## **Planning Report**

For: PLANNING AND REGULATION COMMITTEE - 12 MAY 2014

By: Interim Deputy Director (Strategy and Infrastructure Planning)

## **Development Proposed:**

Details Pursuant to Condition 31 (external lighting scheme) of Planning Permission 08/02472/CM (MW.0044/08)

**Division Affected:** Ploughley

Contact Officer: Mary Thompson Tel: Oxford 815901

**Location:** Ardley Energy from Waste Site

**Application No:** MW.0067/13

**District Council Area:** Cherwell

**Applicant:** Viridor

Date Received: 29 April 2013

**Consultation Period:** 30 May – 20 June 2013 (lighting submission)

11 December – 3 January 2014 (amended lighting

submission)

4 March – 25 March 2014 (additional photomontages)

#### **Contents:**

Part 1 – Facts and Background

Part 2 – Other Viewpoints

• Part 3 – Relevant Planning Documents

Part 4 – Analysis and Conclusions

#### Recommendation

The report recommends that the application be approved.

## Part 1 – Facts and Background

## **Background and Details of Development**

- 1. Permission for an Energy from Waste (EfW) plant (08/02472/CM) was granted by the Secretary of State on appeal in 2011. This consent covers both the landfill and the EfW and contains a number of conditions which required the submission of further details to the Waste Planning Authority.
- 2. Condition 31 of permission 08/02472/CM states: Details of the location, height, design, sensors, hours of operation and luminance of external lighting for the energy from waste plant (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways), shall be submitted to and approved in writing by the waste planning authority before any external lighting is used on site. Any scheme that is approved shall be implemented for the life of the site.
- 3. To comply with this condition Viridor submitted a lighting plan showing the location, height, sensors, hours of operation and luminance of proposed external lighting. The information provided met the requirements of the condition and advice from a lighting consultant confirmed that the proposed lighting was acceptable and would minimise light spillage.
- 4. During the initial consultation there was some concern amongst Parish Councils about potential impact on amenity from the proposed external lighting. Therefore, Viridor agreed to provide photomontages to show how the lighting would appear from three viewpoints the site entrance, St Marys Walk and the road bridge over the M40. This information was not required by the condition, but was provided by the applicant to help consultees understand how the lighting would appear.
- 5. This application was originally presented to Planning and Regulation Committee on 13 January 2014. Committee resolved to defer consideration of this item due to concern about the accuracy of the photomontages as they included construction lighting and therefore did not show what the development would look like in the long term operational phase after temporary lighting had been removed.
- 6. The applicant then provided a further photomontage showing the impact of the long term operational external lighting as detailed in the submitted scheme from the viewpoint on St Marys Walk, this image did not include construction lighting, which was shown on a separate photograph. Only this viewpoint was used for the additional montage as the concerns expressed at the January Committee meeting were related to residential amenity, rather than views from roads. The application was presented to Planning and Regulation committee again on 7 April 2014, however it was once again deferred with a request for further supporting information. There was concern that the image provided showing the existing view from that viewpoint did not accurately show the construction lighting and therefore the photomontage of the proposed lighting could not be trusted to be an accurate portrayal of how the proposed external lighting would look.

- 7. The applicant has explained that the lighting on the photograph showing the existing view from St Mary's Walk was not very bright because views into the site from this location are obscured by the landscape and trees. They agreed to provide images showing the existing view (photographs showing construction lighting) compared to the proposed view (photomontages showing the proposed external lighting scheme that is the subject of the condition) from the other two viewpoints used for the first set of montages i.e. from the site entrance and from the M40 road bridge. These other viewpoints have clearer views into the site and so provide a better location for images of the existing situation to compare with the proposed lighting impacts.
- 8. Internal lighting, construction lighting and aircraft warning lighting on the chimney are outside the scope of this condition.
- 9. There has been no change to the lighting scheme submitted under the condition as a result of the further information provided. The further information is to illustrate how the lighting proposed in the scheme would look.
- 10. Full details of the submission, including the lighting scheme and supporting photomontages can be viewed on the website <a href="http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display">http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display</a> using reference MW.0067/13.
- 11. The reports to 13 January and 7 April Planning and Regulation committee are provided in Annex 1 and Annex 2 respectively.

