

For: PLANNING & REGULATION COMMITTEE – 14 JANUARY 2013

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY
(STRATEGY & INFRASTRUCTURE PLANNING)**

Development Proposed:

Erection of workshop, open storage bays and security fencing, extension of site area, re-location of site entrance, and revisions to planning permission no: 09/0330/P/CM (APPEAL DECISION APP/U3100/A/10/2125146) to provide for re-location of site office and weighbridge, revised configuration of recycling plant, and surface water drainage pond.

Division Affected: Eynsham

Contact Officer: Nick Fagan **Tel:** 01865-815584

Location: Sheehan Recycled Aggregates Plant, Dix Pit,
Stanton Harcourt, Oxon, OX29 5BB

Applicant: Sheehan Haulage and Plant Hire Ltd

Application No: MW.0184 /12

Application received date: 26 October 2012

Consultation Period: 8-29 November 2012

District Council Area: West Oxfordshire

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Recommendation

The report recommends that the application be approved.

Part 1 – Facts and Background

The site and setting (see Plan 1)

1. The site has been expanded to include the surface water drainage pond and totals 3.3 Hectares. It was formerly 2 Hectares. It comprises a processing plant for making recycled aggregate from construction and demolition waste (a 'wet' recycling plant or 'wash plant' involving washing the waste with water and separating it into different sized recycled aggregate via a series of conveyers). It adjoins to the east a Controlled Reclamation Landfill site (Con Rec), which is currently in the process of being restored with restoration soils, some of which come from the wash plant on this application site.
2. The site itself was a former mineral and landfill site, which had been restored to a state suitable for agricultural reuse. It is part of the Dix Pit Waste Management complex, about 150 Hectares of land to the east of the River Windrush that has been worked extensively for sand, gravel and clay. The central area has been restored to a lake, and the remainder has been, or is in the process of being, restored by land filling. None of this land is within the Green Belt, and it is not close to any other statutory designations in terms of planning constraints apart of course from being in the open countryside.
3. In addition to the CRL site, which is on the north-western side of the complex, there is a landfill site to the east of the lake, while to the south there is a block making works (Conbloc), a batching plant, a household waste recycling centre and various workshops and small scale industrial units. All these units are served by a purpose-built, tarmacked haul road running up to Blackditch near the junction with the B4449. Blackditch also provides access to the Lakeside (Oasis) Industrial Estate on the edge of Stanton Harcourt about 700 metres to the north-east of the application site.
4. The highest part of the recycling plant (the green cube shaped structure) can readily be seen from the B4449 to the north of the site and by the occupiers of Beard Mill some 670 metres to the north. This property and two other houses to the east also on the northern side of the B4449 – Keppel Cottage and The Old Vicarage – are the nearest residential properties to the site.

History of the Site

5. The original application for this facility [Ref: MW.0091/09, DC Ref: 09/0330/P/CM] was refused on 28 September 2009 for the following reasons:
 1. *The proposed development is contrary to OMWLP policy W4 because the site is no longer a mineral extraction/landfill site it having been*

restored and there is no established overriding need for the development at present in this open countryside location, and

2. In the absence of a satisfactory routeing agreement the proposed development is contrary to OMWLP policy SH2. Even if such an agreement were in place, no support for the proposal would be given by OMWLP policy W3 due to non-compliance with W3 (a) and (b) in that the routeing of vehicles via A415 at peak times of the day would place the site at an even greater distance from the main source and market of waste and recycled materials and the number and length of motorised journeys would not be minimised during the whole of the working day.

