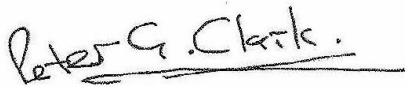


To: Members of the Planning & Regulation Committee

***Notice of a Meeting of the Planning & Regulation
Committee***

Monday, 6 December 2010 at 2.00 pm

County Hall



Peter G. Clark
County Solicitor

November 2010

Contact Officer: **Graham Warrington**
Tel: (01865) 815321; E-Mail:
graham.warrington@oxfordshire.gov.uk

Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.

Membership

Chairman – Councillor Steve Hayward
Deputy Chairman - Councillor Mrs Catherine Fulljames

Councillors

Alan Armitage
Tony Crabbe
Anda Fitzgerald-O'Connor
Jenny Hannaby
Ray Jelf

Peter Jones
Lorraine Lindsay-Gale
David Nimmo-Smith
Neil Owen
G.A. Reynolds

John Sanders
Don Seale
John Tanner

Notes:

- **Date of next meeting: 17 January 2011**

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 14)

To approve the minutes of the meeting held on 25 October 2010 and to receive for information any matters arising therefrom.

4. **Petitions and Public Address**
5. **Finmere Quarry Landfill** (Pages 15 - 32)

Application 1- 10/01516/CM to continue development without complying with condition A3 of planning permission reference APP/U3100/A/06/2030592 (to extract sand and gravel from land south-west of Finmere, including the relocation of plant and restoration of the quarry using imported inert waste to agriculture, woodland and grassland) for an extension of the life of the development of the consented extension to Finmere Quarry.

Application 2 – 10/01515/CM to continue development without complying with condition B3 of planning permission reference APP/U3100/A/06/2030619 (extraction of sand, gravel and clay from land south of the current Finmere Quarry landfill facility for use at the site for landfill engineering) for an extension of the life of the development of the consented extension to Finmere Quarry.

Report by Interim Head of Sustainable Development (**PN5**)

The report describes two applications to extend the end date of existing permissions at Finmere Quarry in Cherwell District. Planning permission has just been granted (in November 2010) to extend the period for commencement of these development by a further 3 years. Accordingly there is a need to extend the end date of existing permissions for application 1 by 3 years for application 2 by 5 years. The report outlines the consultation responses received, comments from third parties, relevant development plan and other policies and key considerations.

Application 1

It is RECOMMENDED that planning permission for Application 10/01516/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:

- (1) ***Detailed compliance condition;***
- (2) ***Commencement date – 3 years (October 2012);***
- (3) ***Extraction to cease by 2016 and deposit of waste cease by 2018;***
- (4) ***Extraction limited to sand and gravel and no clay extraction;***
- (5) ***Removal of buildings, plants and machinery within 1 year of cessation of mineral working;***
- (6) ***No commencement of mineral extraction until approved pre-development works including diversion of Bridleway 4 had been carried out;***
- (7) ***No construction of silt pond except in accordance with the approved plan;***
- (8) ***Display of copy of the permission and approved plans in the operator's office;***
- (9) ***No importation of aggregate to the site except from the adjacent permitted land;***
- (10) ***Restriction of permitted development rights;***
- (11) ***Carrying out of operation according to agreed operating hours;***
- (12) ***Use of access according to approved plans;***
- (13) ***No mud on the public highway;***
- (14) ***Carrying out of development in accordance with approved wheelwash system;***
- (15) ***No development shall take place except in accordance with approved dust suppression measures;***
- (16) ***Limitation on noise level (to agreed level);***
- (17) ***Effective silencers to be provided on plant, machinery and vehicles;***
- (18) ***Noise emitted from the site shall not contain any discrete continuous noise;***
- (19) ***Reversing vehicles shall not emit warning noise that may have adverse impacts on neighbours or properties;***
- (20) ***Chemical or fuel storage containers to be sited on impervious surface with bund walls;***
- (21) ***Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;***
- (22) ***No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering shall not take place except in accordance with an approved scheme;***
- (23) ***No external lighting to be installed at the site except in accordance with an approved scheme;***
- (24) ***No development to take place until the developer had secured implementation of a programme of archaeological investigation;***
- (25) ***No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;***
- (26) ***Mitigation measures for protected species according to approved scheme;***
- (27) ***No removal of trees containing bat roosts;***
- (28) ***Straw bales to be erected according to approved restoration plan;***
- (29) ***All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;***
- (30) ***Temporary soil storage bunds to be grass seeded;***
- (31) ***All topsoil and subsoil to be permanently retained on site and used in restoration;***
- (32) ***Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;***
- (33) ***Soil handling, storage and placement to be carried out in accordance with***

- the approved scheme;*
- (34) *Temporary soil storage bunds shall not exceed 5 metres in height;*
 - (35) *Restoration to be completed only in accordance with the approved restoration scheme;*
 - (36) *Detail of planting for grassland restoration area to be agreed;*
 - (37) *An aftercare scheme to be submitted within 5 years of the permission;*
 - (38) *Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period;*
 - (39) *Operator to arrange a site meeting before 31 March of every year during the aftercare period;*
 - (40) *No deposit of waste other than inert waste.*

Application 2

It is RECOMMENDED that planning permission for Application 10/01515/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:

- (1) *Detailed compliance condition;*
- (2) *Commencement date – 3 years (October 2012);*
- (3) *Extraction to cease by 2017, deposit of waste to cease by 2018 and restoration to be completed by 2019;*
- (4) *Display of copy of the permission and approved plans in the operator's office;*
- (5) *Mineral excavated from the site not to be transported on to the public highway;*
- (6) *No quarry rejects materials to be imported to the site except from the permitted area;*
- (7) *No stockpiling of clay on site;*
- (8) *No soil stripping until Bridleway 7 has been temporarily diverted;*
- (9) *Restriction of permitted development rights;*
- (10) *Carrying out of operation according to agreed operating hours;*
- (11) *No extraction of mineral below the approved level;*
- (12) *Use of access according to approved plans;*
- (13) *Provision of a site access road before commencement of soil stripping;*
- (14) *Water bowser to be used to eliminate visible dust;*
- (15) *Limitation on noise level (to agreed level);*
- (16) *Effective silencers to be provided on plant, machinery and vehicles;*
- (17) *Noise emitted from the site shall not contain any discrete continuous noise;*
- (18) *Reversing vehicles shall not emit warning noise that may have adverse impacts on neighbours or properties;*
- (19) *Chemical or fuel storage containers to be sited on impervious surface with bund walls;*
- (20) *Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;*
- (21) *Clay to be retained at the base of any extraction of at least 1 metre thickness;*
- (22) *No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering shall not take place except in accordance with an approved scheme;*

- (23) *No external lighting to be installed at the site except in accordance with an approved scheme;*
- (24) *No development to take place in phase 2 until the developer has secured the implementation of a programme of archaeological investigation;*
- (25) *No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;*
- (26) *No removal of trees containing bat roosts;*
- (27) *All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;*
- (28) *Temporary soil storage bunds to be grass seeded;*
- (29) *Straw bales to be erected according to approved restoration plan;*
- (30) *All topsoil and subsoil to be permanently retained on site and used in restoration;*
- (31) *Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;*
- (32) *Soil handling, storage and placement to be carried out in accordance with the approved scheme;*
- (33) *Temporary soil storage bunds shall not exceed 5 metres in height;*
- (34) *Restoration to be completed only in accordance with the approved restoration scheme;*
- (35) *Detail of planting restoration area to be agreed;*
- (36) *An aftercare scheme to be submitted within 5 years of the permission;*
- (37) *Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period.*
- (38) *Operator to arrange a site meeting before 31 March of every year during the aftercare period.*

6. Supergas Industrial Estate Witney - Application 10/1451/P/CM (Pages 33 - 44)

Change of use of parking/industrial area to a recycling/distribution area for paper, kitchen waste, glass, plastics, cans and cardboard including the sorting and baling of plastics, cans and cardboard. The construction of open bays for recyclables and three sided, open fronted structure to house bales and roof structure for kitchen waste. Erection of lighting columns. Erection of two portable buildings and one modular building to be used as offices, toilets and welfare facilities. Provision of parking for staff & visitors vehicles and refuse & recycling vehicles.

Report by Interim Head of Sustainable Development (PN6)

This is an application for a recycling depot on an industrial estate on Down's Road in Witney. Recyclable waste collected from West Oxfordshire would be brought to the site to be sorted, stored and baled before being sent on for recycling at other facilities. Materials brought to the site would include glass, plastics, cans, cardboard and kitchen waste. The proposal complies with waste management policy and there have been no objections from statutory consultees. However, objections have been received from local residents and industrial unit occupants on the basis of the amenity impacts including noise, traffic, odour, pests. The Environmental Health Officer has asked for

further work to be done on noise which has led to changes to the layout and the addition of a noise barrier. The consultation on these amendments was ongoing at the time of writing the report. The final conclusions and a recommendation on the development will be set out in an addendum.

Final conclusions and a recommendation will follow in an addendum.

7. Relevant Development Plan and other Policies (Pages 45 - 52)

Report by Interim Head of Sustainable Development (**PN7**).

This paper sets out policies for each of the applications at Items 5 and 6 above and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 6 December 2010** at **11.00 am** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

This page is intentionally left blank

Agenda Item 3

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 25 October 2010 commencing at 11.30 am and finishing at 4.40 pm

Present:

Voting Members: Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)
Councillor Alan Armitage
Councillor Tony Crabbe
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Jenny Hannaby
Councillor Ray Jelf
Councillor Peter Jones
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo-Smith
Councillor Neil Owen
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Don Seale
Councillor John Tanner

Officers:

Whole of meeting G. Warrington and R. Hanson (Corporate Core)
M. Tugwell and D. Groves (Environment & Economy)

Part of meeting

Agenda Item Officer Attending

5 J. Irvine and R. Dance (Environment & Economy)
6 J. Hamilton and R. Dance (Environment & Economy)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

39/10 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE
(Agenda No. 2)

<i>Item</i>			<i>Councillor</i>	<i>Interest</i>
Councillor	Mrs	C	6. Ashgrove Farm, Ardley – Application No	Personal. Member of Cherwell District

	10/0127/CM 8. Energy from Waste facility, Ardley – Application MW0078/CM	Council’s Planning Committee. Councillor Mrs Fulljames advised that she had not expressed an opinion on the application in that capacity and therefore intended to participate in any discussion and voting thereon. Personal and prejudicial. Member of Cherwell District Council but had taken no part in the planning decision. However, she had accepted on the advice of legal officers that she had a personal and prejudicial interest by reason of proximity. After making representations as local member she left the meeting and took no part in the substantive discussion or voting thereafter
Councillor Hannaby	6. Ashgrove Farm, Ardley – Application No 10/0127/CM And 8. Energy from Waste Facility, Ardley – Application MW0078/CM	Personal. Vale of White Horse District Council Cabinet Member for Waste and member of the Oxfordshire Waste Partnership. Councillor Hannaby advised that she had not expressed an opinion on either application in either capacity and therefore intended to participate in any discussion and voting thereon.
Councillor Reynolds	8. Energy from Waste Facility, Ardley – Application MW0078/CM	Personal. Member of Cherwell District Council’s Planning Committee and the Oxfordshire Waste Partnership. Councillor

		<p>Reynolds advised that he had not expressed an opinion on the application in either capacity and therefore intended to participate in any discussion and voting thereon.</p>
--	--	--

40/10 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 13 September 2010 were approved and signed.