## • Part 2 - Other Viewpoints

## **Consultations**

- 12. There is no statutory requirement to consult on details provided pursuant to conditions. However in this case two consultation periods were held on the proposed lighting submission. Specialist lighting advice was also sought from Atkins. The responses received are set out in the report to January Planning and Regulation Committee.
- 13. Following the submission of the additional photomontages after the January meeting, the Parish Councils, the neighbours who had objected and Atkins were consulted again. No additional comments were received from the Parishes or neighbours.
- 14. Further photomontages were submitted by Viridor on 25<sup>th</sup> April, following deferral at April committee. The new images were uploaded to the website and sent to Parishes and objectors who were informed that the matter would be considered by Planning and Regulation committee on 12<sup>th</sup> May.

## Part 3 - Relevant Planning Documents

# Relevant planning documents and legislation (see Policy Annex to the committee papers)

15. The relevant Development Plan and other policies are set out in Part 3 of the January report. The April report contains details of an additional relevant policy from the emerging Draft Oxfordshire Minerals and Waste Core Strategy.

## Part 4 – Analysis and Conclusions

# <u>Comments of the Interim Deputy Director (Strategy and Infrastructure Planning)</u>

- 16. The condition was intended to ensure that light spillage beyond the boundary of the site is minimised in the interests of local residents. The protection of local amenity from the impact of light nuisance and pollution is set out in the relevant policies.
- 17. The proposed lighting scheme has been assessed by lighting consultants (Atkins) for Oxfordshire County Council planning team. They have considered the proposals in relation to the rural location of the site and have confirmed that the proposals meet the necessary standards, including regarding the reduction of obtrusive light.
- 18. External lighting is necessary to provide a safe working environment at the site. It is not reasonable to expect that the development should not be visible from surrounding viewpoints either during the day or after dark. However, the details which have been submitted demonstrate that the lighting has been designed to have a minimal impact on surrounding areas. Specialist lighting advice has confirmed that the lighting proposed is the minimum necessary for the tasks that it is required for. Therefore, it is considered that the proposals would not have any significant adverse amenity impact on the surrounding area.
- 19. Although there have been some complaints over the construction period regarding lighting, these have been in relation to construction lighting rather than the proposed long term external lighting which is not yet in place.
- 20. The submitted scheme contains a number of measures to reduce light spillage and the impact of the lighting. This includes a phased switch-off programme whereby 1/3 of the lights are turned off following the last waste delivery and a further 1/3 are turned off overnight. Further details of this are set out in the January report. Other measures to reduce the impact of lighting are included lights nearest the site entrance would have lower wattages to avoid light spill and where possible road lanterns would be located on the peripheral edge of access roads to direct light into the site, reducing light spill beyond the boundaries.

- 21. Therefore, a number of measures within the design of the scheme help ensure that the proposed lighting avoids nuisance whilst providing the necessary illumination for the operation of the plant. However, Viridor have also committed in writing to reviewing the scheme in November 2014, once the lights are in place. Therefore, if there are any unexpected problems with light spillage they can be addressed at that time. The commitment to undertake this review would be part of the approved documents and therefore enforceable by the Oxfordshire County Council planning team.
- 22. The lighting scheme has been fully assessed in relation to light spillage and the impact on amenity and it would avoid nuisance and adverse impacts on amenity. The level of lighting proposed is appropriate to the requirements of the site to provide a safe operating environment.

#### **Conclusions**

23. It has been demonstrated that the proposed external lighting scheme provides the appropriate level of lighting for the permitted development whilst ensuring that light spillage beyond the boundary of the site is minimised in the interests of the residents in the locality, in accordance with the reason for the planning condition and NPPF paragraph 125, NSCLP policies EN1 and EN6, CLP policy ENV1 and Draft OMWCS policy C5. The additional photomontages provided by the applicant offer further reassurance that the proposed lighting would not have an unacceptable impact once installed.