6. The decision was appealed and the Inspector allowed the appeal by decision dated 23 March 2011 with a total of 28 conditions following an Inquiry on 21 September 2010. She identified three main issues as follows.
7. First, the effect of the proposed development on the character and appearance of the rural area with reference to policies to protect the countryside and the need for sites for construction and demolition waste recycling. She concluded that although there would be some harm to the character and appearance of the rural area it would be outweighed by the lack of alternative sites and the established need for the facility which would comply with national policy for the siting of new waste management facilities.
8. Secondly, whether the site is well located in relation to potential sources of waste material, consumers of recycled products and to the road network. She concluded that the site is a similar distance from Oxford City to the appellant's existing recycling site at Slape Hill and compares favourably with other such recycling sites identified for possible inclusion in the Site Allocations DPD by the Council. Policy W3 does not require that journeys are minimised for the whole of the working day as set out in the refusal reason, only that they are likely to be minimised by virtue of being well related to the transport network. Although Policy W3 does not define what 'well related' means in this context she concluded that the site was closer to Oxford than the Gill Mill site, which the Council had suggested as a preferred alternative.
9. Thirdly, whether a lorry routeing agreement is necessary to protect the amenity of local residents. Policy SH2 seeks to prevent permission for mineral working or waste disposal where the development would lead to a significant increase in traffic through Sutton. The Council accepted at the Inquiry that if a routing agreement was in place (preventing access through Sutton during peak periods) that Policy SH2 would be met and the appellant put forward a S106 unilateral undertaking with regard to lorry routing, although they preferred not to sign up to it. She concluded that there was a possibility that lorry traffic would be higher than indicated and accordingly decided a routing agreement is necessary.

Proposed Development (see attached second Plan)

10. The wash plant has been operating since May 2012 following the grant of planning permission on appeal in March 2011. The surface water drainage pond was installed between April and May 2012. Monitoring visits to the site established that works had been done or were being done that did not have permission and an application was therefore invited so their planning implications could be fully assessed.
11. There are therefore a number of elements to this application as follows:
 - Revised retrospective location of the site office and weighbridge;
 - Revised retrospective location of the site entrance;
 - Revised retrospective configuration of the recycling plant;
 - Retrospective northern extension to the site for crushing and screening of feedstock;
 - Revised retrospective security fencing (above permitted development rights limits);
 - Retrospective western extension of the site for a surface water drainage pond;
 - A proposed new workshop building;
 - Proposed new storage bays for the recycled product; and
 - Revised site landscaping.

Site Office and Weighbridge

12. The access to the site involves a 90° right hand turn off the spur from the main Dix Pit Complex haul road followed shortly afterwards by a left hand turn into the site. The existing approved location of the weighbridge and site office on the eastern side of the site involved a further right hand turn on entering the site. In order to reduce the number of turning manoeuvres that lorries have to make, the location of the weighbridge and site office has therefore been revised, moving to the southern side of the site, in order to enable lorries to drive forwards straight onto the weighbridge when entering the site.
13. The design details of the site office and weighbridge facilities have been approved further to condition 6 of the existing permission; it is the revised site location that needs to be regularised. In addition although the office has been constructed as per the approved dimensions and construction details, there have been a few minor amendments in relation to the window and door configuration.
14. The site office also includes mess facilities, a store area and a material testing lab, all of which are ancillary uses. The material testing lab is only a very small part of the development and is useful to help safeguard against any pollution incidents, by enabling swift investigation

of suspected contamination rather than having to wait for the results of samples sent away for examination.

Site Entrance

15. Whilst access would continue to be via the existing spur from the Dix Pit complex main haul road, the entrance to the site has shifted slightly further northwards, because of the changes to the location of the site office and weighbridge.
16. The warning signs required to be erected at the crossing of Bridleway 12 Stanton Harcourt, which runs along the eastern boundary of the site, would still be as approved further to condition 25 of the existing permission, and would be erected in the revised positions as indicated in the drawings.
17. There would be two signs warning users of the bridleway of lorries: one to the north of the site entrance, facing along the line of the bridleway in a north-westerly direction; and one to the south of the site entrance, facing along the line of the bridleway in a south-easterly direction. In addition there would be two further signs warning site lorries of pedestrians crossing: one at the site exit facing lorries leaving the site; and the other on the haul road leading from the Dix Pit Complex haul road before the site entrance and facing lorries accessing the site. All signs would be hard wearing metal signs fixed to metal posts.
18. At present there is a second vehicular access near the northern end of the site. It is temporary and would be removed once the adjacent Con Rec site is restored. It is there so lorries can drive direct from the site into the Con Rec site with restoration soils, avoiding them having to drive up the bridleway. The applicants have confirmed that they will make good the surface of the bridleway as soon as practicable (in terms of the weather). In the longer term the plan is to remove the remainder of the haul road north of the southern access to the recycling plant and the route of the bridleway would be included in the restoration works for the wider Con Rec site.