Minute 14/09 - Stonehenge Farm

Mr Dance advised that the Stonehenge Farm application had been allowed on appeal but importantly the package of measures relating to flooding, routeing and monitoring of lorry movements, public access and biodiversity remained intact. No costs had been awarded although some costs had inevitably been incurred in staff time and consultants and counsel appointed for the Inquiry.

The Chairman thanked those members of the Committee who had attended the Inquiry. He understood that the Inspector had felt that the reasons for the original refusal had been legitimate which had prompted the applicants to undertake further work on the application itself.

41/10 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

The following requests to address the meeting had been agreed:

<i>Speaker</i>	<i>Item</i>
Steve Bowley	5. Whitecross Metals, Wootton – Application No 10/01449/CM
John A C Beattie)
Brian Wilson.)
Mark Gammond)
Barbara Gow, Resident)
Jake Cherrington)
Brian Tomlin)
David Wood) 8. Energy from waste facility,
John Kightley) Ardley – Application MW0078/10
Peter Maggs) 10/00849/CM
Sheila Ultsch)

Brian Steventon)
Councillor Charles Shouler)
Councillor Mrs C Fulljames)
Robert Ryan)
)

42/10 THE SORTING AND TRANSFER OF BUILDERS SKIP WASTE WITHIN EXISTING SCRAP METAL YARD, WHITECROSS METALS, WOOTTON - APPLICATION NO 10/01449/CM

(Agenda No. 5)

The Committee considered (PN5) an application for a construction and demolition waste transfer station.

Mr Bowley on behalf of the applicant referred to the relatively small scale operation involved which would result in no increased traffic or activity at the site above current levels. There had been no statutory consultee objections and he urged the Committee to approve the application.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Jelf and carried unanimously) that planning permission for the development proposed in Application No 10/01449/CM be granted subject to conditions to be determined by the Interim Head of Sustainable Development but to cover matters set out below:

1. Complete compliance
2. Development to commence within three years of permission.
3. Working hours as proposed including HGV access
4. Maximum height of stockpiles.
5. Noise limits.
6. Dust suppression.
7. No waste other than inert construction and demolition waste to be imported.
8. No crushing.
9. Maximum throughput of 5,000 tonnes per annum.
10. Details of surface water drainage to be determined prior to commencement of development.

43/10 INSTALLATION AND USE OF A FIXED SCREEN AT ARDLEY IN-VESSEL COMPOSTING FACILITY, ASHGROVE FARM, ARDLEY - APPLICATION NO 10/0127/CM

(Agenda No. 6)

The Committee considered (PN6) a retrospective application for a permanent screener to replace a temporary mobile screening plant originally permitted in 2009.

The Committee discussed complaints received regarding odour. The applicants had advised that this had been due to the amount of food waste at the site. This situation was expected to improve once the anaerobic digestion facility at Cassington was on stream which would take food waste but in the meantime the Committee noted that

the odour mitigation scheme condition attached to the previous permission could be used to monitor the problem.

Another area of concern had been the lack of adequate screening. However, officers advised that it would be difficult to link additional screening to this permission but suggested that an informative could be added to any permission given to emphasise the need for compliance with the screening condition attached to the 2009 permission and to encourage inclusion of trees where possible.

It was confirmed that Sunday working usually involved on site maintenance and only in exceptional circumstances such as after bank holidays would lorry traffic access the site.

RESOLVED: (on a motion by Councillor Hayward, seconded by Councillor Mrs Fulljames and carried unanimously) that planning permission for the development set out in Application No 10?01274/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to cover matters set out below:

1. Complete compliance with application details.
2. Development must commence within three years of permission.
3. Working hours to match existing:
 - (a) 07:00 – 18:00 Mondays to Fridays
 - (b) 08:00 – 16:00 Saturdays.
 - (c) 08:00 – 14:00 Sundays
4. Materials and finishes to match the existing on the screener.
5. Noise Limits

Informative: to refer to the likelihood of enforcement action if the existing screening condition is not complied with.

44/10 RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES

(Agenda No. 7)

Noted. No action required.

45/10 APPLICATION FOR: THE CONSTRUCTION AND OPERATION OF AN ENERGY FROM WASTE (EFW) FACILITY TOGETHER WITH ASSOCIATED OFFICE, VISITOR CENTRE AND BOTTOM ASH RECYCLING FACILITIES, NEW ACCESS ROAD AND WEIGHBRIDGE FACILITIES AND THE CONTINUATION OF NON HAZARDOUS LANDFILL OPERATIONS AND LANDFILL GAS UTILISATION WITH CONSEQUENT AMENDMENTS TO THE PHASING AND FINAL RESTORATION LANDFORM OF THE LANDFILL, SURFACE WATER ATTENUATION FEATURES AND IMPROVEMENTS TO THE EXISTING HOUSEHOLD RECYCLING FACILITY

(Agenda No. 8)

The Committee considered a second application to build an Energy from Waste plant at the Ardley landfill site.

The Chairman advised that the ability of members of the Committee to act independently when considering this current application on its merits had not been compromised by the decision in October 2009 when the first application had been refused.

John Beattie referred to concerns of the Bishops Cleeve Parish Council in Gloucestershire regarding transport and disposal of residue ash to the Wingmoor Farm site near Cheltenham. Following incineration 30% ash remained of which 16% was toxic hazardous waste. The planning permission had expired. Grundons had applied to extend the life of the site but even if that was approved, there would still be a period of 5-10 years after cessation of operations at Wingmoor Farm and the closure of the facility at Ardley during which alternative disposal arrangements would be needed. He felt the proposal was unsustainable and urged that Oxfordshire dispose of its own hazardous waste.

Brian Wilson stated that the application now before the Committee was identical to the earlier application in all its planning aspects and should be refused for the same planning reasons: clearly not a temporary building; lack of need bearing in mind rapidly increasing recycling rates; transport impacts from import of waste and export of toxic waste ash; the outstanding appeal decision and overlapping application. The Planning & Regulation Committee had a duty to act in a reasonable manner and he urged the Committee to decline to determine the 'overlapping' application or to refuse it or at very least defer a decision until the Inspector had announced his decision.

Mark Gammond tabled a number of photographs (produced by Viridor) to demonstrate the effect of the proposal on the surrounding countryside. These photographs gave a misleading impression of its impact when compared to a local landmark Trow Pool Water Tower. In reality the height of the main building was 14 metres higher than the water tower and the stack 60 metres higher. The impact would be immense in the open countryside and he urged the Committee to refuse the application.

Responding to Councillor Tanner he assured the Committee the measurements were correct and that the sheer magnitude of the proposal had not been reflected accurately in the photographs produced by Viridor.

Barbara Gow agreed that there were no real differences between the two applications which were for the same size building in the same place. Incinerator technology was outdated and there were huge health and safety implications associated with the plant itself and from increased traffic on the B430. The eco-town was not pursuing the use of waste heat from this proposal. A 35 year permission was too long and it seemed wrong that the contract had already been awarded by the County Council's Cabinet. The Committee should refuse the application and wait for the Inspector's decision.

Jake Cherrington reminded the Committee that a decision to approve now would have a detrimental effect on village life for years to come. Recycling levels continued to increase which would in turn reduce the amount of residual waste in Oxfordshire requiring more waste to be imported with increased lorry traffic and resultant safety

issues. This seemed to be a purely commercial venture for the benefit of Viridor and represented a waste of public money on something nobody wanted. The previous application had already been refused so why consider it again.

Jon O'Neill tabled a submission of objection.

Brian Tomlin referred to traffic pollution at ground level. This was noticeable in Croughton and would only worsen if this application was approved. The A43 south was used as a shortcut by vehicles and the Committee should refuse this application pending improvements to Junction 10 on the M40.

David Wood urged the Committee to reject the application on health grounds. Air quality was already poor in this area affecting particularly asthma sufferers. This situation would only worsen with knock on effects for the NHS. He agreed an alternative was needed to landfill but there were better alternatives available than incineration which involved outdated technology.

Responding to Councillor Armitage he did not have figures regarding air quality but it had been subject to significant analysis at the Inquiry.

Mr Kightley refuted the temporary nature of this application which was materially identical to the first. As a rule 6 party at the Inquiry Bucknell Parish Council had studied both applications and found numerous instances of conflicting and misleading information with inadequate assessments. The Parish Council had been advised by the County Council of 12 differences between the current application and the one refused in October 2009. The Parish Council had questioned all 12 points stating that analysis of each proved there was no material difference between the two and the Committee should sustain its earlier decision and refuse this application.

Peter Maggs referred to traffic concerns on B430. Levels would increase dramatically with resultant problems for road safety. To describe this application as temporary was ridiculous and a more central site would reduce transport costs considerably. There had been insufficient analysis of alternative sites. Nothing had changed since the previous application had been considered in October. P3EcoLtd had no intention of linking the development at Bicester to energy provision at Ardley and any decision to approve this application would be open to legal challenge.

Responding to Councillor Tanner he suggested a more suitable site should be found around Oxford rather than transporting material around the County.

Sheila Ultsch considered this area of north Oxfordshire to be under siege from the M40 and its resultant problems with junction 10 and the effect on local roads only 500 metres north of Fritwell; the proposed wind farm and now the incinerator to the south. Pollution levels would rise as a result of outdated technology and it was difficult to think of another area in Oxfordshire suffering from this level of intrusion. She urged the Committee to refuse the application.

Brian Steventon advised that monthly readings taken locally over the last 18 months showed an average nitrous dioxide reading of 37.5 micrograms per cubic metre compared to recommended European levels of 40. That was unacceptable in open countryside and would only deteriorate if this application was approved. The decision

taken 12 months ago should hold good today with no real difference between the two applications. If the scheme was approved he advised that a potential SSSI site would be destroyed.

Councillor Charles Shouler spoke on behalf of residents of Middleton Stoney. This application was very similar to that considered in October 2009 with the only real difference being that the current one was now limited to 35 years. It could be argued that the applications were being twin tracked and he questioned how could this application be determined before the first had been concluded. He queried what was meant by adjoining authorities in Condition 52 and considered that the transport implications were not irrelevant as suggested. The relative peace and quiet enjoyed by this area since the opening of the M40 would be further eroded and routeing agreements were only as effective as the level of enforcement. Damage to the area could not be overcome by limiting the period of permission and the reasons given for refusal were still valid. He referred to government circular 11/95 which advised against the use of temporary planning conditions in these circumstances and urged the Committee to refuse the application on the same grounds as before.