#### RECOMMENDATION

24. It is RECOMMENDED that Application MW.0067/13 be approved

#### PETER LERNER

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

May 2014

## Annex 1 – Report to 13 January 2014 Planning and Regulation Committee

## **Planning Report**

For: PLANNING AND REGULATION COMMITTEE - 13 JANUARY 2014

By: Deputy Director (Strategy and Infrastructure Planning)

## **Development Proposed:**

Details Pursuant to Condition 31 (external lighting scheme) of Planning Permission 08/02472/CM (MW.0044/08)

**Division Affected:** Ploughley

**Contact Officer:** Mary Thompson **Tel:** Oxford 815901

Location: Ardley Energy from Waste Site

**Application No:** MW.0067/13

**District Council Area:** Cherwell

Applicant: Viridor

29<sup>th</sup> April 2013 Date Received:

**Consultation Period:** 

30<sup>th</sup> May 2013 – 20<sup>th</sup> June 2013 11<sup>th</sup> December 2013 – 3<sup>rd</sup> January 2014

### **Contents:**

Part 1 – Facts and Background

• Part 2 – Other Viewpoints

• Part 3 – Relevant Planning Documents

• Part 4 – Analysis and Conclusions

## Recommendation

The report recommends that the application be approved

## Part 1 – Facts and Background

## **Location (see site plan Annex 1)**

25. Ardley landfill site lies to the east of the B430 between the villages of Ardley and Middleton Stoney. The Energy from Waste (EfW) facility is under construction in the south east of the site.

## Site and Setting (see site plan Annex 1)

- 26. This site is bounded to the west by the B430, a railway to the north and open countryside to the south and east. The Energy from Waste facility is accessed by a separate new road off the B430.
- 27. The nearest properties are at Ashgrove Cottages on the west side of the B430 immediately opposite a restored part of the landfill.

## **Background and Details of Development**

- 28. Permission for an EfW plant (08/02472/CM) was granted by the Secretary of State on appeal in 2011. This consent covers both the landfill and the EfW and contains a number of conditions which required the submission of further details to the Waste Planning Authority.
- 29. Condition 31 of permission 08/02472/CM states: Details of the location, height, design, sensors, hours of operation and luminance of external lighting for the energy from waste plant (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways), shall be submitted to and approved in writing by the waste planning authority before any external lighting is used on site. Any scheme that is approved shall be implemented for the life of the site.
- 30. The condition was recommended by the Planning Inspector and his report included the following reason: to ensure that light spillage beyond the boundary of the site is minimised in the interests of the residents in the locality.
- 31. The applicant has provided a scheme showing the details of the external lighting for the plant as required by this condition. The proposed scheme is available to view on the e-planning website.
- 32. It is proposed to install external lighting to illuminate the site access and internal roads during the hours of darkness to allow safe working and pedestrian and vehicle movements and to allow the use of CCTV for security.
- 33. The light scheme comprises the following:

#### PN6

- 16no 250w wall mounted floodlights at 7.5m
- 51no 150w column mounted road lanterns at 8m
- 15no 100w column mounted road lanterns at 8m
- 6no 250w building mounted floodlights at 8m
- 2no twin degree 2x150w column mounted floodlights at 8m
- 2no twin degree 2x250w column mounted floodlights at 8m
- 2no 70w bollard lights
- 34. The application states that the external lighting scheme has been designed to keep lighting to the minimum necessary to minimise the effect of light in the surrounding landscape. The landform and landscaping will also help to screen direct light sources.
- 35. The lighting design includes the phased switch off of some of the lights as they become unnecessary. All of the lighting would be on during hours of darkness where there are also waste vehicle movements. However it is proposed to turn off 1 out of 3 lights on the roadways at 20.30. Lighting around the offices and visitors centre would be reduced after 23.00, 2 out of 3 lights would be off after that time. Lights around the car park will remain on until 23.00. Lights around the bottom ash storage area would come on at dusk and switch off at 19.30. Although operations within the EfW building would take place for 24 hours a day, these hours for the lighting would ensure sufficient lighting at the times when it is needed for movements outside the building.

## • Part 2 - Other Viewpoints

#### Consultations

- 36. There is no statutory requirement to consult on details provided pursuant to conditions. However in this case two consultation periods were held. Specialist lighting advice was also sought from Atkins.
- 37. The responses below are summarised; full documents are available on the e-planning website:

  http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display
- 38. Following comments during the first round of consultation, the lighting submission was revised and resubmitted in August 2013. Following the continued concerns of local residents, a meeting was held to include the applicant, Parish Councils and Atkins in October 2013. As agreed at that meeting, the applicant produced photomontages to show the effect of the proposed lighting and these were submitted as part of the details pursuant application in December 2013. A further consultation period was then held.
- 39. Ardley Parish Council The submission is very technical and it makes it difficult to comprehend what the effect would be. A proportionate amount of lighting will be needed to meet health and safety requirements and therefore in principle no

objection is raised. However it is requested that a number of points are taken into consideration:

