

The uncertainties of the applicable planning law

The application was premised on it being a continuation of the old use. The defunct HRC was found to be inefficient and in the wrong location. It is not a continuation - stripped of the safeguards of a Council run facility, this proposal will permanently damage the AONB and allow for expansion – once lost to private developers, this landscape is lost forever.

On advice of the Council, the applicant made the planning application on the basis of “continued use”. This made it easier to pass the application. However, the legal position is not so simple. The original planning permission to operate the site was granted by the old Council (BCC) to itself and was personal to it – it did not fix to the land and could not be used by any other occupier of the land. **If the application is successful, the permission will no longer be personal** and instead will affix to the land. This is significantly different from the old permission. And as the Council decided to close the site a key question is whether the application should instead be considered as a new, “de novo” application. If it is, it would be much harder for the application to be granted because is plainly an anathema to put a waste site in the AONB & Green Belt where the “*landscape quality and scenic beauty is high*”.

The Chilterns Conservation Board which has a statutory duty to manage the Chilterns AONB advocates that the application should be considered as a “de novo” application.

See the Chiltern Conservation Board full submission (Number 13)

Consent
CC/3/83

Form I

Application No. CC/3/83.....

To: County Planning and Transportation Committee
per County Valuer and Land Agent

(Copy to the County Secretary, County Engineer, Wycombe District Council
.....)

Town & Country Planning Act, 1971

The Town & Country Planning General Regulations, 1976

In pursuance of Regulation (4) of the above mentioned Regulations, and
minute 120/76 of the Buckinghamshire County Council, the following
development, proposed in your application dated 14th January 1983.
is authorised:-

Household Waste Site, collection for final deposit elsewhere, site at

Wigans Lane, Bledlow Ridge

This deemed permission is given subject to the following conditions:-

- (1) the development to which this permission relates must be begun not later than the expiration of five years beginning with today's date.
- (2) the new access shall be sited and laid out in accordance with the approved plan and constructed in accordance with "Private Vehicular access within Highway Limits".
- (3) Any new entrance gates shall be set back a minimum distance of 10 metres behind the edge of carriageway and 3.5m X150m visibility
(continued)

Reasons:

- (1) to prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances.
- (2) }
- (3) } In order to minimise danger, obstruction and inconvenience to
- (4) } users of the highway and of the development.
- (5) To preserve the amenities of the locality.

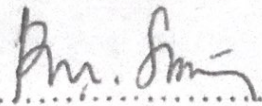
conditions continued.

(3) continued

splays shall be provided on both sides of the accesses.