Responding to Councillor Tanner it was not for him to say whether it would be preferable to wait for the outcome of the Inquiry. For whatever reason the second application had been made and the Committee therefore needed to consider it.

Councillor Mrs Fulljames referred to the extraordinary level of opposition to and public concern over this application with a clear message to refuse. Cherwell District Council's reasons for recommending as outlined in the Committee report were sound and any decision should not be unduly influenced by the award of the MSW contract. The first application had been through a 15 day Inquiry process and this application hardly differed from that one. Considerable harm would be done to the area through the import of waste with a 30% increase in HGV traffic. Waste would be taken from all 5 district councils so traffic levels were bound to increase. It was intended to add another junction onto the B430 adding yet more danger to an already dangerous stretch of road. The site should be situated in the middle of the County to make it more accessible. She referred to increased health risks and referred particularly to risks of miscarriages. She realised the Committee had been put in a difficult position but urged that it disassociate itself from the decision to award the waste contract. She questioned the detail of the hinterland condition and asked for clarification of boundaries from where waste would be imported and from the applicants an indication of what the black smoke was coming from the Colebrook incinerator stack. There had been a reduction in the need for residual waste capacity from 291,000 tonnes pa to 237,000 tonnes in just one year, meaning that waste to feed the plant would increasingly have to come from elsewhere. She concluded by confirming that she would leave the meeting on the advice of legal officers regarding her prejudicial interest of proximity but before doing so urged the Committee to refuse the application.

Responding to Councillor Hayward she advised that many medical facts had been quoted but the statement regarding miscarriages had been one that had stuck in her mind.

Councillor Mrs Fulljames then left the meeting.

Robert Ryan advised that Viridor were one of the UKs leading companies in this field of operations working with over 90 local authorities and dealing in effective resource management ranging from production of electricity to waste collection and composting. There was a need for a state of the art facility costing 200 million pounds and providing employment for 200 during the construction stage and 40 operational jobs thereafter with obvious benefits for the local economy. It would enable waste to be moved up the hierarchy and away from landfill. There had been no objections raised by any of the statutory consultees and the application had the support of County planning and transport officers and was compliant with European waste directives. Viridor had sought to mitigate the effects of the building with a well thought out design and referred to the visual intrusion from other sites such as the wind farm. The proposal had received an environmental permit regulated by the Environment Agency, which also indicated that the technology was the best available. It was well established with over 400 other schemes in Europe. Viridor had been proactively engaged with relevant organisations and had listened to comments from local residents which had resulted in changes to the scheme which would be built to the highest environmental standards. There were many significant benefits for the Council from a permission unencumbered by adverse planning conditions including addressing a lack of capacity from landfill by diverting waste; reduction of gas from landfill waste; production of renewable energy and reductions in landfill tax. The facility was urgently needed and he commended the recommendation to approve the application.

Responding to questions from:

Councillor Tanner - he confirmed that by submitting a second application it had given an opportunity for the Committee to consider a change to policy and detail. He confirmed that he would be happy to live downwind of this type of facility and had in fact done so in the past.

Councillor Hannaby – there had been an extensive site assessment programme and no better site had been found.

Councillor Seale – he confirmed that Viridor undertook waste management and commercially looked to make a profit to enable that business to operate. He advised that the building at the Ardley facility would be lower than the one at Colnbrook (36 meters compared to 46 metres) and confirmed that it was steam coming from Colnbrook chimney and not smoke.

Councillor Sanders - he did not accept that the changes between this application and the previous ones were insignificant.

Councillor Reynolds – Viridor had not expressly made the application for temporary permission because it was for the Council to decide whether a condition to limit the life of the permission was necessary. If it had Viridor would not have objected.

Mr Tugwell presented the report. Viridor had indicated that it would accept a time limit condition, which constituted a significant difference from the first application. The life expectancy of the facility would be set at 35 years, which the applicants had

accepted and if that was to be extended then a new application would be required. The proposal had been designed to meet Oxfordshire's needs first and foremost. Traffic levels on the B430 prior to construction of the M40 were 15,000 vehicles per day. Current levels were between 5,500 – 6,000 per day and the County Council considered the existing road infrastructure would be capable of dealing with the scale of increase in traffic. The facility would be carefully monitored and he did not expect air quality levels to deteriorate as suggested by an earlier speaker.

Need – it was necessary to reduce the amount of waste going to landfill. The legacies from landfill were well documented and with limited landfill available Oxfordshire needed to deal with its waste stream. A number of factors including the economy and recycling levels influenced how that could be done. Figures for residual waste had been based on a minimum but there was the potential for those levels to increase. Very soon Oxfordshire would have insufficient LATS allowances requiring purchases from other authorities incurring further cost.

Regulation process – the second part of the process involved environmental impact regulated by the Environmental Agency who had issued a permit for this facility at this location. The facility would be subject to rigorous monitoring by the Agency.

A Viridor representative confirmed that at the Colnbrook facility constant monitoring was undertaken on each stack with averages taken to compare with the environmental permit. These figures were reported to the Environmental Agency and made public. Other samples were taken and sent for independent testing. Working hours would be 24 hours per day with Sundays reserved for routine maintenance.

Councillor Tanner considered that realistically it would be difficult to refuse a repeat application for a facility that had been there for 35 years and expressed concern regarding importation of waste from outside Oxfordshire.

Councillor Crabbe had some concern regarding the ability of the Environment Agency to adequately fund monitoring during the current economic climate and thought perhaps that should instead be a charge on the developer.

Councillor Reynolds' understanding was that the Oxford Waste Partnership had not been advocating a case for incineration but merely an interest in the generation of energy. He felt the applications were identical and the second one should have been submitted as an application for temporary permission. The facility was too big for Oxfordshire's needs and he had concerns regarding levels of residual waste because of the continuing increase in recycling levels and over the importation of waste from outside the County. The policy context had not changed. He also had concerns regarding the use of average monitoring figures whereas if an accident occurred then there would be a huge problem. Nothing had changed and he considered it would be unreasonable not to refuse the application again.

Mr Tugwell confirmed rules regarding referral to the Secretary of State had changed and there was now no formal requirement to do that in this case although he confirmed that the government office had received a request to call in the application.

The Chairman proposed, and Councillor Hannaby seconded that the recommendation as set out in the officer report be approved.

Councillor Tanner proposed that Condition 52 be amended by deleting all the text after Oxfordshire in order to reflect the need to deal solely with waste emanating from within Oxfordshire.

The amendment seconded by Councillor Sanders was lost by 11 votes to 2.

A further amendment by Councillor Seale to replace the words “or from” with “and” in Condition 52 was accepted by the mover and seconder of the motion.

The substantive motion was then put to the Committee and –

RESOLVED (by 10 votes to 4) that subject to legal agreements to cover the following matters:

- (i) route of all large HGVs to/from the M40 via the B430 through Ardley;
- (ii) provision of a construction travel plan – all vehicles to be routed to/from M40 via B430 through Ardley;
- (iii) provision of an operational travel plan, with £1k monitoring fee;
- (iv) provision of a pedestrian crossing on the B430 in Ardley;
- (v) commitment to submitting an application to divert bridleway 27;
- (vi) funding for improvements to the Rights of Way network;
- (vii) long term maintenance of the restored landfill;
- (viii) public access to the old quarry face;

the planning application for the development described in planning application 10/00849/CM be approved subject to conditions to be determined by the Interim Head of Sustainable Development but to cover matters to include the following:

- 1) detailed compliance; (in accordance with submitted plans/documents);
- 2) detailed duration – 3 years;
- 3) consent limited in duration to 35 years from the date of facility becoming operational;
- 4) notwithstanding Condition 3, if the plant ceases to be used for a period of more than 36 months a scheme for demolition and removal of the building, and subsequent restoration to be submitted and agreed;
- 5) no waste to be treated until link to electricity grid is completed;
- 6) construction works not to start until construction of new access begun;
- 7) no traffic movements (apart from staff working at the EfW plant) except during between:-
 - 7 am – 7pm Mondays to Fridays;
 - 7 am – 1pm Saturdays and
 - on 12 nominated Saturdays 1pm-4pm (hours to be agreed) Sundays (there shall be no more than 10 vehicle movements on Sundays)
- 8) notwithstanding Condition 7, hours of operation of site for receipt of waste from OCC Household Waste Recycling sites to be agreed;
- 9) hours of operation of Household Waste Recycling Facility to be agreed;
- 10) construction hours to be agreed;

- 11) EfW may operate continuously but no outside operations except during hours agreed under Condition 7 (other than for essential maintenance etc);
- 12) submission and implementation of a scheme to ensure that the waste treated is residual;
- 13) plan to be agreed for incinerator bottom ash operations;
- 14) details of changes for bridleway 27 provision on definitive line and implementation if line not diverted;
- 15) implement approved flood risk assessment and site drainage plan;
- 16) agree details of groundwater and surface water drainage plan;
- 17) agree plan for external lighting;
- 18) details of design and location of CCTV cameras to be submitted and agreed;
- 19) no external lighting outside hours permitted for traffic movements except for site safety and security;
- 20) recording of dinosaur footprints;
- 21) maximum of 500,000 tpa of waste to site until landfill completed;
- 22) maximum of 2,000 tonnes of waste to site each day until landfill ends;
- 23) restoration/landscape plan to be submitted and agreed;
- 24) tree retention/protection measures to be agreed;
- 25) no removal of trees/hedgerows during bird breeding season;
- 26) pest control measures to be agreed;
- 27) with exception of Household Waste Reception Site, no waste other than that associated with EfW plant to be sorted/stored on site for disposal elsewhere;
- 28) any gates/fences that are damaged to be repaired;
- 29) no mud on highway;
- 30) no reversing beepers (or other means of audible warning) to be used other than white noise;
- 31) all plant/machinery etc. to use equipment that minimises noise;
- 32) prior to commissioning of EfW plant, a Combined Heat and Power (CHP) feasibility review to be submitted and approved. Any scheme approved to be implemented;
- 33) signage on B430 to be agreed prior to occupation of EfW plant;
- 34) fencing details to be agreed;
- 35) schedule of external materials to be used to be agreed;
- 36) details of leachate treatment plant to be agreed;
- 37) access details/arrangements to be agreed after landfill operations completed;
- 38) details of wheel washing proposals to be agreed;
- 39) location of landfill gas wellheads and collection mains to be agreed;
- 40) surface water drainage details to be agreed;
- 41) landfilling to cease by 2019;
- 42) household waste recycling facility to be removed by end of 2018;
- 43) if landfill operations cease for a 12 month period at any time before landfilling is completed, reinstatement and restoration scheme to be submitted and agreed;
- 44) hours of use for landfill operations to be agreed;
- 45) phasing of landfill/restoration to be in accordance with approved plans;
- 46) details of soil storage bunds to be agreed;
- 47) topsoil to be retained on site. Details of working of any imported soils to be agreed;
- 48) depth and quality of soils above capping layer to be agreed, soils to be handled only in dry weather conditions;

- 49) aftercare scheme to be submitted and agreed;
- 50) skip storage restricted to Household Waste Recycling facility or at location to be agreed;
- 51) all Oxfordshire MSW shall be processed through the plant;
- 52) no waste to be imported or processed other than from Oxfordshire and adjoining authorities;
- 53) records of daily tonnage, origin and nature of waste to be kept.