Revised Plant Configuration

19. The facility was originally proposed in February 2009 and in the two years that elapsed before planning permission was gained, the manufacturers had been making ongoing improvements to the recycling plant components and set-up (as a result of experience of them operating elsewhere). Consequently this has led to slight variations in the layout and elevations of the recycling plant as installed, when compared to the existing approved plans.
20. The changes essentially comprise that the plant has been orientated the opposite way round to originally proposed, so that the recycled product is closer to the storage bays and site access. The components of the

plant are essentially all still the same as already approved, but with such changes, for example, as a reduction in the number of stockpiling conveyors, which are now only for dispensing the sand products, whilst the graded aggregate is discharged directly off the end of the main conveyor into storage bays.

21. In order to be able to accommodate the proposed sustainable drainage strategy (as required by condition 24 of the existing permission) the location of the plant has also had to be shifted slightly further into the site than originally proposed.

Crushing & Screening Area

22. The plant is only able to process objects up to 75mm in size. It is therefore necessary to carry out some primary crushing of the larger pieces of stone and concrete, so that they can be added to the feedstock. In addition some pre-screening of materials is carried out to generate dry fines, for mixing with the 20-40mm washed product to create a type I product of the correct specification. The applicant's agent made clear at the Inquiry that crushing and screening was a necessary part of the site's operation and no condition was imposed preventing such crushing or screening by the Inspector.
23. This pre-process crushing and screening activity is being carried out to the north of the site at the feed end of the processing plant. It is proposed that there is an extension to the approved site area to enable this necessary activity to continue at this location with sufficient space, so that it does not interfere with other site activities and enables transfer of the primary treated feedstock to the processing plant with ease.

Security Fencing

24. In light of the fact that the facility has unfortunately already attracted various attacks of vandalism and theft, the applicant considers more robust site security fencing is required than could be erected under permitted development rights. It is proposed that 2.7 metre high metal palisade fencing is erected along the eastern and northern boundaries of the site with the same height gates across the entrance to the site. This fencing was installed last summer. The eastern boundary fencing bounds the bridleway.

Surface Water Drainage Pond

25. Condition 24 of the existing permission required the design of a sustainable surface water drainage scheme for the site. As the proposed facility is on a former landfill there could be no penetration of the underlying ground, and the applicants realised that drainage would therefore inevitably have to be onto adjoining land to the west, which fortunately is also within the same landownership and also fortunately was not part of the former restored landfill site.

26. The applicants submitted details of this pond in November 2011 pursuant to Condition 24 of the 2011 appeal permission as part of a general Details Pursuant application to discharge all the conditions. For various reasons this was not determined finally until 2 July 2012 by when the applicants had already constructed the drainage pond. In May the Council had informed the applicants, during the construction of the pond, that because the site area of this pond was clearly outside the original red line site area a new application would need to be submitted, notwithstanding Condition 24's requirement for a sustainable drainage scheme for surface water, hence this application.
27. The proposed drainage strategy was approved by the Environment Agency on 8 February 2012. A slight alteration to the original design is now proposed, involving an extension in the length of the ditch network (which is required to catch the surface water run-off from the areas of hard paving) around the edge of the proposed extension to the north of the site, so that the appropriate separation of the drainage system from site activities is maintained. As set out below, the EA is happy with this.
28. Officers have noted from site visits that the spoil from digging out this pond is deposited on its western bank between the pond and the River Windrush within its flood plain. The applicants say that they have been unable to remove it due to the wet conditions over the summer and more recently but have confirmed in writing that it will be removed as soon as feasible, in accordance with the EA's comments below.

Workshop Building

29. In order to be able to service the plant, site machinery and vehicles, and to address any potential breakdowns, a workshop building is proposed to be built on the southern boundary of the site. It would measure 15 metres by 30 metres and would be 8.5 metres high. The building would be constructed with reinforced concrete walls as per the site office construction, and with green profiled steel sheeting on the upper part of the elevation to match the recycling plant.