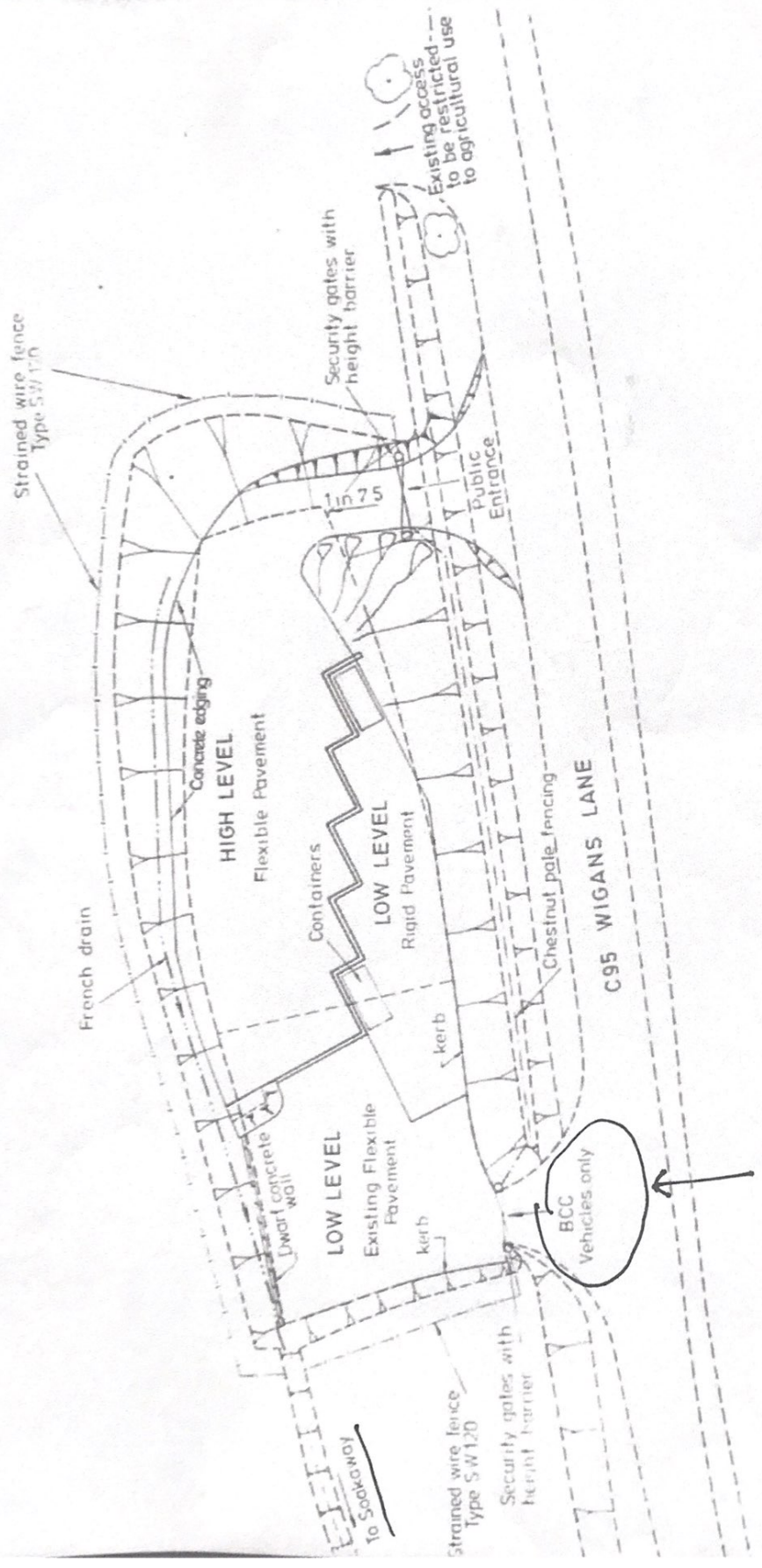
- (4) Surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- (5) A scheme for the effective screening of the site, such scheme to include the afforestation of the surrounding landfill site, shall be submitted to and approved in writing by the County Planning Officer before the development hereby permitted is first commenced. The scheme shall be implemented during the appropriate planting season progressively as the development proceeds and be completed not later than 1 year after completion of the works contained in this permission. The tree planting shall thereafter be maintained for a period of 10 years in the following manner.
- (a) If any tree at any time forming part of the scheme shall die or fall down or shall be felled because it is dead, dying or dangerous, the tree shall be replaced to the satisfaction of the Planning Authority in the next following planting season by another tree of a species to be approved by the Planning Authority.
- (b) If any tree at any time forming part of the scheme shall be felled otherwise than because it is dead, dying or dangerous, the same shall be replaced to the satisfaction of the Planning Authority at the next appropriate planting season by another tree of a species to be approved by the Planning Authority and of as nearly the same maturity as the tree felled as it is possible to transplant successfully, having regard to current arboricultural advice.
- (c) None of the trees forming part of the scheme shall at any time be lopped or topped without the prior consent in writing of the Planning Authority.
- (d) No hedges or shrubs which may form part of the scheme shall be removed without the prior consent in writing of the Planning Authority and if any hedge or shrub shall die, be injured, or be removed for any other reason, it shall be replaced with a similar hedge or shrubs in the next following planting season.
- (6) All equipment and bins used on the site shall be painted in a subdued colour to the approval of the County Planning Officer.

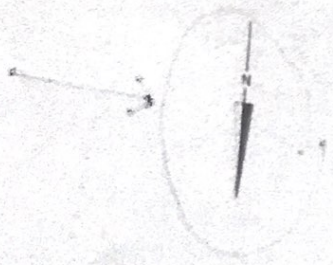
Dated the 4th day of April 1984


.....
for County Planning Officer
Buckinghamshire County Council.

East of Frenches Wood
Su 781999 off Wigans Farm
approx.

Existing landfill Site
in Course of Restoration

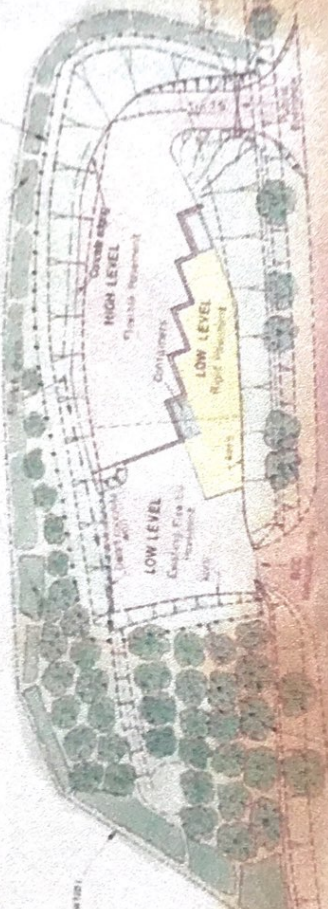




Existing Landfill Site
in Course of Restoration

Public
Park (e.g. City Park)
from the existing landfill site

Proposed new zone (2012/2013)



COS WIDANS LANE

BRASLOW BUILDING

Tree shelter, obtain from
local forestry practice

Email between the CIC's agent and the planners discussing "the second application" show intent for 5X expansion, inclusion of trade waste and increase in HGVs.

The applicant has applied for and the planning officer has recommended that the waste accepted at the site is capped at 5,500 tonnes per annum and limited to domestic household waste. This is the last recorded volume taken by the former site.