Informative:

Local Liaison Meeting to discuss EfW operations to be established.

..... in the Chair

Date of signing 2010

This page is intentionally left blank

Division(s): Ploughley

Contact Officer: Taufiq Islam (mohammad.islam@oxfordshire.gov.uk)
Tel: 01865 815884

PLANNING & REGULATION COMMITTEE – 6 DECEMBER 2010

APPLICATION 1

APPLICATION TO CONTINUE DEVELOPMENT WITHOUT COMPLYING WITH CONDITION A3 OF PLANNING PERMISSION REFERENCE APP/U3100/A/06/2030592 (EXTENSION TO FINMERE QUARRY TO EXTRACT SAND AND GRAVEL FROM LAND SOUTH-WEST OF FINMERE, INCLUDING THE RELOCATION OF PLANT AND RESTORATION OF THE QUARRY USING IMPORTED INERT WASTE TO AGRICULTURE, WOODLAND AND GRASSLAND AT FINMERE QUARRY LANDFILL, BANBURY ROAD, FINMERE, MK18 4AJ) FOR AN EXTENSION OF THE LIFE OF THE DEVELOPMENT OF THE CONSENTED EXTENSION TO FINMERE QUARRY

APPLICATION 2

APPLICATION TO CONTINUE DEVELOPMENT WITHOUT COMPLYING WITH CONDITION B3 OF PLANNING PERMISSION REFERENCE APP/U3100/A/06/2030619 (EXTRACTION OF SAND, GRAVEL AND CLAY FROM LAND SOUTH OF THE CURRENT FINMERE QUARRY LANDFILL FACILITY FOR USE AT THE SITE FOR LANDFILL ENGINEERING AT FINMERE QUARRY LANDFILL, BANBURY ROAD, FINMERE, MK18 4AJ) FOR AN EXTENSION OF THE LIFE OF THE DEVELOPMENT OF THE CONSENTED EXTENSION TO FINMERE QUARRY

Report by Interim Head of Sustainable Development

Location: Finmere Quarry, Finmere, Oxfordshire

Applicant: Premier Aggregates Ltd.

Application No: 10/01516/CM (Application 1) & 10/01515/CM (Application 2)

District Council Area: Cherwell

Introduction

1. In 2007 two planning permissions were granted, on appeal, for mineral extraction at Finmere Landfill quarry complex. The first of these was for sand and gravel extraction on land to the southwest of the existing landfill (reference number APP/U3100/A/06/2030592). The second was for sand, gravel and clay extraction on land to the south of the existing landfill (reference number APP/U3100/A/06/2030619). These permissions have not yet been implemented. Both permissions had conditions attached requiring a start date within three years. Consent has now been granted (in November this year under delegated powers) to extend the period for commencement (by a further 3 years). Accordingly the proposals that are the subject of this report seek to extend the end date of the existing permissions by 3 years for application 1 and 5 years for application 2 respectively.

Location

2. Finmere Quarry landfill site is located some 7 miles north of Bicester in the north-east of Oxfordshire adjacent to the boundaries with Northamptonshire and Buckinghamshire.

The Site and Its Setting (Plan 1)

3. The application sites are located within and adjacent to the existing sand and gravel quarry at Finmere which is accessed from the A421 which runs east-west to the north of the site. The site lies within an Area of High Landscape value within a predominantly agricultural and countryside setting.
4. Finmere village lies 450 m to the north east with the closest individual property being Widmore Farm, immediately to the west of the application site 1; Foxley Fields Farm bungalow some 220m to the north of application site 2 (owned by the applicant) and Boundary Farm 180m to the southeast of application site 2.
5. There are a number of public rights of way in the vicinity of and crossing the site. Bridleway 7 runs from Finmere in a generally southerly direction to the south of Foxley Farm. Bridleway 4 runs from Widmore Farm to Finmere.

Background Information and History

6. The quarry was originally granted planning permission for sand and gravel extraction, on appeal, on 12 July 1993 (ref: APP/U3100/A/91/CHS 511/90 182742). Since that time planning permission has been granted for infilling with industrial and commercial waste (April 1998) and in July 2005 this planning permission was varied to continue the development and increase the height of the landfill.
7. The two mineral extraction sites were originally granted planning permission (again on appeal) in October 2007. Both permissions have yet to be implemented due to the effects of the economic recession and the stalled progress of landfill operations during 2007 - 2009. Planning permission has

just been granted (in November 2010) to extend the period for commencement of the development by a further 3 years.

Details of the Development

Application 1: Sand and Gravel Extraction, Land South-West of Finmere Quarry

8. Preparatory works for mineral extraction were due to be carried out at this site in 2008 with mineral extraction anticipated to commence in 2009. The applicant states that there are two reasons for delays in this process: firstly that negotiation with the landowner was delayed and secondly that the company was hit by the economic recession. The applicant states that they now anticipate preparatory works commencing at the site in 2011. This proposal therefore seeks to allow an extension to the end date of mineral extraction (by 3 years) to take account of the failure to commence working within the originally agreed 3 year start date.
9. Condition A3 of planning permission APP/U3100/A/06/2030592 currently states:

Extraction of minerals shall cease by 31 December 2013 and deposit of waste shall cease by 31 December 2015.

10. The applicant is seeking the following modification to Condition A3:

Extraction of minerals shall cease by 31 December 2016 and deposit of waste shall cease by 31 December 2018.

Application 2: Sand, Gravel & Clay Extraction, Land South of Finmere Quarry

11. Sand, gravel and clay extraction for this site was due to start in 2007 progressing alongside the existing landfill operations. The materials are to be used for cell engineering within the adjacent landfill. Landfill operations ceased from 2007 to 2009 and so the need for the materials for engineering of landfill cells has not yet arisen. The applicant states that the need for the minerals by the adjacent landfill development still remains and mineral extraction is planned to recommence in mid-2011. The applicant is therefore applying to extend the date for the cessation of mineral extraction until 2017 (an additional 5 years) with a restoration to be completed by 2019.
12. Condition B3 of planning permission APP/U3100/A/06/2030619 currently states:

Extraction of minerals shall cease by 31 December 2012, deposit of quarry reject material materials shall cease by 31 December 2013 and restoration shall be completed by 31 December 2014. Buildings, plant and machinery to which this permission relates shall be removed by 31 December 2014.

13. The applicant is seeking the following modification to Condition A3:

Extraction of minerals shall cease by 31 December 2017, deposit of quarry reject materials shall cease by December 2018 and restoration shall be completed by 31 December 2019.

Consultation Responses and Third Party Representations
(21 day consultation period expired 28 October 2010)

Cherwell District Council

14. No objection subject to a similar time limit to be retained for restoration.

Finmere Parish Council

15. Object since the continued “drip-feed” of extensions is wholly inappropriate for a site that was originally due to close in 2007. The applications run contrary to OMWLP policy W7 which relates to the timeliness of restoration of a site after works have commenced.

Newton Purcell Parish Council

16. No objection as long as they stay within the height limits specified.

Thames Water

17. No response received.

Environment Agency

18. No objection.

Natural England

19. No objection.

County Rights of Way Officer

20. MW.0140/10 – Temporary diversion of Finmere Bridleway 7 would need to be extended in line with the revised end date.

21. MW.0142/10 – Temporary diversion of Finmere Bridleway 4 and Bridleway 7 would need to be extended in line with the revised end date.

County Ecologist Planner

22. No objections to either of these proposals from a biodiversity or landscape point of view.

County Archaeologist

23. No objection

Transport Development Control

24. No objection.

Representations

25. One letter has been received that raises the following concerns:
- Previous commitments made by the applicant to gain further permissions have not yet been adhered to.
 - All planning applications in the vicinity of the potential route for High Speed Rail (HS2) to be postponed until after the final route decision is made.

Relevant Development Plan and other Policies

26. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
27. The Development Plan for this area comprises the saved policies of the Oxfordshire Structure Plan, Oxfordshire Mineral and Waste Local Plan (OMWLP) and Cherwell Local Plan 1996 (CLP) and Non-Statutory Cherwell Local Plan (NSCLP) .
28. The South East Plan (SEP) also formed part of the Development Plan prior to July 2010. However, in July 2010 the Secretary of State (SOS) revoked Regional Strategies which included the SEP. A recent judgement in the High Court in favour of CALA Homes (who challenged the decision of the SOS) means that the SEP remains in force for the time being though the Secretary of State has still expressed his intention to abolish regional plans through the process of the Localism Bill.
29. The government guidance in Mineral Policy Statement (MPS1) is also material to consideration of the proposal.
30. All relevant policies are listed in the policy annex (Item 7). Key policy considerations are whether there is still a need for these minerals and whether extending the end dates of the existing planning permissions is acceptable subject to satisfactory restoration.
31. In terms of need for the mineral government guidance in MPS1, SEP policy M3 and OMWLP policy SD1 and SD5 is relevant. For environmental and amenity impacts, policies to be considered include ENV1 of Cherwell Local Plan (CLP) and Policy EN34 of Non-Statutory Cherwell Local Plan (NSCLP). For restoration of the sites policy PE13 of OMWLP is applicable.

Comments of the Head of Sustainable Development

32. The key planning issues to consider in this instance are whether the proposed extension of the end dates for these applications is acceptable in terms of: i) the continuing need for the mineral ii) any environmental and amenity impacts and iii) ensuring restoration of the sites within a reasonable timescale.

(i) Need for Minerals

33. The principle of allowing these developments in their existing location has already been established as acceptable. The main issue with these proposals therefore is whether, in the case of the first application, the need for the mineral continues to exist. Using the figures outlined in the SEP the landbank of permitted reserves is well below the 7 years requirement (currently the County's landbank stands at about 4 years). Allowing the time limit to be extended for completion of this development would enable the reserve to contribute to the maintenance of a landbank in accordance with OMWLP policy SD1.

34. Clay extraction at this location is not supported by OMWLP policy SD5. However, the principle of clay extraction from the site has already been established through the existing consent granted on appeal. The mineral is to be used for engineering purposes at the adjacent landfill site. I consider that this position has not changed and that the clay is still required for lining purposes of the landfill site.

(ii) Environmental and Amenity Impacts

35. There have been no issues raised by consultees or local residents regarding environmental and amenity impacts from these developments. I do not consider that the environmental conditions at the site and in the surrounding area will change as a result of these proposals. In my view the proposed extended time period does not jeopardize the aims of CLP policy ENV1 and NSCLP policy EN34.

(iii) Restoration

36. These proposals raise the issue of whether the sites can still be considered to be capable of restoration in a timely manner if the extensions to the end dates are allowed. Finmere Parish Council have expressed concern about extensions.

