross for agricultural purposes with or without vehicles and at minimum the developer would need to demonstrate the standard to which these crossings will be maintained. No information is provided as to traffic management.

Paragraph 8.143-144

8.26 The developer is proposing to provide more parking spaces than are needed but has provided no information with regard to cycle parking or access.

Paragraph 8.15

8.27 No evidence of the current usage has been provided. A survey of the existing site access should have been undertaken to justify the figures set out in this section. The maximum daily number of HGVs currently allowed, assuming development of the composting facility, is

168 (x 2) vehicle movements per day but no adequate explanation of current movements has been provided.

Paragraph 8.1.57

- 8.28 No tonnage figures have been provided for vehicle movements to and from the proposed waste transfer stations. The developer has not assessed the likelihood that planning permission for the waste transfer stations will be obtained. No traffic assessment has been provided for the eventuality of the waste transfer stations failing to obtain development.
- 8.29 Accordingly, the Planning Authority is unable to conclude that the Application complies with PPS 13.

9. Noise

- 9.1 The noise data in the application has not been subject to validation by SAVI but should be evaluated by an independent professional before the application is approved.

10. Community support

- 10.1 There is a total lack of local support and considerable concern from the local community
- 10.2 This proposal is wholly against the local community. Parish Councils representing 26,000 residents said no to this incinerator in 2009 and continue to reject it. In the final stages of drafting this objection the parish councils who had objected to this application included:
- Quainton Parish Council
 - Middle Claydon Parish Council
 - East Claydon Parish Council
 - Nash Parish Council
 - Bicester Town Council
 - Little Horwood Parish Council
 - Padbury Parish Council
 - Calvert Parish Council
 - Charndon Parish Council
 - Edgcott Parish Council
 - Granborough Parish Council
 - Hilsden Parish Council
 - Stewkley Parish Council
 - Buckingham Town Council
 - Swanbourne Parish Council
 - Marsh Gibbon Parish Council
 - North Marston Parish Council
 - Woodham Parish Council

SAVI expects others to join this before the application is determined.

- 10.3 The Aylesbury Vale District Council is opposed to this application on the following grounds:
That the proposal conflicts with policies 10 and 17 of the Buckinghamshire Minerals and Waste Local Plan in that the need for a single energy from waste plant of the scale being proposed, to

serve Buckinghamshire, has not been established and that proposals for the recycling of waste have not been fully evaluated and incorporated into the scheme, Further the proposal does not conform with the proximity principle nor has it adequately addressed the waste hierarchy principles set out in PPS10

That the proposal conflicts with policy 19 of the Buckinghamshire Minerals and Waste Local Plan and PPS10 in that it would be visually harmful and fail to ensure the long term restoration of the Calvert Landfill site.

That the proposed plant would constitute an urban and visually intrusive feature in an area of quiet rural landscape harming views across in conflict with advice in PPS7.

That the proposed plant would harm the settings of the Grade II Listed Lower Greatmoor Farmhouse and Finemerehill House in conflict with advice in PPS5.

That the proposed access road to the site would cause serious harm to the populations of Black Hairstreak butterflies, Bechstein Bats and other protected that currently populate the disused railway line between the A41 and the site; that inadequate surveys have been carried out to fully assess the impact of the development on biodiversity, in conflict with advice in PPS9.

That the proposed access road and noise and general disturbance engendered by its use by heavy goods vehicles would conflict with policy GP8 of the Aylesbury Vale Local Plan and would reduce the level of residential amenities to nearby dwellings to a level below that which they could reasonably expect to enjoy.