Storage Bays

30. A need for holding bays has been identified to ensure that the different graded products are stored separately prior to delivery/collection from the site. The applicant considers this is important to safeguard against mixing of products and ensure their high quality.
31. Eight bays are proposed to be located along the western boundary of the site. Each bay would be 10 metres in depth and 15 metres wide, constructed with concrete walls 3.5 metres high. The products they are required to store are:
 - Type 1 aggregate
 - Coarse sand

- Fine sand
- 6-10 mm aggregate
- 10-20 mm aggregate
- 20-40 mm aggregate
- 40mm+ aggregate
- Ballast
- Oversize

32. The rear concrete retaining wall is proposed to be continued around the south western corner of the site to meet up with the workshop building, thereby securely enclosing the site at this point.

Revised Site Landscaping

33. It is proposed that the eastern and northern boundaries of the site should be landscaped, in accordance with the Inspector's appeal decision. In light of the proposed extension to the site area, this means that about an additional 80 metre length of planting would be established to that currently approved. Together with the already existing substantial tree belts to the west and south, the applicants consider the site would be suitably landscaped and screened. Your officers agree. A revised siting plan has been submitted showing the landscaping along the northern boundary outside the fence line, as agreed with your officers because the applicant also owns this land.
34. In addition as there is already a substantial belt of very well established planting along the southern boundary of the site it is no longer proposed to do any further landscaping along this border. Such additional planting would have no added benefit in screening the site and reduces the available operational area. Your officers agree.
35. NB: Lighting - Complaints have been raised by neighbouring occupiers concerning alleged excessive lighting at the site. Although Conditions 7 & 17 on the appeal decision control lighting, the plant layout has since changed as set out above. At the time of drafting this report, the applicants have said they intend to appoint a lighting specialist shortly to produce an alternative scheme (as allowed by Condition 17) that will hopefully address the security issues of the site as well as the neighbours' complaints. They will submit this shortly as a separate Details Pursuant application.

Part 2 – Other Viewpoints

Representations

36. There have been no specific representations on this application per se other than the complaints from a neighbouring occupier to the intensity and hours of the lighting at the plant, as set out above.

Consultations

37. West Oxfordshire District Council: No objection but adds the following:
 - Would not support an extension of the time limit beyond the previously approved timescale and wishes to reiterate that all previously imposed conditions should be adhered to in all respects
 - Would not support any further intensification of works or expansion of the site beyond current limits
 - The bridleway should remain unaffected by the proposed operations
38. Stanton Harcourt Parish Council: Comments imminent at the time of writing this report.
39. Environment Agency: No objections. The scheme proposed for disposal of foul sewage and surface water drainage is acceptable. The cess pit for foul sewage located above ground is acceptable given underground storage would be unacceptable on a former landfill site. The surface water drainage scheme involves discharge to the pond rather than to the stream and the pond will be lined to prevent infiltration through the landfill material, and an oil interceptor has been incorporated in order to protect groundwater quality. There must be no storage of waste materials within the flood plain and/or within 8 metres of the River Windrush.
40. Transport Development Control: No objections subject to the transport related conditions and obligations of the current permission being relevant to any further grant of permission. There would be no significant impact on the local highway network. The proposals would not increase or alter significantly the nature of traffic generated by the site; furthermore, the current permission is subject to condition limiting maximum trip generation. A routing agreement prohibits associated vehicles passing through Sutton at peak times. Some alteration to the site layout is proposed but access to the highway is unaffected.
41. County Ecologist: Disappointed that the site of the drainage pond was cleared prior to an ecological survey of the area. However, it seems unlikely that the grassland would have been high quality in terms of ecological interest.
 There may be scope for alteration of the pond's profile to mitigate impacts on biodiversity, such as the creation of south-facing scrapes and alterations to the slope gradients, which should be pursued. Advises the applicant to contact Pond Conservation for advice on restoration, who can provide useful advice on maximising biodiversity of ponds.
 The soil bund on the south-west of the pond (arising from its construction) may require removal.
 The planting details need conditioning and plants that dies must be replaced.
 The current surface of the bridleway is unacceptable.
 Suggests a number of conditions including: reprofiling of pond, new planting, aftercare & weed control and a number of informatives.