- The proposed scheme is excessive given the rural location
- The incinerator is larger than it was portrayed in planning and it will take a long time for screening to become established.
- It is difficult to tell how much energy it would take to power the scheme
- Request that Viridor are required to review the scheme and mitigate unnecessary spillage within 6 months
- Current aircraft warning lights seem basic and obtrusive
- 40. Bucknell Parish Council The plant appears larger on the ground than local residents imagined it would. The planned lighting would add to this visual intrusion in a rural landscape and adversely affect residents and drivers on the M40. The scheme would use a lot of energy and there is not enough use of sensors or landscaping to mask the light.
- 41. Middleton Stoney Parish Council Aware that lighting is required to meet health and safety requirements. The minimum lighting required for these reasons should be agreed. The proposed level of lighting appears excessive given the rural location and likely impact on the surroundings. It will be some years before the green screening is of a sufficient size to effectively screen the lighting. Request that a clause be introduced requiring the applicant to review and mitigate unnecessary light spillage within 6 months of the commencement of the operation.
- 42. Cherwell District Council Planning No objections.
- 43. Cherwell District Council Environmental Health No comment, would defer to the advice given by the lighting consultant.
- 44. Neighbours two letters were received from the occupants of neighbouring properties. These state the following concerns:
  - Urbanising effect on area
  - Impact on amenity direct view from properties on St Mary's Walk to the plant
  - Insufficient justification, it is not clear why vehicles need this level of lighting on the site when they will have driven along unlit roads to reach it
  - Lighting working on sensors would be a better deterrent to intruders
  - Insufficient assessment of impact of lighting where will it be visible from, how will it be screened, are there alternatives?
  - Not clear why the car park should be lit until 23.00
  - View of stars will be disrupted
  - Not clear why lighting is required for as long as it is, for example why is lighting required until 11pm for a shift change at 10pm?
  - There should be less lighting, on less of the time, more focus on reduction of light pollution
  - The wording relating to the bottom ash storage area states that the turn off time is 'currently envisaged' to be 19.30 daily, This should be changed to more precise wording otherwise it allows the lights to run at discretion

- 45. Atkins First response The proposal appears to be in the spirit of the recommendations set out in Building Regulations, BS EN12462-2, BS 5489-1, CIBSE LG6, BREEAM and Secured By Design. However, the following information should be revised/added to, to demonstrate full compliance:
  - Design criteria for each task area
  - BREEAM calculation for the entire external lighting installation
  - Glare calculations
  - Light trespass task areas and associated calculated results
  - Sky glow task areas and calculated results
  - CRI of all proposed lamps
  - Annual energy consumption calculation with a comparison against bench mark data
  - Maintained illuminance levels to Coach Drop Off Area, DNO Switchroom, Gate House Area, Waste

Water Pit, Weighbridge and Workshop Entrance to be re-evaluated against suggested design criteria

 Uniformity levels to Bottom Ash Facility, DNO Switchroom, Waste Water Pit and Workshop Entrance

to be re-evaluated against suggested design criteria

- Tabulated calculation summary to be re-produce in colour to clear identify the respective task areas
- Risk assessment to be undertaken for reduced uniformity levels as a result of proposed lighting controls. Provide additional lighting calculations for 1/3 and 2/3 light output schemes.

Following the receipt of further information – Most of the recommendations appear to have been addressed, no further comment. However, the recommended risk assessment to consider the impact of 1/3 and 2/3 level switching has not been provided. We do not need to see or comment on this but would still recommend that it is produced. It is noted that the recommended uniformity levels are not achieved for the gatehouse and bottom ash facility. This is at the applicant's risk, no further comments. Have no comments on aircraft warning lighting as this is not considered to form part of the external lighting planning application.