37. The current end date for operations in the adjacent landfill site is 31 December 2021. If planning permission was granted then extraction of clay, sand and gravel would take place up to 2018 with restoration completed by 2019. This proposed timescale is therefore within the consented timescales for landfill operations generally on the site and subsequent restoration. The restoration schemes for the development sites were agreed at the time of original consents and this situation remains unchanged. Therefore, in my view, the proposals are consistent with the aim of policy PE13 of OMWLP.

38. Planning permission for these two sites to extend the start date for implementation (for an additional three years) was granted at the beginning of November, 2010. Accordingly it is in my view reasonable to allow similar extension of the end dates to enable extraction of the mineral reserve and allow proper restoration of the sites.

(iv) Other issues

39. One local resident has commented about the lack of adherence of the applicant to previous commitments to gain further permission. I am not aware of any commitments that the applicant might have made in this respect. The resident also makes the point about not determining the applications until the route for the HS2 had been determined. In response I would say that all applications have to be determined in a timely manner, and it would not be appropriate to delay making a decision on these applications whilst waiting for a decision on an infrastructure project that may take place sometime in the future.

Conclusion

40. Permitting these proposals would allow the applicant to access mineral reserves at the site which would contribute to the County's sand and gravel landbank in accordance with the SEP and OMWLP policy SD1. The proposal would enable clay to be provided for adjacent landfill engineering which would avoid the need to import it. The proposal therefore complies with OMWLP policy SD5.
41. There is no change intended to the operations on the site and the environmental setting of the proposals since the granting of the original planning permission. I consider therefore that the proposals accord with CLP policy ENV1 and NSCLP policy EN34.
42. Whilst extending the end dates for both applications, the proposed timescale for restoration is still within the consented timescales for the adjacent landfill operations and restoration. Therefore, the proposals in my view are consistent with the aims of policy PE13 of OMWLP.

RECOMMENDATION

Application 1

43. **It is RECOMMENDED that planning permission for Application 10/01516/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:**
- (1) Detailed compliance condition;**
 - (2) Commencement date – 3 years (October 2012);**
 - (3) Extraction to cease by 2016 and deposit of waste cease by 2018;**
 - (4) Extraction limited to sand and gravel and no clay extraction;**
 - (5) Removal of buildings, plants and machinery within 1 year of cessation of mineral working;**

- (6) No commencement of mineral extraction until approved pre-development works including diversion of Bridleway 4 had been carried out;
- (7) No construction of silt pond except in accordance with the approved plan;
- (8) Display of copy of the permission and approved plans in the operator's office;
- (9) No importation of aggregate to the site except from the adjacent permitted land;
- (10) Restriction of permitted development rights;
- (11) Carrying out of operation according to agreed operating hours;
- (12) Use of access according to approved plans;
- (13) No mud on the public highway;
- (14) Carrying out of development in accordance with approved wheelwash system;
- (15) No development shall take place except in accordance with approved dust suppression measures;
- (16) Limitation on noise level (to agreed level);
- (17) Effective silencers to be provided on plant, machinery and vehicles;
- (18) Noise emitted from the site shall not contain any discrete continuous noise;
- (19) Reversing vehicles shall not emit warning noise that may have adverse impacts on neighbours or properties;
- (20) Chemical or fuel storage containers to be sited on impervious surface with bund walls;
- (21) Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;
- (22) No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering shall not take place except in accordance with an approved scheme;
- (23) No external lighting to be installed at the site except in accordance with an approved scheme;
- (24) No development to take place until the developer had secured implementation of a programme of archaeological investigation;
- (25) No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;
- (26) Mitigation measures for protected species according to approved scheme;
- (27) No removal of trees containing bat roosts;
- (28) Straw bales to be erected according to approved restoration plan;
- (29) All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;
- (30) Temporary soil storage bunds to be grass seeded;
- (31) All topsoil and subsoil to be permanently retained on site and used in restoration;
- (32) Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;
- (33) Soil handling, storage and placement to be carried out in accordance with the approved scheme;
- (34) Temporary soil storage bunds shall not exceed 5 metres in height;

- (35) Restoration to be completed only in accordance with the approved restoration scheme;
- (36) Detail of planting for grassland restoration area to be agreed;
- (37) An aftercare scheme to be submitted within 5 years of the permission;
- (38) Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period;
- (39) Operator to arrange a site meeting before 31 March of every year during the aftercare period;
- (40) No deposit of waste other than inert waste.

Application 2

44. It is **RECOMMENDED** that planning permission for Application 10?01515/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:

- (1) Detailed compliance condition;
- (2) Commencement date – 3 years (October 2012);
- (3) Extraction to cease by 2017, deposit of waste to cease by 2018 and restoration to be completed by 2019;
- (4) Display of copy of the permission and approved plans in the operator's office;
- (5) Mineral excavated from the site not to be transported on to the public highway;
- (6) No quarry rejects materials to be imported to the site except from the permitted area;
- (7) No stockpiling of clay on site;
- (8) No soil stripping until Bridleway 7 has been temporarily diverted;
- (9) Restriction of permitted development rights;
- (10) Carrying out of operation according to agreed operating hours;
- (11) No extraction of mineral below the approved level;
- (12) Use of access according to approved plans;
- (13) Provision of a site access road before commencement of soil stripping;
- (14) Water bowser to be used to eliminate visible dust;
- (15) Limitation on noise level (to agreed level);
- (16) Effective silencers to be provided on plant, machinery and vehicles;
- (17) Noise emitted from the site shall not contain any discrete continuous noise;
- (18) Reversing vehicles shall not emit warning noise that may have adverse impacts on neighbours or properties;
- (19) Chemical or fuel storage containers to be sited on impervious surface with bund walls;
- (20) Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;
- (21) Clay to be retained at the base of any extraction of at least 1 metre thickness;

- (22) No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering shall not take place except in accordance with an approved scheme;**
- (23) No external lighting to be installed at the site except in accordance with an approved scheme;**
- (24) No development to take place in phase 2 until the developer has secured the implementation of a programme of archaeological investigation;**
- (25) No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;**
- (26) No removal of trees containing bat roosts;**
- (27) All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;**
- (28) Temporary soil storage bunds to be grass seeded;**
- (29) Straw bales to be erected according to approved restoration plan;**
- (30) All topsoil and subsoil to be permanently retained on site and used in restoration;**
- (31) Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;**
- (32) Soil handling, storage and placement to be carried out in accordance with the approved scheme;**
- (33) Temporary soil storage bunds shall not exceed 5 metres in height;**
- (34) Restoration to be completed only in accordance with the approved restoration scheme;**
- (35) Detail of planting restoration area to be agreed;**
- (36) An aftercare scheme to be submitted within 5 years of the permission;**
- (37) Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period.**
- (38) Operator to arrange a site meeting before 31 March of every year during the aftercare period.**

MARTIN TUGWELL
Interim Head of Sustainable Development

November 2010

Relevant Development Plan and Other Policies

Regional Spatial Strategy - South East Plan 2009

M3

Oxfordshire Minerals and Waste Local Plan 1996

SD1, SD5, PE13

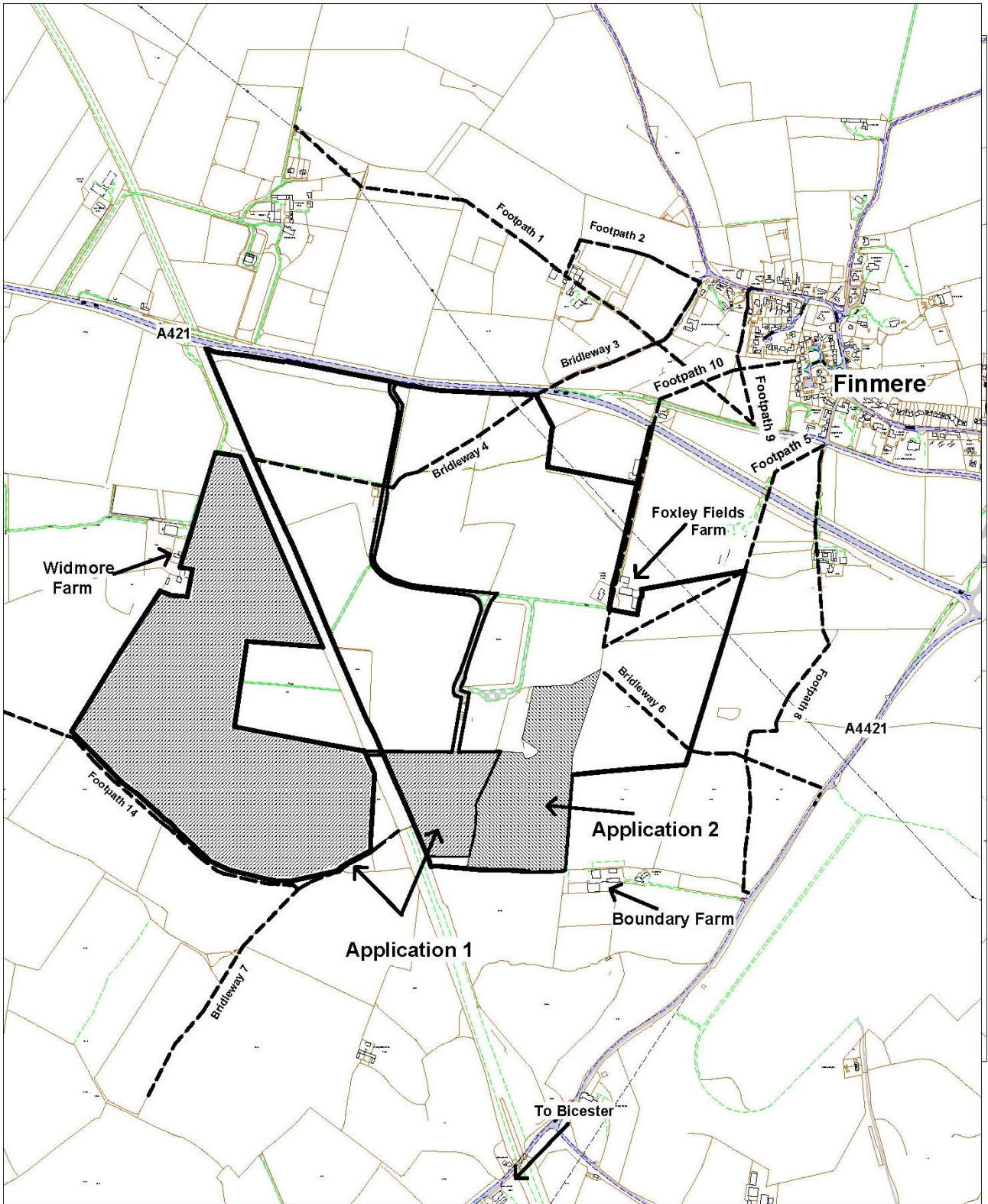
Cherwell Local Plan 1996

ENV1

Non-Statutory Cherwell Local Plan

EN34

Plan 1



Division(s): Bampton

Contact Officer: Mary Thompson, tel: 01865 815901

CHANGE OF USE OF PARKING/INDUSTRIAL AREA TO A RECYCLING/DISTRIBUTION AREA FOR PAPER, KITCHEN WASTE, GLASS, PLASTICS, CANS AND CARDBOARD INCLUDING THE SORTING AND BALING OF PLASTICS, CANS AND CARDBOARD. THE CONSTRUCTION OF OPEN BAYS FOR RECYCLABLES, THREE SIDED, OPEN FRONTED STRUCTURE TO HOUSE BALER AND ROOF STRUCTURE FOR KITCHEN WASTE. ERECTION OF LIGHTING COLUMNS. THE ERECTION OF TWO PORTABLE BUILDINGS AND ONE MODULAR BUILDING TO BE USED AS OFFICES, TOILETS AND WELFARE FACILITIES. PROVISION OF PARKING FOR STAFF & VISITORS' VEHICLES AND REFUSE & RECYCLING VEHICLES

Report by the Interim Head of Sustainable Development

Location	Supergas Industrial Estate, Witney
Applicant	May Gurney Ltd.
Application No	10/1451/P/CM
Division	Bampton
District Council Area	West Oxfordshire

Introduction

1. This is an application for a recycling depot on an industrial estate in Witney in West Oxfordshire. Recyclable waste collected from households and businesses would be sorted, stored and baled before being sent on for recycling at other facilities.
2. Materials brought to the site would include glass, plastics, cans, cardboard and kitchen waste.