42. County Rights of Way Officer: Considers that there should not be two access points/exits requiring crossing of the public bridleway twice and that the applicant be required to restore the existing poor state of the surface of the bridleway as soon as practicable.
43. The following have also been consulted but have not replied: West Oxfordshire Environmental Health Officer, Natural England, Rights of Way Officer, CPRE, Open Spaces Society, Ramblers Association.

Part 3 – Relevant planning documents

Relevant Development Plan and other policies (see Policy Annex attached to this Agenda)

44. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
45. The Development Plan for this area comprises:
 - The South East Plan (SEP)
 - The saved policies of the Oxfordshire Minerals and Waste Local Plan (OMWLP)
 - The West Oxfordshire Local Plan (WOLP)
46. The SEP forms part of the development plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order has been made at the time of writing, the published intention to revoke is a material consideration to which substantial weight should be given. The SEA into the abolition of the SEP was published for consultation recently.
47. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) has not yet been adopted. However, the public submission document was approved by the Council on 3 April 2012 and submitted to the Secretary of State on 1 November. The hearing examinations are programmed for late May 2013. This plan is at an advanced stage and is therefore an important material consideration that should be given significant weight.
48. The National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (Planning for Sustainable Waste Management, March 2011) are also material considerations.
49. This proposal is in part a revision of the originally granted permission on appeal and in part some additional development, rather than for a new

recycling plant. The following policies are relevant to the consideration of this application:

- SEP – Policies M2 & C4
- OMWLP – Policies W3, W4, W5 & PE7
- WOLP – Policies NE1, NE3, NE7 & NE8
- OMWCS – Policy C6

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

50. The key planning issues, given the proposals are for additional development at an authorised plant or revisions to that authorised use are: –
 - i) Are the revisions and new development proposals compliant with policy in regard to the location of this facility in the countryside?
 - ii) Are the landscape impacts of these proposals acceptable and compliant with policy?
 - iii) Are the environmental and amenity impacts of the proposals acceptable and compliant with policy?

Countryside Location

51. All of the proposed development is for the purposes of or is required to support an already permitted recycling site, and no additional throughput of material is proposed (this is limited to 100,00 tonnes of waste by Condition 8 of the appeal decision, which would be re-imposed). There is therefore no conflict with OMWLP Policies W3 or W4 which set out the circumstances in which (new) proposals for waste re-use/recycling in the countryside will be permitted because the principle of the location of the wash plant was investigated in detail at the Inquiry that led to the 2011 appeal decision. Equally, there is no conflict with WOLP Policy NE1, which requires that proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake, because the original development was considered in relation to this policy at the time. The landscape impact of the revisions to it and the new development aspects in this application are assessed below.
52. The only significant new development is the proposed workshop. Although the application documents suggest this will only be used to maintain and repair the components of the wash plant itself as well as the vehicles on the site, the applicant has conceded that it is possible it may also be used for repairing vehicles and plant used in his groundworks company (based at Knightsbridge Farm, Yarnton). Although there is a similar sized workshop building at Knightbridge Farm that building is very well used in servicing the applicant's lorries based at the site and when that workshop is full it may be possible to use the workshop on this site for other plant and vehicles. Because no pits are

proposed in the new workshop building it would not be possible to service the applicant's fleet of lorries. Only heavy plant vehicles (with a high wheel base) would be serviced at this site. It is not considered that any additional vehicle movements resulting from this repair activity to vehicles used at Knightsbridge Farm would be significant, especially given that the Inspector at appeal accepted that the increase in vehicle movements to and from the wash plant itself would not be significant, albeit she thought it best to limit access through Sutton during the morning and evening peaks by a Routing Agreement put forward at the Inquiry by the applicant.