Our concern is that once the permission is granted, the applicant will make further applications to increase the amount of waste taken and to allow it to accept "trade waste". This is a common planning tactic – get permission on something that is easy to get and then, over time, apply to improve the scope of the permission by increments. It is known as "salami slicing".

Good reasons to fear this expansion, by a private profit seeking operator, are found in behind the scene exchanges between the CIC's agent and the planners, and other documents.

"The second application" email below shows intent to expand tonnage by a factor of 5, (from 5000 to 25 000 tonnes a year), add trade waste, increase the number of HGV entering and exiting the site, "to future proof" the site. See email below, for more evidence contact us. When the CIC is questioned about this, no answer is forthcoming;

1/2/2020, redacted (FOI)

FROM THE CIC'S AGENT TO THE PLANNERS, emphasis added:

RE: Bledlow HRC application no. CM /0002/20

Hi 3rd Party...

I hope you are well.

Just a quick e-mail to see if there is any update yet on a date for the committee meeting?

*Whilst writing, it was noted in the application form that the applicant was anticipating a max of 5,500 tonnes per annum (based on the last couple of year's figures) but our client has now had some advice from an environmental expert, who has advised that the EA indicate that the site is allowed to operate **household, industrial and commercial waste up to 25,000 tonnes per annum**. They also mention that BC are looking at excluding trade waste; we understand that the problem is that traders would often seek to remain incognito, thus avoiding the charges levied on such Commercial or Industrial category inputs, however, as the new operator intends to make a charge for all inputs, then this should no longer be an issue.*

*Is this all something that can easily be changed on this application, or **would this need to be included on the second application?***

Kind regards

3rd Part...

3rd Part...3. rd Party Data RIBA Wolstenholme Limited

Note also, David Periam's answer (1st Planning officer appointed by the Council) to a local resident's question.

Answer (03/02/2020), emphasis added:

1. *If planning permission is granted then **it would be possible for either the applicant or a third party to subsequently seek to vary the planning permission through a further planning application.** Provided relevant notice is served on landowners or tenants, anybody may make a planning application at any time for any development on any land.*

From the minutes of a meeting of the south West Chilterns Local Area Forum, 12/2/2019, emphasis added: *Cllr C. Etholen stated the Bledlow site would "handle **commercial waste** as well as household waste, but there may be some opposition to the heavy goods traffic vehicle".*

Management & “preferred operator”

The old HRC was free-to-use, council-owned, and professionally-run by an established and well-regarded contractor, FCC. The facility was closed for strategic reasons in April, 2019, following a broad and expensive consultation. The council was responsible for the safe operation of the site. Now it is proposed that all users will be charged to use the new operation. The “preferred operator” is not an established waste management company and has no experience of running a waste site. It is a new company set up by a person with a history of property development and involvement in numerous failed businesses. Despite this, the Council is willing to put the operation of this waste site, in a sensitive location in the AONB in their hands. Why is this?

The CIC has declined to provide any detail as to its relationship with the ‘Preferred Operator’, still less to confirm the name of the Company or to indicate why this particular Company is considered to be suitable.

For more information about this contact us and to object please go to “How to object” on the menu.

Wigans Lane household recycling centre Ltd, (WLHRC) appears to be the “preferred operator” chosen by the CIC. (No.11688809, co. incorporated 21/11/18, Companies House data) .

The two directors Mr Finnerty and Mr Hookins **of the “preferred operator”WLHRC Ltd were involved in a company**, (Charterhouse Energy Ltd, No.05592926) that was **dissolved** with liquidators appointed to investigate.

The liquidators reported that:

- the RSA insurance company alleged that it may have been subjected to a **fraud** involving the payment of invoices to Charterhouse when no services were rendered.
- a £400k payment to its shareholders ... was **unlawful** and directors and shareholders were pursued to recover funds for **creditors**
- the company’s books and records suggest that the Company invested sums in excess of £1million in SEL, incorporated in Nigeria on 9 May 2008.”
- The unsecured creditors claims were estimated at **£3.5m**

link to Companies House data: <https://www.gov.uk/get-information-about-a-company>.

Lack of traffic surveys relating to safety and visibility

The site is located in a dangerous location just beneath the summit of the Chiltern Ridge. It only has one public entrance/exit which resulted in long dangerous queues forming in both directions. Cars had to perform dangerous overtaking manoeuvres or damage the verges to pass. Being on the National Cycle Route, cyclists were also forced to weave through the queues. The applicant will charge for all vehicles and proposes to operate an automatic barrier system. This can only slow the traffic flow even further, and with considerable housing development both past and planned, the queues can only get worse. The site is so small that cars manoeuvring and reversing within it posed a danger.

Council planners have ignored this problem.

Below is the Highways team problematic 2nd comment, dated 20 July 2020

Link to the planning application and the Highways consultee's 2nd comment:

https://publicaccess.buckscc.gov.uk/online-applications/files/A69B71DA14D194C3E8EA30409254D4E1/pdf/CM_0002_20-HIGHWAYS_-_2ND_RESPONSE-35353.pdf

There are several interesting points regarding the second response from the Highways team dated 20 July 2020 which has been put on the online planning record.