10.4 SAVI fully supports these objections.

10.5 The area is simultaneously being blighted by the incinerator and the high speed railway proposals. However the County Council has expressed opposition to HS2 on environmental grounds:

“Buckinghamshire County Council Cabinet Member for Planning & Environment, Martin Tett, said: 'Whilst we understand the national economic importance of HS2 and of speeding up the link between London and Birmingham, we feel that the irreparable damage to our unique environment and in particular the Chilterns Area of Outstanding Natural Beauty is too high a price to pay. The County Council, along with our District colleagues will continue to fight this decision on behalf of our beautiful county and its residents.' [Bucks website]

10.6 The County Council recognises the impact of this development on house prices:

*“BCC feels that an EHS would be an essential part of mitigating the impact of such a national scheme. There is evidence that the announcement over the potential HS2 routes passing through Buckinghamshire has **already had a severe detrimental impact on house prices, the number of house sales and even the number of house viewings across the County.**”*

10.7 The County Council acknowledged the environmental impact of HS2 would result in permanent damage:

*Councillor David Shakespeare on 21 December 2010 said "I am mindful of the fact people whose homes and communities are not affected by the spectre of HS2 may wonder why we are taking this step. HS2 is a contentious issue for Buckinghamshire people. **It poses a threat to our unique and fragile Chiltern countryside, and to the way of life in many communities. We cannot stand by and allow swathes of our countryside to be decimated by HS2. Once***

gone, our environment will be damaged forever, and I believe we have a duty to fight to protect Buckinghamshire for future generations."

Martin Tett, new leader of Buckinghamshire County Council, said that the HS2 plans are "fundamentally flawed" from both an environmental and business stand point and vowed to fight them strongly.

10.8 The County Council's arguments and objections apply similarly to the construction of this incinerator. It should reject this planning application. The arguments being used against HS2, particularly the environmental damage, cannot be sustained unless the planning application is rejected.

10.9 Many residents feel and will feel that the County Council has betrayed the North of the County and unjustifiably transferred problems arising in the South of the County to the North.

Conclusions

This planning application should be rejected because:

- information fundamental to commenting on the application has been withheld
- insufficient work has been undertaken to assess the environmental impact
- the environmental damage will be of national significance
- the need for the incinerator is not justified
- there will be an unacceptable impact on the cultural heritage of the area
- there are major health concerns
- the visual impact is unacceptable in this rural setting
- the noise and transport implications have been inadequately assessed

and finally

- almost all surrounding parish councils and the local district council are opposed to this incinerator.

Yours sincerely

John Beckerleg
Chair, SAVI

APPENDICES

- Appendix 1 Planning Application 11/20000/AWD (Full Application) Calvert Energy From Waste, Calvert, Buckinghamshire - Planning Application Objections
Bernwood Environmental Conservation Services [Separately attached]
- Appendix 2 Aylesbury Vale District Council, Strategic Development Control Committee, Report of Head of Planning
- Appendix 3 Summary of evidence of Dr Raymond Paul Gemmell
B.Sc.(Hons), Ph.D, C.BIOL, MSB, MLI (Land Science)
- Appendix 4 Butterfly Conservation, Upper Thames Branch, D Wilton and Dr D Hoare
1 April 2011
- Appendix 5 Butterfly Habitat Statement, Joint Nature Conservation Committee JNCC
2010
- Appendix 6 Ends report – removal of PFI credits
- Appendix 7 Ends reports – Hertfordshire incinerator
- Appendix 8 Ends report – waste treatment overcapacity
- Appendix 9 Ends report – WRG fines
- Appendix 10 Ends report – WRG Landfill gas leak
- Appendix 11 Ends report – WRG Landfill offences
- Appendix 12 Ends report – WRG permit revoked
- Appendix 13 WRG details of convictions of relevant offences
- Appendix 14 Waste Management World - WRG offences
- Appendix 15 Land Use Policies, Carys Swanwick, Department of Landscape, University of Sheffield (August 2009)
- Appendix 16 Review of Environmental and Health Effects of Waste Management: Municipal Solid Waste and Similar Wastes, Defra, 2004
- Appendix 17 Proposed Energy From Waste Facility, Greatmoor, Calvert – Review of Transport Implications - FMW Consultancy
- Appendix 18 Buckinghamshire Transport Plan 2011-16
- Appendix 19 Concerns about bottom ash