Landscape Impact

53. The wider landscape is largely characterised by the former sand and gravel working areas which have on the whole been restored to water areas. There are pockets of woodland planting to the south of the site, and areas featuring industrial type uses including a household waste recycling centre, a batching plant, a block making works (Conbloc), workshops, and small scale industrial units. As such the drainage pond has no significant landscape impact, especially due to the enclosed nature of this part of the site that cannot be seen from any public vantage point.
54. Although the highest part of the plant (the 'green box') can be seen from the road and from Beard Mill to the north this element of the plant is no higher than the scheme originally approved (in fact it is 11.3 metres rather than 12 metres originally approved). The changes to the plant configuration therefore have no significant landscape impact.
55. The workshop building would be located adjacent to the southern boundary of the site hard up against the existing belt of planting. It would be, at 8.5 metres to its ridge, no higher than the office building adjacent. These buildings, although not small, would both be effectively screened from the existing landscape belt to the south of the site and by the proposed belt of landscaped planting to the eastern boundary. They would not be seen within the wider landscape owing to the largely enclosed nature of the site as well as this landscaping.
56. The higher boundary fencing would only be seen at close quarters and would be effectively screened by the new landscaped planting belt outside the site on the northern boundary as well as against the backdrop of the landscaped planting belt against the eastern boundary. As such, and because such fencing is reasonably required for security in this location, it is considered to be acceptable.
57. The surface of the bridleway needs repairing as soon as possible and the applicant has confirmed in writing he will do so as soon as it dries out sufficiently. At present parts of it have brick and concrete rubble covering it as well as pieces of wood including some with nails sticking out of it, clearly unsuitable for its use as a bridleway. The ROW Officer

has accepted the current system of two access points until the Con Rec is restored, but it is obviously imperative that this is done as soon as possible in order to prevent clashes between users of the bridleway and lorries accessing the Con Rec from the application site.

58. SEP policy C4 aims to protect and enhance the diversity and local distinctiveness of the region's landscape, informed by landscape character assessment
59. WOLP policy NE3 requires that proposals should not harm the local landscape character and should respect, and where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.
60. OMWCS policy C6 states that proposals should demonstrate that they respect and where possible enhance local landscape character, be informed by landscape character assessment, and include measures to mitigate adverse impacts on landscape, including through siting, design and landscaping.
61. The proposals are considered appropriate to the scale and pattern of the landscape. They are proposed in an area that is largely enclosed by landform and vegetation and is generally more able to absorb new development. The Inspector in her appeal decision, although conceding that the new wash plant had some landscape impact, nevertheless considered it was acceptable when weighed against the other benefits of the scheme, which was a larger and potentially more intrusive development than the new supporting development proposed. The new development is also to be located in the part of the site that is already most effectively screened from wider views. Furthermore the re-location of the office building to this part of the site from its more prominent approved location adjacent to the bridleway has a beneficial landscape effect. The surface water pond and proposed new planting also provide appropriate enhancement measures by adding structure, reinforcing local distinctiveness and improving the ecological character of the local area. For all these reasons the above policies would be satisfied.
62. The existing and proposed new planting would help to screen the development from the surrounding area, and therefore the proposal also complies with OMWLP Policy W5, which requires such screening in all waste treatment plants.

Environmental and Amenity Effects

63. OMWLP policy W3 allows for proposals for re-use/recycling provided that a number of criteria are met, including: "*c) the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic*". Given that the recycling site is an already approved use and no additional throughput is proposed, much of the

policy is not relevant, because these aspects have already been considered in granting permission for the existing facility.

Noise and Dust

64. There would be no additional effects in terms of noise and dust from the proposed development, especially as the repair and maintenance of plant and vehicles would take place within the proposed workshop. It was always proposed to carry out some pre-processing including crushing and the effects of this activity were considered as part of the original decision. The distance to the nearest sensitive property from the site with the proposed extension area would still be more than 670 metres, and this distance appropriately attenuates any potential noise emissions.

Water Environment

65. The proposed new drainage system, which has already been approved by the Environment Agency will also ensure that the existing development will not pose a risk to the water environment in accordance with criterion d) of OMWLP Policy W3, and WOLP Policy NE7. The EA's above comments in respect of this application confirm this.

Flood Risk

66. The surface water drainage pond falls within floodplain. However, as demonstrated in the flood risk assessment the development would not have any consequences in terms of flood defence requirements (assuming the spoil from the drainage pond is removed as soon as practicable), and would therefore further comply with criterion (d) of OMWLP Policy W3 in this respect as well as OMWLP Policy PE7 and WOLP Policy NE8.