## Part 3 – Relevant Planning Documents

# Relevant planning documents and legislation (see Policy Annex to the committee papers)

- 46. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
- 47. The relevant development plan documents are:
  - Cherwell Local Plan (CLP)
  - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
- 48. Other documents to be considered in determining this application are:
  - Non Statutory Cherwell Local Plan (NSCLP)
  - Emerging Cherwell Local Plan (ECLP) 2006-2031 (Proposed Submission Draft)

- National Planning Policy Framework (NPPF)
- 49. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions.
- 50. Planning Policy Statement 10 Planning for Sustainable Waste Management remains extant and contains relevant guidance.

## **Relevant Policies**

- 51. The relevant policies are:
  - CLP 1996 –ENV1
  - NSCLP 2011 EN1, EN6

## Part 4 – Analysis and Conclusions

## Comments of the Deputy Director (Strategy and Infrastructure Planning)

- 52. The key planning issue is the need to avoid light pollution and detrimental impacts on amenity. NPPF paragraph 125 states that decisions should limit the impact of light pollution from artificial light. NSCLP policy EN1 states that development which would have an unacceptable environmental impact will not be permitted. NSCLP policy EN6 states that in determining planning applications the Council will seek to avoid unnecessary light pollution, lighting schemes will need to demonstrate that the lighting scheme is the minimum proposed, that light pollution is minimised and that there are no detrimental impacts on residential amenity, the character and appearance of the landscape, nature conservation or highway safety. CLP policy ENV1 states that development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.
- 53. The Energy from Waste plant is a large building in a rural setting and it is important to ensure that the levels of external lighting are appropriate and do not create adverse impacts. However, it must also be recognised that the EfW plant has planning permission and requires external lighting for safe and efficient operation. The construction and operation of this development in this location, including the provision of appropriate external lighting has already been permitted. Some of the consultation comments express concern about the principle of this large building in this rural location, or of having external lighting on the site. However, the building and the provision for external lighting already have permission. The matter to be considered now is whether the details of the proposed lighting scheme are acceptable.
- 54. The scheme contains the details required by the condition. Specialist advice from a lighting consultant (Atkins) has been obtained and following revisions made to the scheme by the applicants in response to their initial comments, Atkins have now advised that the level of lighting proposed has been assessed in terms of its rural location and complies with guidance on the reduction of obtrusive light. The proposed level of lighting is not excessive. Local residents have expressed concern for the potential for external lighting to impact local amenity, however having obtained specialist advice on this matter I am satisfied that the proposed scheme would minimise light spillage and not result in an unacceptable impact on neighbouring amenity.

- 55. The comments from Atkins contain two remaining queries relating to a risk assessment and uniformity levels in one area of the site. However, they have stated that these matters are at the applicant's risk and they have no further comment. These points do not indicate that the proposed lighting would have an unnecessary impact on local residents. The risk assessment was required due to the fact that the lighting levels proposed would at times be lower than recommended and the applicant has subsequently submitted the risk assessment.
- 56. Following a meeting between Parish Councils, OCC planners, the applicant and Atkins, Viridor have produced a series of montages showing how the proposed lighting would look from a number of different viewpoints at twilight and sunset. These can be viewed on the County Council's e-planning website but will also form part of the Powerpoint presentation at the committee meeting.
- 57. As this is a details pursuant application providing details required under condition 31 on the main consent, there is no scope to place conditions on this consent. When a scheme is approved the developer must ensure that the development carried out fully accords with the approved details.

## **Conclusions**

58. It has been demonstrated that the proposed external lighting scheme provides the appropriate level of lighting for the permitted development whilst ensuring that light spillage beyond the boundary of the site is minimised in the interests of the residents in the locality, in accordance with the reason for the planning condition and NPPF paragraph 125, NSCLP policies EN1 and EN6 and CLP policy ENV1.

## **Recommendation**

59. It is RECOMMENDED that Application MW.0067/13 be approved

Martin Tugwell
Deputy Director (Strategy and Infrastructure Planning)

## Annex 2 - Report to 7 April 2014 Planning and Regulation Committee

For: PLANNING AND REGULATION COMMITTEE - 7 APRIL 2014

By: Interim Deputy Director for Environment & Economy (Strategy and Infrastructure Planning)

## **Development Proposed:**

Details Pursuant to Condition 31 (external lighting scheme) of Planning Permission 08/02472/CM (MW.0044/08)