Location

3. The development is proposed to be located on the Supergas Industrial Estate, which is off Downs Road, 3 kilometres (1.8 miles) to the west of the centre of Witney.

The Site and its Setting (Plan 1)

4. The site is located on an existing industrial estate. The recycling area would be located on a vacant site within the industrial estate and the parking area located in an area currently fenced off and disused.

5. The site is surrounded by general industrial land including tyre and exhaust supply and freight transport, storage and warehousing. The nearest house is approximately 100 metres away to the north west. The next closest properties are located over twice that distance from the site boundary on Burford Road.
6. The existing access onto Downs Road would be used.
7. The Cotswolds AONB lies approximately 1 kilometre (0.6 miles) to the north west of the site.

Details of Application

8. The site covers an area of 0.75 hectares which includes an area proposed for the storage of waste and a separate area for parking and offices. The recycling area would contain bays for the storage of paper, glass, plastics and cardboard. The bays would be constructed with 4 metre high steel walling with an area of netting above. There would be a three sided building containing a baler. Food waste would be stored within a roofed area.
9. The parking and office area would contain two portacabins containing toilet facilities, mess room and storage for use by the recycling and refuse staff. There would also be a modular office building and parking for 32 cars including 1 disabled space, 24 light goods vehicles, 10 motorcycles and 10 cycle spaces.
10. The application originally proposed to operate the site from 07.00-21.00 hours with vehicles entering and exiting the site between 05.00-21.00 hours Monday to Saturday including bank holidays. This is longer than the standard operating hours for waste development and during the consultation process the applicant agreed to amend the hours sought to 07.00-18.00 with vehicles leaving and entering the site between 05.00 and 19.00 Mondays to Fridays only and Saturdays immediately following a bank holiday.
11. Recyclable material would be collected from both municipal collection rounds (on behalf of West Oxfordshire District Council) and commercial waste collection. These materials would be placed in bays and then either baled and sent on for recycling or simply collected and sent on for recycling. Food waste would be collected from the site daily, paper every other day, glass weekly and other inert materials monthly.
12. The site would be used for overnight parking of the 24 waste collection vehicles. Drivers would collect the vehicles at 06.00 and return to the site at 16.00.
13. There would be a maximum annual throughput of approximately 21,000 tonnes of waste.

14. Material would be brought to the site by refuse collection vehicles generating up to 124 movements per day. It would then be collected from the site by articulated lorries and hook lorries creating up to 30 movements per week.
15. A 7 metre steel wall is proposed to act as a noise barrier running along the western boundary of the site.

Consultations

16. The initial consultation period generated a request from the District Environmental Health Officer for further information. A noise survey was conducted which resulted in an amendment to the proposals to alter the site layout and include provision of a noise barrier. At the time of writing the report, a second round of consultation is being held to allow consultees and local people an opportunity to comment on these changes. The results of this second consultation will be available for the Committee as an addendum.

West Oxfordshire District Council

17. First response - the site is suitable in principle for the proposed use. However, more information is needed on noise emissions, noise control and management and also on food waste odour control. Detailed drawings should be provided prior to the commencement of development.
18. Following the submission of further information – the Environmental Health Officer suggests conditions to cover noise, insects, lighting and pests.

Witney Town Council

19. No objection

Curbridge and Lew Parish Council

20. No objection. Noise and air pollution must be kept at an acceptable level. Vehicles entering and leaving the site must be off the old A40 into Downs Road by Range Road and not through Curbridge village.

Minster Lovell Parish Council

21. No objection. However, no traffic should be routed through Minster Lovell and a traffic routing order should be created. Lighting should be designed to minimise light pollution.

Environment Agency

22. No objection subject to the imposition of conditions to cover: 1) submission and approval of a detailed scheme including: identification

of potential contaminants, site investigation, detailed risk assessment, remediation strategy and verification plan including monitoring, maintenance and contingency. 2) submission and approval of a scheme to dispose of surface water. Also advice to the applicant on pollution control.

Natural England

23. No objection. The proposed site is within the setting of an AONB and this should be considered.

Transport Development Control

24. No objection. The proposed use of the site would generate levels of traffic similar to the permitted use of the site. Supporting documentation provides details of approximate arrival and departure times, which suggests the majority of arrivals and departures would be outside of network peak hours and, therefore, unlikely to have any significant impact upon the capacity of the local highway network. Note Curbridge and Minster Lovell Parish Councils have recommended routeing agreements to prohibit access to associated vehicles. Given the number and distribution of trips I do not consider vehicles associated with the site would pose any significant harm to highway safety in these settlements. However, the Planning Authority may wish to consider the effects of associated vehicles in terms of nuisance (noise, vibration etc). The site would provide an appropriate level of parking with areas for manoeuvring. The vehicular access to Downs Road is appropriate, in terms of geometry and visibility and does not raise any highway safety concerns.

Representations

25. Four letters of representation have been received regarding this application. These raise the following points:
- Additional traffic would be unacceptable
 - Concern about rodents and odour, especially in relation to kitchen waste
 - Waste facilities should not be located near buildings
 - Nuisance from lighting and noise
 - Noise levels appear to be under-estimated
 - Hours of operation are anti-social
 - Potential health risks
 - Application does not consider the proximity of residential dwellings
 - Dix Pit waste site would be a suitable alternative
 - Site is not adequate to deal with this level of waste

Relevant Planning Policies (Item 7)

26. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan documents are the South East plan, the West Oxfordshire District Local plan and the Oxfordshire Minerals and Waste Local Plan.
27. The key policy areas to consider in this case are waste management policy, specifically OMWLP policies W3, W4 and W5 and PPS10, and

also the impact on the local environment and amenity, specifically OMWLP policy PE18 and traffic, in particular West Oxfordshire policy BE3.

28. The South East Plan was revoked in July 2010. However, this decision has been quashed by a decision of the High Court in November 2010. Therefore, the South East Plan again forms part of the Development Plan. However, the Secretary of State maintains his intention to abolish all Regional Spatial Strategies as part of the Localism Bill. This is a material consideration and therefore weight should be given to SEP policies in that context. Relevant SEP policies are W3, W4, W5, W6 and W17.

Comments of the Interim Head of Sustainable Development

29. The key issues in this instance are waste management policy and the impact on local amenity.

Waste Management

30. Facilities to enable the diversion of waste from landfill are supported by PPS10 and SEP policy W5. This development would help waste to be moved up the waste hierarchy by allowing materials to be recycled which would otherwise go to landfill. Also, SEP policy W6 sets targets for recycling, rising to 65% of all waste by 2025. This development would help achieve those targets.
31. The development would provide a facility to deal with waste collected from West Oxfordshire within the district. This is supported by SEP policy W4 requiring waste management authorities to plan for sub regional self sufficiency in waste management and SEP policy W3 which relates to regional self sufficiency.
32. The OMWLP states that recycling facilities will not normally be permitted in the open countryside. This development is not in the open countryside and is located on an established industrial estate. Such a location is supported by PPS10 which gives guidance on the location of new waste management facilities and advises that priority be given to the re-use of previously developed land. Paragraph 20 of PPS10 further advises that when looking for sites for inclusion in the Minerals and Waste Development Framework, planning authorities should consider a broad range of locations including industrial sites. SEP policy W17 also lists industrial land use as a compatible land use for potential new waste sites.
33. OMWLP policy W5 requires that all waste treatment plant should be properly screened. This site and the wider industrial estate are well screened from the surrounding area, in accordance with OMWLP policy W5. Due to the screening and the location within the industrial

estate I consider that there would be no adverse impact on the nearby AONB.

34. The site is well located to serve West Oxfordshire generally and is located on the edge of Witney, which is the largest single source of waste in the district. It is well related to the highway network, with direct access onto a good road. There is good accessibility from urban areas and good transport connections. Therefore, subject to the impact on the local environment the proposal accords with OMWLP policy W3 and SEP policy W17 which seek to ensure that waste sites are well related to appropriate parts of the transport network, located where the number and length of motorised journeys is likely to be minimised, have good accessibility to existing urban areas and good transport connections.

Local Environment and Amenity

35. There is the potential for a development such as this to cause a nuisance in terms of noise and odour. Although the site is located on an existing industrial estate, it is relatively close to residential properties. Further information on noise and odour has been submitted at the request of the Environmental Health Officer and the application has been amended to include a 7 metre steel wall noise barrier along the western boundary and changes to the site layout to mitigate noise.
36. The Environmental Health Officer has not objected to the revised application but has recommended conditions. The noise report submitted with the application suggests that there would be an impact on amenity at the nearest property. The noise from the baler could be reduced because it would be contained within a three sided building. However, the noise from glass handling would be in the open and could have an impact. Therefore, it is now proposed to erect a 7 metre steel wall and conduct glass tipping operations at the base of that wall, to minimise noise. I consider that subject to assessing any additional comments received in response to consultation, these measures should adequately mitigate against potential nuisance.
37. The steel wall would be a significant structure and would have a visual impact. However, given the setting on an industrial estate and the need to reduce noise resulting from this development, I consider the wall acceptable.
38. The application was originally made for longer hours than those in the OMWLP Code of Practice. The EHO has suggested a condition to shorten those hours to ensure that waste operations only continue until 19.00. I consider that it is important that the hours are controlled and that the hours for waste operations should be further shortened to 07.00 -18.00 to be consistent with the Minerals and Waste Local Plan and offer some protection for local residents. Vehicles need to be able to leave and enter the site between 05.00 and 19.00. This is longer than the standard hours but a routeing agreement can be put in place

to protect amenity and the EHO has not objected to the longer hours. The longer weekday hours for HGVs is also offset by the fact that there is no intention to work most Saturdays, which will ensure that there is no disturbance at the weekends. The applicant has agreed to these revised hours.