Traffic Impacts

67. The Inspector, as set out above, considered a Routing Agreement was necessary in order to protect the residents of Sutton during morning and evening rush hours. It appears from the wording of the unilateral undertaking submitted by the applicants at the Inquiry under S.106 that it is applicable only to the original permission, and so there will need to be a new Routing Agreement ensuring it is also applicable to this application. Other than that, because there would be no increase in volume of waste processed by the plant and few additional vehicle movements to the site, it is not considered that any other revisions to this Routing Agreement are necessary or reasonable.

Conclusions

68. The proposals in this application, those elements carried out retrospectively as well as the new proposed development, are

considered acceptable ancillary development to the authorised use of this site as a recycling plant, which was found to be acceptable at appeal. Providing the applicants carry out what they have said they will – addressing the lighting issues including its amenity impact on nearby residents via a Details Pursuant application in the near future, removing the spoil from the western side of the drainage pond next to the river Windrush, repairing the surface of the bridleway as soon as practicable and closing off the northern access/exit to the site as soon as the Con Rec site is finally restored – the application is acceptable in terms of its amenity, landscape and other environmental impacts and complies with adopted policy in the development plan and the Council's submitted Core Strategy, subject to re-imposing any conditions considered necessary by the Inspector that have not already been discharged and implemented. It is therefore recommended for approval.

Recommendation

- 69. It is RECOMMENDED that subject to the completion of a routeing agreement in terms of the same restrictions as those in the existing agreement that planning permission MW. 0184/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:**

Heads of Conditions

- 1. Complete accordance with application**
- 2. Development to commence within 3 years of the date of permission**
- 3. Temporary permission expiring 31/12/2029**
- 4. Removal of all structures, buildings, roads, plant, vehicles & machinery and full restoration to a state suitable for agricultural use by 31/12/2030**
- 5. Reinstatement plan giving final levels etc to be submitted by 31/12/2028**
- 6. No operations including HGVs entering and leaving the site except between 07.00-18.00 hours Monday-Friday and 07.00-13.00 hours on Saturday**
- 7. No more than 100,000 tonnes of waste to be imported to the site in any calendar year and records of imports to be kept sufficient for monitoring**
- 8. Access roads shall be maintained in a hardened state free of potholes**
- 9. No mud or dust shall be deposited on the Dix Pit haul road or the public highway**
- 10. Low loaded vehicles shall leave the site unsheeted except those carrying material in excess of 500mm**
- 11. No vehicles shall operate on site other than those with effective silencing of noise sources**