1. This report does not appear to have been disclosed before. Is this the first time that this report has been disclosed? Why was not disclosed earlier given that it recognises that **the whole basis for determining the application has changed**;
2. The letter refers to counsel's advice being that the application site should be considered on a "nil use" basis, with the Highways department amending its report. In view of the AONB policies and the Counsel's advice for a nil baseline, it effectively means that the site should be considered a virgin site, with regards to assessing the impact of traffic on the AONB.
3. The report appears to misconstrue the IN/OUT traffic flow. Anyone who has seen the site, will know that there are two levels, with a very significant height difference making it impossible for traffic to go from one level to the other and thus one entrance to the other. Therefore cars and the public go in and out through the same entrance. One is at a loss to understand the reports comment; "The existing site accesses appear sufficient in terms of its design and construction. Furthermore the two combine to form an 'In' and 'Out' system, which facilitates internal site movement and seeks to reduce instances of vehicle queueing on Wigans Lane."

Moreover, there are serious problems concerning visibility related to the two entrances to the site. These are readily apparent to those who use the lane.

Planning application and appeal:

The planning application was received on 14/1/2020 and the applicant is a local councillor. Following objections being raised with the process, the hearing of the planning application was delayed. The applicant has now appealed to the Secretary of State to ask him to determine the application. The appeal documents show that the Council took advice from a specialist barrister on the correct way to deal with the application but it proposed not to follow that advice because it would make it harder to decide the application in favour of the applicant. We would like to understand why the Council is not prepared to follow the advice of its specialist barrister.

Billed as a “continuation” and “like for like”, effectively Circumventing safeguards afforded, by up to date surveys.

The Application has evaded normal scrutiny and common sense due diligence.

- a. Both traffic and environmental surveys have been waived on the grounds that there would be no change in operation. This is wrong: introducing charging is a very substantial change that will increase peak time queuing and collision risks.
- b. The 1983 permission was expressly termed to allow for council review in the light of traffic development over the years. There is no evidence of this ever having been done. Suffice it to say that 93,000 vehicles did not use the site in 1984. In addition, the 1983 permission required a visual splay of 150 metres. Although this appears to be well below the normal 215 metres required for rural roads applying the national speed limit (which has increased since 1983), even this is not met.
- c. It also ignores the need for clarity on asbestos in the old landfill and possible deterioration of the site over time. DENHAM Parish was in the press recently regarding methane emissions and children suffering from headaches.

Before closing, the waste site had operated for 36 years. Before then, it was a landfill site that accepted a range of hazardous waste. The site is surrounded by bore holes to assess the methane risk and contamination.

The site is located off a main road, beneath the summit of the Chiltern Ridge. It is also on the National Cycle Route. The local parish council raised concerns about the traffic and its minutes report that the applicant said a traffic survey would be undertaken to assess this. From the minutes of BcSPC, August 2019, Cllr B. Bendyshe-Brown: “when the application is made, a Public Consultation Vehicle Survey will be undertaken”. In an email to the CIC’s agent inquiring on behalf of the Planning Officer, 17/2/2020 he denied this undertaking saying: “There was never any commitment on my behalf to conduct a traffic survey”.

The Chilterns Conservation Board that has a statutory duty to manage the AONB and to advise on planning identifies that the site is sensitively located with a priority habitat that envelopes the site with a tract of ancient and semi - natural woodland nearby.

It says that this “*requires ecological assessment and an opportunity to enhance ecology around the site, allied with opportunities to reduce the concrete surfacing and site coverage. CCB would ask that the internal consultation on ecological matters be re-visited in light of the AONB duties that prevail.*”

The Board also suggested that:

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

See the Chiltern Conservation Board submission (Number 13)

The site is also in the buffer zone for the nearby Lodge Hill SSI. It also sits on a significant water aquifer. For a detailed analysis see a note from an environmental expert here, 30 November 2020, public comment: [<https://publicaccess.buckscc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q4EGSEDS03F00>].

Despite all of this and the Chilterns Conservation Board recommending ecology and traffic surveys, including surveys reported as being promised by the applicant, none have been carried out.

Why is this?

Composition of the CIC & actual or perceived breaches of the code of conduct by the two cllrs shareholders of the CIC.

Link to Companies House for the CIC:

The CIC is listed here: <https://find-and-update.company-information.service.gov.uk/company/12142105> which shows all the Directors.

Below are the comments of a prominent local government official with whom the matter has been discussed:

“I understand that all 3 Directors of the CIC are also either Councillors of the DC, 2 are certainly Councillors of the new Bucks Council, and the 3rd is a Parish Councillor for Stokenchurch. That alone is a massive conflict of interest. And to grant such a large sum of money to a group that has no financial history is something we over here would never even think about, even in a crisis.”