39. There is the potential for nuisance from a development of this nature as it could cause noise, smell and visual intrusion and would generate HGV movements early in the mornings. This is reflected in objections from local residents and occupiers of other industrial units. However, I consider that the mitigation proposals in the application should be adequate to ensure that there will be no undue significant impacts on neighbouring amenity and therefore I consider that the development accords with OMWLP policy W3 (c).

Traffic

40. There has been no objection from transport development control and this proposal generally accords with WOLP policy BE3 as the access arrangements and parking are adequate for the development proposed.
41. There has been some concern among local Parish Councils about the consequences of lorries through settlements. I agree that there might be an adverse affect on amenity if vehicles associated with this development were to use the B4477 through the village of Minster Lovell to access the A40. A more suitable road would be the B4047 west to the A40, as this passes to the north of the centre of Minster Lovell. Therefore, if permission is granted for this development, I recommend that a routeing agreement is secured to ensure that vehicles do not use the B4477 to access the A40 and that lorries collecting material from the site turn left out of the site and left onto the B4047 to access the A40. This would also prevent the large vehicles taking material from the site from travelling through Curbridge village. More flexibility is needed for collection vehicles delivering the waste to the site as they would be coming from all over the district. However, I recommend that there should still be a clause preventing the use of the B4477 through Minster Lovell. The applicant has indicated acceptance to such an agreement.

Representations

42. On the basis of the representations so far received, the revisions made to the scheme to reduce noise and the views of the Environmental Health Officer, I consider that the impacts in terms of pests, odour, lighting, noise, potential health risks can be adequately mitigated and controlled sufficiently to minimise harm to the immediate neighbours and closest residents. I am also satisfied that the highway network can accommodate the level of traffic proposed and that the impact on amenity of additional HGVs can be appropriately controlled by a routeing agreement. Dix Pit has been suggested as a possible

alternative location for this development. However, there is no application for the development at that site. Planning policy confirms that industrial estates are suitable locations for waste management facilities and I consider that this site is suitable for the use proposed and adequate to deal with the quantities of waste anticipated.

Conclusion

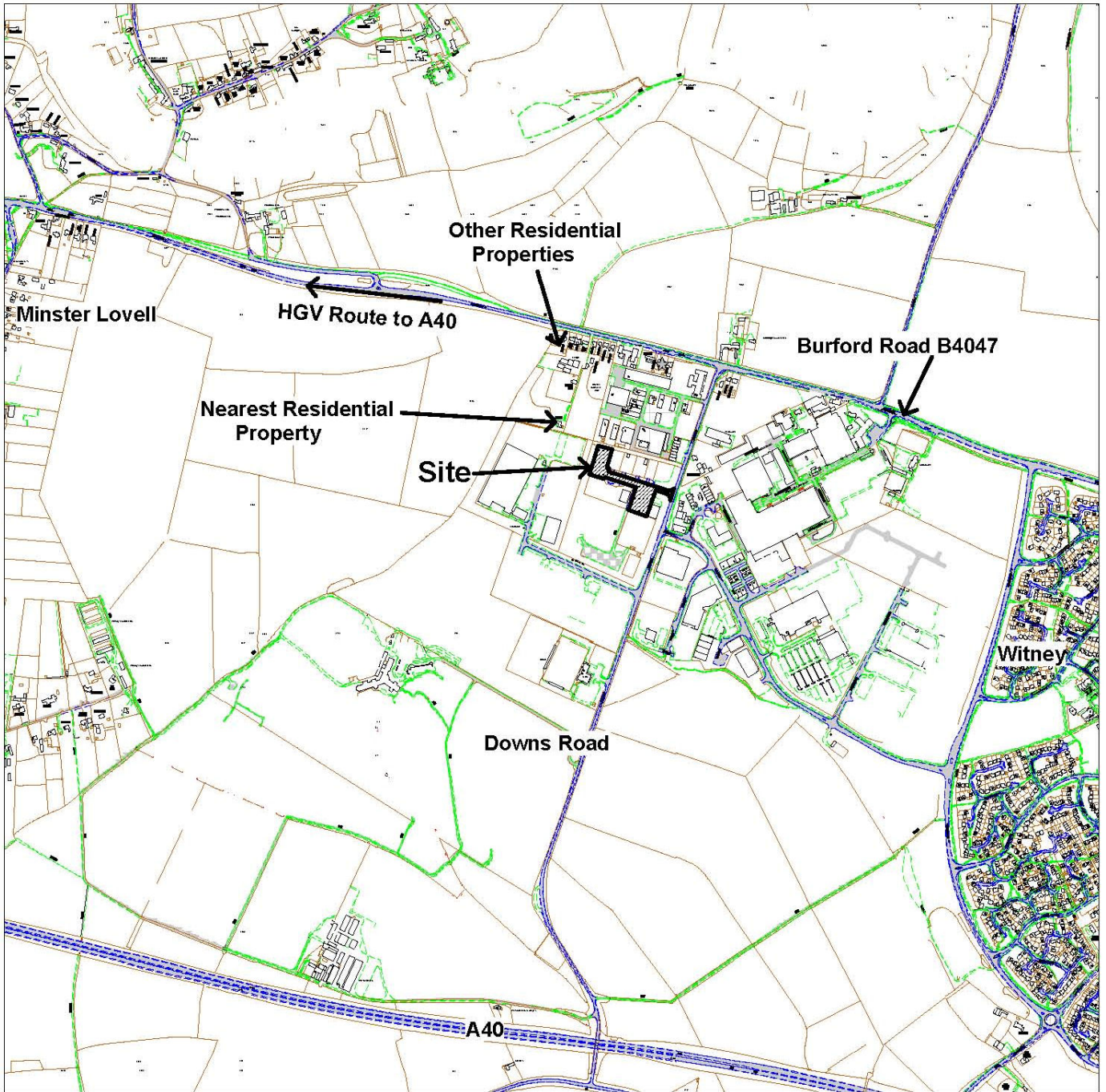
43. This development is supported by waste management policy and guidance, which encourages the recycling of waste in order to divert it from landfill. In principle the location on an industrial site is appropriate and there appear to be measures that can be taken to minimise the impact of the development on surrounding neighbours. However, I will withhold from making a recommendation on this application until the consultation period on the amended scheme has been concluded so that any additional comments from local people can be properly considered. Therefore, final conclusions and a recommendation will follow in an addendum.

MARTIN TUGWELL
Interim Head of Sustainable Development

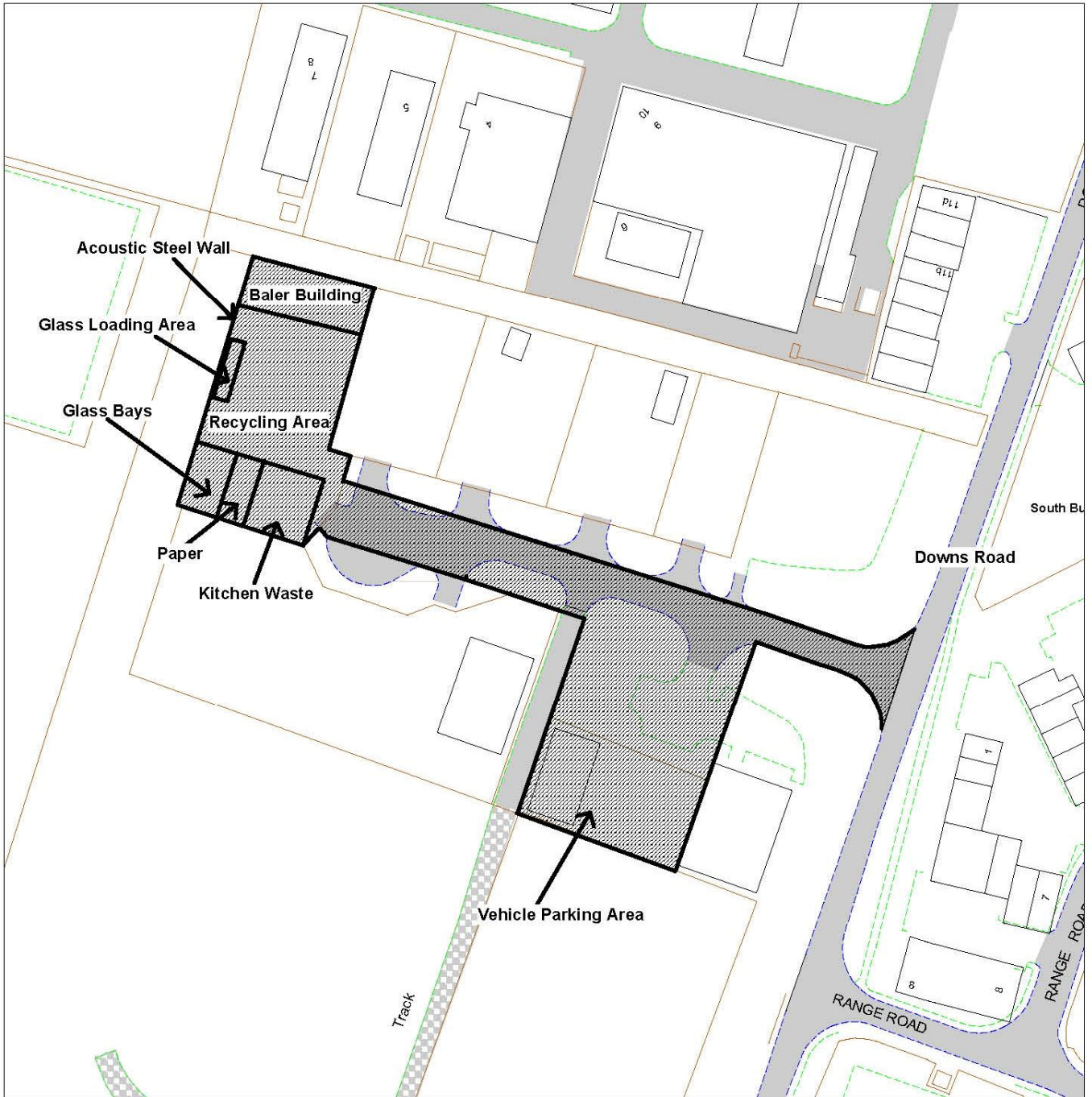
Background papers: Planning application documents and consultation responses – <http://myeplanning.oxfordshire.gov.uk>
search for reference MW.0125/10

November 2010

Plan 1



Plan 2



This page is intentionally left blank

PLANNING & REGULATION COMMITTEE – 6 DECEMBER 2010

RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES

Report by the Interim Head of Sustainable development

This paper is the annex referred to in Items 5 and 6

The South East Plan - Regional Spatial Strategy for the South East of England, May 2009

POLICY M3 - PRIMARY AGGREGATES

The supply of construction aggregates in the South East should be met from a significant increase in supplies of secondary and recycled materials, a reduced contribution from primary land-won resources and an increase in imports of marine-dredged aggregates. Mineral planning authorities should plan to maintain a landbank of at least seven years of planning permissions for land-won sand and gravel which is sufficient, throughout the Plan period, to deliver 13.25 million tonnes (mt) of sand and gravel per annum across the region, based on the following sub-regional apportionment:

Berkshire Unitaries	1.57 mtpa
Buckinghamshire	0.99 mtpa
East Sussex/Brighton and Hove	0.01 mtpa
Hampshire/Portsmouth/Southampton/New Forest	2.63 mtpa
Isle of Wight	0.05 mtpa
Kent /Medway	2053 mtpa
Milton Keynes	0.12 mtpa
Oxfordshire	1.82 mtpa
Surrey	2.62 mtpa
West Sussex	0.91 mtpa

and 2.2 million tonnes of crushed rock per annum across the region, based on the following sub-regional apportionment:

Kent	1.2mtpa
Oxfordshire	1.0mtpa

POLICY W3: REGIONAL SELF-SUFFICIENCY

Waste authorities and waste management companies should provide management capacity equivalent to the amount of waste arising and requiring management within the region's boundaries, plus a declining amount of waste from London. Provision of capacity for rapidly increasing recycling, composting and recovery should be made reflecting the targets and requirements set out in this chapter.