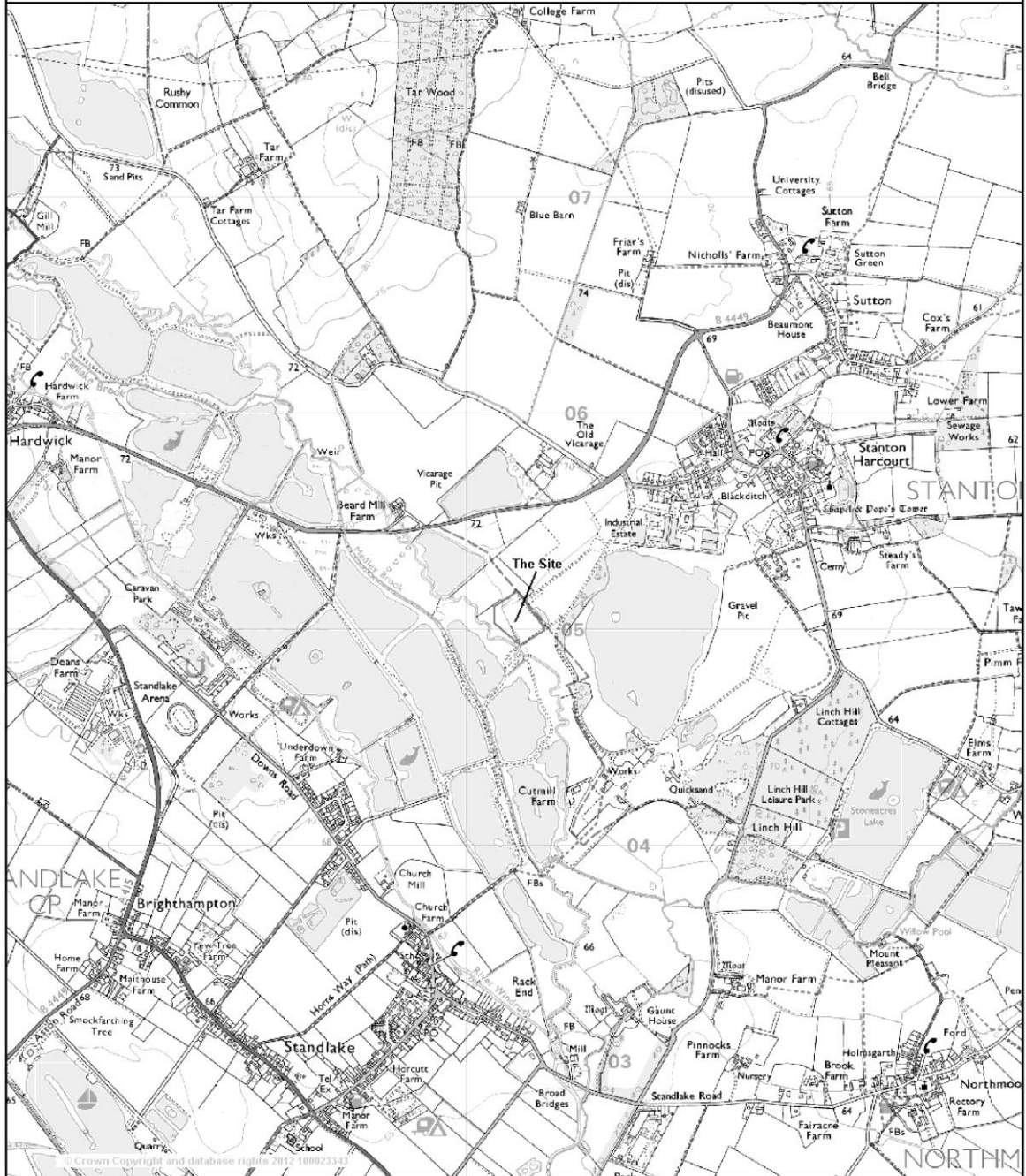
12. No reversing beepers other than those which use white noise shall be fixed to or used on any vehicle operating on the site other than vehicles transporting material to and from the site
13. No operations on site shall exceed 50 dBA when measured at properties in Stanton Harcourt or at The Old Vicarage or Beard Mill, Cogges Lane, Stanton Harcourt
14. Details of external lighting to be submitted within one month of this permission and in the interim no lighting of the site shall take place outside of the working hours set out in Condition 6 above
15. Landscaping scheme to be implemented as per submitted plans and in accordance with Details Pursuant approval dated 2 July 2012 [MW.0147/11] within 3 months of the date of this permission
16. In the event of failure of any trees or shrubs they shall be replaced within the following planting season (November-March) with others of the same size and species
17. All development will only be carried out in accordance with the contamination and remediation strategy agreed under the Details Pursuant permission dated 2 July 2012 in respect of Conditions 20 & 21 of the previous permission granted on appeal
18. No piling or foundations that require penetrative methods shall take place
19. Signs warning HGV drivers of horses on the bridleway and signs warning horse riders of HGVs as set out in the approved plans shall be retained for the lifetime of this permission.
20. No stockpiling shall take place within 3 metres of any planting at the periphery of the site
21. Removal of plant and related infrastructure including stockpiles of materials or any activity associated with the use of plant unused for 24 months
22. No stockpiling of materials in excess of 8 metres above the base of the site
23. Resurfacing of bridleway within 3 months of the date of this permission
24. The northern access/exit point to the site shall be permanently closed off within one month of the final restoration of the adjacent Con Rec site
25. The spoil banked up between the western edge of the surface water drainage pond and the river Windrush shall be permanently removed within 6 months of the date of this permission

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

December 2012

PLAN 1



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Scale 1/24723 Date 14/12/2012

Centre = 440219 E 205183 N



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