Two of the councillors also did not register their interests in the CIC on the register of pecuniary interests at the proper time. They were also approached by the planning department as consultees in their own planning consultation. Instead of declaring an interest in the matter and declining to comment, they provided consultee responses in support of the planning application in their capacities as councillors. One of them, Mr Etholen, wrote in support the scheme as ward councillor. Please see below: Appendix A of Heather Smith’s planning officer’s report. Mr Bendyshe similarly provided support as a councillor for the main planning application but mysteriously, when the conflict was pointed out to the planning department, his comment was deleted from the public file.

Also note that in the officer’s report from Wycombe, (Heather Smith) it is stated (see Appendix A below) that “*Councillor Carl Etholen: has submitted a written response to a local objector stating his support for the scheme*”. **Where is that written response?** It has been used by the officer as “material” support for the application from the local ward member. It is not on the planning portal. **The fact that Cllr Etholen is part of the application is not only highly irregular, being a Director of the CIC but, In some’s view, should be brought to the attention of the Monitoring Officer at Bucks CC** via monitoringofficer@buckinghamshire.gov.uk. They have a statutory duty to pass any complaints to an independent person for assessment as to whether there has been a contravention of Councillor’s standards.

A formal complaint by a resident has been filed.

20/05173/CONCC

APPENDIX A

Consultations and Notification Responses

Ward Councillor Preliminary Comments

Councillor Carl Etholen: has submitted a written response to a local objector stating his support for the scheme.

The presence of actual or perceived bias. actual or perceived perversions of the planning process

The company wanting to reopen the site was set up by two councillors. On 19 March 2020, Wycombe District Council accessed its contingency funds and used the money to grant the company £20,000 to use to reopen the site including to fund the necessary “permissions”. This grant was effectively made by the Council to secure permissions that the Council would itself determine.

It is difficult to understand how and why the Council was able to make a sizeable grant, from its contingency funds and the start of a national pandemic to help a private company reopen a waste site that it decided to close because it was inefficient and poorly located.

What is the significance of the grant being made before the planning hearing to fund getting the “permissions” and in anticipation of the application being passed ?. A prudent body would either make the grant after the permission was granted or make it conditional on planning, rather than having to wait five years for repayment.

Perceived or actual bias and predetermination in the planning process:

The application process appears to have been streamlined for and tilted in favour of the applicant, the principal promoters of which – Mrs Bendyshe-Brown and Etholen - are councillors.

In particular, we cite the:

- a. waiver of surveys normally required of any applicant;
- b. unconstrained grant of council funds without due diligence;
- c. apparently accelerated application and lease approval process;
- d. pre-negotiation of aspects of the permission and lease;
- e. ease of access to council decision makers;
- f. the failure to offer the HRC site publicly.

The question to be asked is, do the circumstances lead a fair minded and informed observer to conclude that there was a real possibility that the decision maker was biased. Accordingly, both actual and perceived bias are covered. See *Porter v Magill* (2002) 2AC 357. It is axiomatic that each case will turn on its own facts, but the reasoning in *Kelton v Wiltshire Council* (2015) EWHC 2853 at Paras 46-53 is particularly instructive in the context of these submissions.

Predetermination

The arguments for bias also feed the perception that the outcome of the process has been pre-determined. Why, otherwise, would the Council have made a £20,000 grant to the CIC or agreed lease terms for the site before planning consent had been granted? How is the average person expected to interpret the waiver of normally required planning surveys?



WYCOMBE DISTRICT COUNCIL

Decision taken by Cllr Ms Katrina Wood Executive Leader of the Council

The Member has taken the following decision.

The decision will take effect on 19 March 2020.

Title

Approval of Grant Award of £20,000 to Bledlow Ridge Household Recycling Centre Community Interest Company

Decision Taken

That a grant of £20,000 funded via a virement from the Council's Contingency Budget (CGMB10) to the Community Grant Budget CCCC11 D770 to Bledlow Ridge HRC CIC for the creation of a household waste recycling centre at Bledlow be approved.

Date of Publication

19 March 2020

Reasons for Decision

To award £20,000 to Bledlow Ridge HRD CIC for the operation of a household waste recycling centre at Bledlow Ridge.

Decision taken as a specific decision recommended by the Cabinet Member for Finance and approved by the Leader of the Council.

Consultation Undertaken

No consultation undertaken.

Officer Contact

Mike Howard, Business Assurance Manager

mike.howard@wycombe.gov.uk

Concerns about carbon neutrality of the current scheme

The applicant suggests that reopening the site will reduce carbon emissions through savings in journeys. There is no evidence being put forward to support this. In fact, the closure consultation identified that it was very difficult to assess the impact on emissions because for example, people may combine a trip to a waste site with a trip to a shopping centre. Having considered the facts, the Council determined that the effect was deemed to be negligible at best. With the shift to electrification of cars and wide ranging efforts to reduce packaging and the better collection of waste, we believe that there is no environmental argument to open the site. If anything, by providing a facility for people to drive into the countryside to deposit waste, the environment is actually harmed.

Appraisal of alternative provision -It would be interesting to see the CBA of other ways in which the same outcome might be achieved and the extent to which there may be more or less cost effective solutions available (economic and environmental cost). eg Local kerbside collection. Could a copy of this appraisal be made available to residents ?