Provision for London's exports will usually be limited to landfill in line with the Landfill Directive targets and, by 2016, new permissions will only provide for residues of waste that have been subject to recycling or other recovery process. Waste planning authorities (WPAs) should provide landfill capacity for the following apportionment of London's exported waste:

Landfill Provision to be Made for London Waste

Waste Authority Area	2006-2015		2016-2025	
	Apportionment % ⁽²⁾	Million tonnes	Apportionment % ⁽²⁾	Million tonnes
Berkshire Unitaries	9.3	1.12	8.6	0.63
Buckinghamshire	17.6	2.12	16.2	1.18
East Sussex, Brighton & Hove	8.8	1.06	8.1	0.59
Hampshire, Portsmouth, Southampton and New Forest National Park	0	0	7.8	0.57
Kent & Medway	13.1	1.58	12.1	0.88
Milton Keynes	10.8	1.30	10	0.73
Oxfordshire	18.7	2.26	17.2	1.26
Surrey	11.5	1.39	10.6	0.77
West Sussex	10.2	1.23	9.4	0.69
SE TOTAL	100	12.1 ⁽¹⁾	100	7.30 ⁽³⁾

- (1) Estimated imports of MSW and C&I from London in 2006 is 1.21 million tonnes (Source: Environment Agency note for Inter Regional Waste Forum, March 2008)
- (2) From 'Towards a Methodology for Apportionment of London's Exported Waste', Alternative Apportionment Options: Revision for EiP, page 15, option 2f, Jacobs Babbie report, January 2007. For 2006-2015 these have been amended based on advice from SEERA to reflect the Hampshire M&W Core Strategy
- (3) Reduced to reflect Policy W5 MSW/C&I diversion targets

Provision for recovery and processing capacity for London's waste should only be made where there is a proven need, with demonstrable benefits to the region, including improving the viability of recovery and reprocessing activity within the region, and in the nearest appropriate location. A net balance in

movements of materials for recovery and reprocessing between the region and London should be in place by 2016.

The regional planning body will continue to work closely with all neighbouring regions to monitor and review waste movements and management requirements.

The figures in the above table should be used as a benchmark for the production and testing of development plan documents, but WPAs should use more recent data where this is available in order to assess and plan for capacity. Any major changes to the figures may dictate a need to reconsider the apportionment through a review of the RSS.

POLICY W4: SUB-REGIONAL SELF-SUFFICIENCY

Waste planning authorities (WPAs) will plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries. A degree of flexibility should be used in applying the sub-regional self-sufficiency concept. Where appropriate and consistently with Policy W3, capacity should also be provided for:

- i. waste from London
- ii. waste from adjoining sub-regions (waste planning authority area within or adjoining the region).

WPAs should collaborate in the preparation of plans, including identifying and making provision for potential flows across the regional and sub-regional boundaries, and identifying possible sites that could be served by sustainable transport modes. Co-operation will be encouraged between county councils and unitary authorities at the sub-regional level, particularly in respect of meeting the needs of the region’s strategic growth areas.

POLICY W5: TARGETS FOR DIVERSION FROM LANDFILL

A substantial increase in recovery of waste and commensurate reduction in landfill is required in the region. Accordingly, the following targets for diversion from landfill of all waste need to be achieved in the region (Policy W6 targets are a component of these):

Year	Municipal Solid Waste (MSW)	Commercial and Industrial (C&I)	Construction and Demolition (C&D)	All Waste	
	mt/yr	mt/yr	mt/yr	mt/yr	%
2008	2.0	5.2	10.0	17.2	68
2010	2.5	5.8	10.1	18.4	71
2015	3.9	7.4	10.4	21.7	79
2020	4.7	8.7	10.7	24.0	84
2025	5.1	9.4	10.9	25.5	86

Regional Targets for Diversion from Landfill

Source: Regional Waste Management Capacity: Survey, Methodology and Monitoring, Updated Final Report, 2008 (modelled Scenario 1)

Note: Percentage targets for diversion from landfill in the year 2008 have been interpolated.

Waste planning authorities (WPAs) should ensure that policies and proposals are in place to contribute to the delivery of these targets, and waste management companies should take them into account in their commercial decisions. The optimal management solution will vary according to the individual material resource streams and local circumstances and will usually involve one or more of the following processes:

- re-use
- recycling
- mechanical and/or biological processing (to recover materials and produce compost, soil conditioner or inert residue)
- thermal treatment (to recover energy)
- priority will be given to processes higher up this waste hierarchy.

WPAs should continue to provide sufficient landfill capacity to process residues and waste that cannot practicably be recovered.

POLICY W6: RECYCLING AND COMPOSTING

The following targets for recycling and composting should be achieved in the region:

Year	Municipal Solid Waste		Commercial and Industrial		Construction and Demolition		All Waste	
	mt/yr	%	mt/yr	%	mt/yr	%	mt/yr	%
2008	1.6	36	3.9	46	5.8	48	11.3	45
2010	1.9	40	4.5	50	6.1	50	12.9	50
2015	2.6	50	5.5	55	6.1	50	15.0	55
2020	3.1	55	6.4	60	7.3	60	17.1	60
2025	3.6	60	7.3	65	7.3	60	19.1	65

Regional Recycling and Composting Targets

Source: Regional Waste Management Capacity: Survey, Methodology and Monitoring, Updated Final Report, 2008 (modelled Scenario 1)

Note: Percentage targets for diversion from landfill in the year 2008 have been interpolated.

Waste authorities should adopt policies and proposals to assist delivery of these targets and waste management companies should take them into account in their commercial decisions.

POLICY W17: LOCATION OF WASTE MANAGEMENT FACILITIES

Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics.

- i. good accessibility from existing urban areas or major new or planned development
- ii. good transport connections including, where possible, rail or water
- iii. compatible land uses, namely:
 - active mineral working sites
 - previous or existing industrial land use
 - contaminated or derelict land
 - land adjoining sewage treatment works
 - redundant farm buildings and their cartilages
- iv. be capable of meeting a range of locally based environmental and amenity criteria.

Waste management facilities should not be precluded from the Green Belt. Small-scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where the development would not compromise the objectives of the designation.

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996 adopted July 1996

POLICY W3 – WASTE DISPOSAL

Proposals for re-use/recycling will normally be permitted provided that:

- (a) the site is close to the source of the waste and/or the market for there-used/recycled material;
- (b) the site is well related to appropriate parts of the transport network, and located where the number and length of motorised journeys is likely to be minimised;
- (c) the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic;
- (d) the proposal will not pose an unacceptable risk to the water environment
- (e) the proposal does not conflict with Structure and Local Plan policies.

POLICY W4 – WASTE DISPOSAL

Proposals for re-use/recycling and ancillary processes will not normally be permitted in the open countryside unless:

- a) there is an established overriding need and there is no other suitable site available and/or,
- b) the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

POLICY W5 – WASTE DISPOSAL

In all cases waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Such screening- by landscaping or other means - should be in place before any waste stockpiling or treatment begins.

POLICY SD1 – SAND AND GRAVEL

Separate landbanks will be maintained for sharp sand and gravel and for soft sand at levels which accord with current Government advice and with the current regional apportionment.

POLICY SD5 - CLAY

The County Council will normally permit the extraction of clay only from the following areas where sand and gravel extraction is identified in this Plan or already in progress:

- (a) the Sutton Courtenay area;
- (b) the Stanton Harcourt area (Lower Windrush Valley);
- (c) the Cassington-Yarnton area.

All proposals must meet the requirements of other policies of the Development Plan.

POLICY PE13 – RESTORATION, AFTER-USE AND NATURE CONSERVATION

Mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Proposals for restoration, aftercare and after-use should be submitted at the same time as any application for mineral working. Planning permission will not be granted for mineral working or landfill sites unless satisfactory proposals have been made for the restoration and after-use, and means of securing them in the long-term.

POLICY PE18 – PLANNING APPLICATIONS

In determining applications covered by this Plan the County Council will:

- (a) have regard to the appropriate provisions of the Code of Practice in Annex 1, which is part of this Plan, and
- (b) regulate and control development by the imposition of conditions on the grant of permission. Where this cannot satisfactorily be done, appropriate planning obligations will be sought.

Cherwell Local Plan 2011 - adopted in June 2006

POLICY ENV1 – POLLUTION CONTROL

Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

The Non-Statutory Cherwell Local Plan 2011 – December 2004

POLICY EN34 – LANDSCAPE CHARACTER

The council will seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

- (i) cause undue visual intrusion into the open countryside;
- (ii) cause undue harm to important natural landscape features and topography;
- (iii) be inconsistent with local character;
- (iv) harm the setting of settlements, buildings, structures or other landmark features;
- (v) harm the historic value of the landscape

West Oxfordshire Local Plan 2011

POLICY BE13 – ARCHAEOLOGICAL ASSESSMENTS

Prior to determining applications affecting sites and areas of archaeological potential, applicants may be required to provide an archaeological assessment and/or field evaluation to determine:

- a) the significance, character and importance of any archaeological monument or remain and
- b) the likely impact of the proposed development on such features
- c) the level of mitigation required to suitably protect the archaeological resource through preservation in situ or preservation by record including excavation, post excavation analysis and publication.

Planning Policy Statement 10: Planning for Sustainable Waste Management

Identifying suitable sites and areas

In searching for sites and areas suitable 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 and with complementary activities.