Danger of site contamination. Lack of inquiry to ascertain the factual position.

Before closing, the waste site had operated for 36 years. Before then, it was a landfill site that accepted a range of hazardous waste. The site is surrounded by bore holes to assess the methane risk and contamination.

Cllr Lord, a Director of the CIC, wrote on Facebook that the defunct HRC site: “will never pass as a recreational facility” “asbestos was not regulated when the landfill was open”

The CIC itself in the FAQ section of its website says they have not been told about it !

The waste of the old landfill site lies beneath the ground but above a main water aquifer. The Council has recently been criticised for failing to manage old landfill sites and the risk of noxious materials – Denham recently in the press is an example. Despite this, the planners ignore this risk – no survey or assessment has been required.

ASBESTOS  **ASBESTOS**
METHANE  **METHANE**
CONTAMINATION  **CONTAMINATION**

**YES!! THE DEFUNCT HRC ON WIGANS LANE !
DATING BACK TO IT'S PREVIOUS
LIFE AS A TIP**

DON'T BE FOOLED BY THE AONB & GREENBELT LABELS

A few days ago, Cllr Lord (a director of the CIC) wrote on Facebook that the defunct HRC site:

“will never pass as a recreational facility”

“asbestos was not regulated when the landfill was open...”

What about visitors and employees of the HRC ?

Questions regarding ASBESTOS CONTAMINATION

- 1) Why was the former HRC allowed to operate with this risk ?
- 2) This is a good argument for a proper environmental survey to be undertaken.
- 3) Why has a contaminated land assessment not been done?
- 4) If asbestos is a risk, the site should be cleaned forthwith .
- 5) Are BC, the CIC, and perhaps the Parish council open to claims re asbestos ?

The published DEFRA map indicates a *‘historic landfill’ site of around 4 acres surrounding the closed HRC in our Chilterns AONB. Planting trees on containment landfills is generally forbidden in developed countries as tree roots can penetrate through the capping material and allow the escape of unhealthy landfill gases into surrounding neighbourhoods.* With regard to the closed HRC (*which I understand has no Pollution Prevention and Control*) it would appear that a contaminated land assessment has not been undertaken after 16+ years of root growth on the landfill.

From the Environmental Agency:

“Any changes to the site have the potential to mobilise pollution”

27/2/2020 The Environment Agency to David Periam, (PLANNING) ref WA/2020/127648/01-L01

**It is time for environmental & traffic surveys
and a contaminated land assessment to be
done and published.**

A new Chilterns AONB Management Plan 2019-2024 was adopted in February 2019

- DO1 Ensure planning decisions put the **conservation and enhancement of the AONB first**.
- DO2 Ensure that where development happens, it leaves the AONB better than it was before - richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.
- DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

MANY CHILTERN AONB MANAGEMENT POLICIES APPLY TO THIS APPLICATION: DP1, DP2, DP3, DP10 &

DP13 Support opportunities for enhancing the AONB by removing derelict or detracting developments and infrastructure.

Waste and Minerals Local Plan Policy 22. **This requires a review of traffic/transport, ecological and landscape matters to seek site improvements.** Further, Policy 14 of the Waste and Minerals Local Plan **also indicates a much more sophisticated policy approach** than would have applied when this use was first approved in **1983.**

TIME TO REMEMBER THE DEFUNCT HRC IS IN AONB AND GREENBELT

We do NOT want an ecological disaster in our AONB

The Strategic Sites Planning Committee will decide. Ensure your voice is heard.

EMAIL the members of the committee:

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santokh.chhokar@buckinghamshire.gov.uk

george.sandy@buckinghamshire.gov.uk

Buckinghamshire County Council
By planning portal upload only to Bucks CC planning portal
My Ref.: F:Applications
BCC reference CM/0002/20

Proposed continuation of the use of the land as a Household Waste Recycling Site as currently consented by planning permission no. CC/3/83 at Bledlow Household Recycling Centre Wigans Lane Bledlow Ridge Bucks.

Thank you for consulting the Chilterns Conservation Board on the above application. The Board proposes to submit comments on the grounds that:

1. The application before the Waste and Minerals Authority allows for a fresh 'denovo' consideration of the planning merits. Those merits must, as a starting point be based upon the high level and robust decision-making duties that apply in a nationally protected landscape. We fully accept that weight must be given to the planning history here but that any proposed continuation must be assessed against this fundamental starting point. There can be little doubt that landscape quality and scenic beauty is high and the Bucks Landscape Character Assessment denotes this character type (17) within the dipslope, with a 'Rolling and undulating topography, with steep slopes contrasting with flatter valley ridges. A smooth and sweeping landform'. Weight must be given to the importance of this nationally protected landscape in any planning determination.
2. The Waste and Minerals Local Plan does not identify the Bledlow Ridge site as exceptional (as it does for High Heavens). Adopted Waste and Minerals Plan policy 22 states that Policy 22: Chilterns Area of Outstanding Natural Beauty Proposals for minerals and waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest (and continues). Policy 14 also applies Development Principles for Waste Management Facilities, which adds a degree of policy sophistication that would not have applied in 1983 when the original consent was granted. We particularly focus on the AONB Management Plan 2019-2024 and particularly policy DP13 (see below). Planning weight must be given to the enhancement of the landscape and that also involves an assessment of traffic/transport and ecological matters.
3. The site is sensitively located. The DEFRA Magic web resource denotes a priority habitat to the immediate east (Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006). This envelopes the site (deciduous woodland priority habitat) and to the west a tract of ancient and semi - natural woodland lies beyond the farm. The NPPF at paragraph 174 (b) states that 'To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. CCB is cognisant of the planning history here

and the planning status of site. In light of a fresh application being considered it is timely that attention is paid to the enhancement of the landscape. That requires ecological assessment and an opportunity to enhance ecology around the site, allied with opportunities to reduce the concrete surfacing and site coverage. CCB would ask that the internal consultation on ecological matters be re-visited in light of the AONB duties that prevail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB. It is made up of representatives nominated by the organisations listed in Appendix 1.

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

For and on behalf of the Chilterns Conservation Board

Continued desecration of the countryside for mere convenience

Another argument is that it would reduce the scourge of flytipping. However, the Council's own reports suggest that fly tipping has reduced since closure. The flytipping that does occur is primarily trade waste that the site would not accept or waste that flytippers have to pay to drop at the other Council sites. If a flytipper is not prepared to pay to drop at one of the other sites, they are not going to be prepared to pay to drop at this site.

The reality of the application is that it is based on "convenience". The applicant's do not want to drive the extra distance on the occasional times that they need to visit a waste site. The applicant's village is most affected in this regard. The Council's own consultation determined that most users were within 7 miles/10 minutes of an alternative. Those most effected where from Oxfordshire whose own council considers that its waste provision is reasonable.

This application therefore comes down to whether saving time on the occasional trip to a waste site is worth more than protecting the AONB and Greenbelt landscape and allowing a site in a beautiful location to be enhanced.

We believe that this is wrong. Helping our environment, improving biodiversity and saving or enhancing our landscapes and wildlife require positive action. Objecting to this application so that the land can be put to a more environmentally favourable use is positive action and we respectfully ask you to support us in objecting to this application.

Existence of wildlife protected species not ascertained

The site's location is rich with a range of wildlife including deer, owls, bats and protected species. Despite the site being closed for over a year, there have been no environmental assessments or surveys to determine the impact on the wildlife. Why is this when local residents have to provide wildlife surveys in support of their planning applications?

When a local group of residents in favour of rewilding and creating a nature reserve asked (22nd september, 2020) to be allowed to visit the old HRC and surrounding woodland with a consultant regarding a biodiversity assessment to see how viable the project would be, the request was initially denied by Cllrs John reed, Cllr Chapple and Cllr Chilver on 30th September 2020.

see email below:

"I have liaised with Cllr Chapple and Cllr Chilver. As I believe you are aware there is a Planning Application being considered for this site. Councillors would like Planning to be determined before considering the request below."

John Reed
Director for Property & Assets
Planning, Growth & Sustainability Directorate
Buckinghamshire Council
Note: Cllr Bill Chapple had initially agreed.

It is only after the leader of the Unitary Council was appraised of the situation that cllr John Reed finally emailed 26/10/2020 agreeing to the visit.
Then there was" LOCK DOWN ". The resident's sponsored biodiversity assessment report has been postponed.

Many residents feel that the Rewilding and creation of a Nature Reserve on the site's (approximately) 8 acres of woodland would be an opportunity to restore a spoiled part of the AONB, support and enhance biodiversity locally (remember the site started in the 1950's as a tip) and a way **to** counteract the damage to ecosystems that underpin human health and wellbeing.

It would show the Council as a progressive champions for protecting our landscape, wildlife and environment.

A LOCAL EFFORT AT RE-WILDING: NATURE RESERVE Wigans Lane

WE NEED YOUR HELP !!

A group of local residents would like to purchase the former HRC and the land surrounding it to turn it into a nature reserve.

- Located within The Chilterns AONB and within an SSI impact Zone
 - 8 acres of land in total
- A woodland site easily linked to wider countryside through creation of circular walk to encompass Yeosden Nature reserve, Lodge Hill SSI, and local amenities in nearby villages
- Hardstanding provides car-parking away from highway for safety. Both locals and visitors have second thoughts about loading and unloading kids, pets & cycles on the existing lay-bys with cars going by at 50/60mph

This Initiative:

- 1) Supports BCC's and the Government's environmental and pollutions targets.**
- 2) It enhances the AONB and the greenbelt.**



This initiative is 100% in line with both:

- The new Local Nature Recovery Strategy (August 2020)
- The new national “Leader’s pledge for Nature” signed by the UK (Oct 2020) - which includes a 10-point pledge to counteract and repair the ecosystems.

As part of it, the government will pledge more money will be spent on the environment and ensuring nature is a priority. The commitment will boost the amount of protected land, which includes national parks and areas of outstanding Natural beauty, **from 26% to 30% by 2030.**

Restoring Enhancing Repairing



NATURE

We should not miss a clear opportunity for **restoring and enhancing nature**. In this case **repairing the damage** that previous unknowing generations inflicted on this site.

A show case of the process of regeneration of land we contaminated.

Indeed, it would be a fitting tribute to David Attenborough and all those who are showing us the way.

Let us make a lot of noise.

A present to current and future generations.

OUR PROPOSAL

It allows something that enhances the beauty of the AONB & Greenbelt rather than a development that is going to spoil it for current and future generations. Once this land is lost to inappropriate development, it is lost forever.

For more information contact: locals4aonb@gmail.com

Tell your
friends
to email

rob.butler.mp@parliament.uk
martin.tett@buckinghamshire.gov.uk
alan.Turner@buckinghamshire.gov.uk
bill.chapple@buckinghamshire.gov.uk

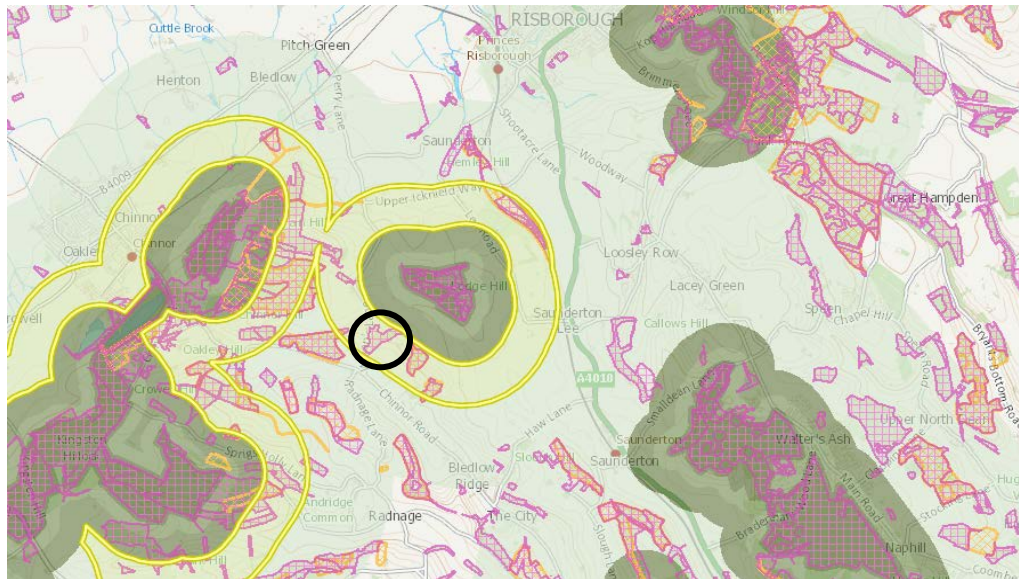
Location of the site in a buffer zone for the SSI at Lodge Hill and on an important water aquifer

The site is in a beautiful part of the Chilterns and within the buffer zone of a protected site of scientific interest (SSI). In relation to this site, the Chilterns Conservation Board, says that;

"...landscape quality and scenic beauty is high..... with a 'Rolling and undulating topography, with steep slopes contrasting with flatter valley ridges. A smooth and sweeping landform..."

Despite this, Green Belt & AONB protections are being ignored for the sake of convenience. Most households are within 7 miles/10 mins of an alternative. (council data).

Aerial Buffer Zones around local protected sites (SAC and SSSI) that include Wigans Site



Wigans Tip on Unconfined Chalk Making Aquifer Vulnerable to Pollution from Tip



Unconfined permeable Chalk

Clay



Wigans Tip and Woods

Is the existing planning system fit for purpose ?

The Council owes a Common Law duty of care to its residents and this includes taking an overview of the proposal as it is now and how it may develop in future. However, no common sense overall due diligence appears to have been conducted on the CIC's proposal, projections or on the proposed operators. Instead, it has been approached as a box ticking exercise by the various Council departments. Thus, we have the Council's planners saying that they can only look at the proposal before them whilst cynically advising a "salami-slicing" approach to future applications for expansion.

The Planning system allows for a privatisation of a public land without safeguards :

- The proposed new HRC scheme is really a privatisation without safeguards.
 - a. It sloughs off the council's regulatory responsibility and – worse still – removes the only financially sound body able to pick up the pieces should the scheme come to grief.
 - b. The old permission was "personal" to the Bucks County Council and engaged the council's governance and financial responsibility. The new permission, if granted, will attach to the land, which the CIC will lease from the Council. The CIC will then appoint a contractor to operate the HRC on a commercial basis.
 - c. This removes the council's responsibility for the HRC's operation as well as its authority to take corrective action other than as set out in the lease. The CIC is thus in the place of a regulator.
 - d. The CIC, which is utterly opaque, is a company with minimal resources and no staff. It is controlled by two councillors with no real business experience who have nominated a 'preferred operator' with no waste experience and a scandalous track record.