**Division Affected:** Ploughley

Contact Officer: Mary Thompson Tel: Oxford 815901

**Location:** Ardley Energy from Waste Site

**Application No:** MW.0067/13

District Council Area: Cherwell

**Applicant:** Viridor

Date Received: 29 April 2013

**Consultation Period:** 30 May – 20 June 2013 (lighting submission)

11December – 3 January 2014 (amended lighting submission)

4 March – 25 March 2014 (additional photomontages)

#### **Contents:**

- Part 1 Facts and Background
- Part 2 Other Viewpoints
- Part 3 Relevant Planning Documents
- Part 4 Analysis and Conclusions

## Recommendation

The report recommends that the application be approved

## Part 1 – Facts and Background

## **Background and Details of Development**

- This application was originally presented to Planning and Regulation Committee on 13<sup>th</sup> January 2014. Committee resolved to defer consideration of this item. There was concern about the accuracy of the photomontages provided by the applicant to support the application and show the impact of the proposed lighting scheme. In particular, there was concern that the submitted photomontages included temporary construction lighting and therefore did not accurately show what the development would look like in the long term operational phase.
- Following this resolution the applicant provided further photomontages which
  do not show construction lighting and only show the impact of the long term
  operational external lighting as detailed in the submitted scheme.
- 3. These photomontages provide further background to help consultees understand the potential impact of the lighting scheme. Full details of the lighting scheme submission are detailed in the January report, which is appended.
- 4. There has been a minor change to the submitted lighting scheme as a result of a non-material amendment application which has been approved to allow a slightly widened haul road. Some lighting columns have been moved marginally to reflect the change to the alignment of the road. This amendment has no impact on the impact of the lighting scheme or the photomontages.

#### • Part 2 – Other Viewpoints

## **Consultations**

- 5. There is no statutory requirement to consult on details provided pursuant to conditions. However in this case two consultation periods were held on the proposed lighting submission. Specialist lighting advice was also sought from Atkins. The responses received are set out in the report to January Planning and Regulation Committee.
- 6. Following the submission of the additional photomontages, the Parish Councils, the neighbours who had objected and Atkins were consulted again. No additional comments were received from the Parishes or neighbours, but Atkins responded as below.
- 7. Atkins response on further photomontages Seeks confirmation whether aircraft warning lights on stack were not installed / operational at time of photo. Regarding montage sheet 3 asks for confirmation of the distance that the lanterns are below the horizon line. Query whether any illumination from the internal lighting could be shown.

8. In response to the comments from Atkins the applicant added details of the distance between the horizon line and the top of the lighting column to the photomontages and confirmed that the stack lights were in situ when the photos were taken. The condition does not require details of internal lighting and so this has not been added to the photomontage, which was intended to help consultees to visualise the impact of the submitted scheme.

## Part 3 – Relevant Planning Documents

## Relevant planning documents and legislation (see Policy Annex to the committee papers)

9. The relevant Development Plan and other policies are set out in Part 3 of the January report. The only change since that report was published is that the Draft Oxfordshire Minerals and Waste Core Strategy has been sent out for consultation. This document is at an early stage of preparation and as such the weight which can be given to the policies it contains is very limited. The consultation draft is out to consultation until 7th April 2014 and it is anticipated that it will be submitted to government for examination in March 2015. Notwithstanding the very limited weight that this plan currently has, it is appropriate to consider draft policies which are relevant to this development.

## **Relevant Policies**

10. In addition to the relevant policies set out in the January committee report, the following policy is relevant:

Draft Oxfordshire Minerals and Waste Core Strategy (Draft OMWCS) – policy C5 – General Environmental and Amenity Protection.

## Part 4 – Analysis and Conclusions

#### Comments of the Deputy Director (Strategy and Infrastructure Planning)

- 11. Draft OMWCS policy C5 states that proposals for waste development shall demonstrate that they will not have an unacceptable adverse impact on the environment, residential amenity and other sensitive receptors including from visual intrusion and light pollution.
- 12. Draft OMWCS policy C5 covers similar amenity matters to the Cherwell Local Plan and Non- Statutory Cherwell Local Plan policies set out in the January report. Specialist lighting advice has been obtained from Atkins and they have advised that the proposed lighting is appropriate and would not have an unacceptable impact on local residents. Therefore, it is considered that the proposed external lighting scheme is in accordance with draft policy C5.

## **Conclusions**

- 13. As set out in the January report, it has been demonstrated that the proposed external lighting scheme provides the appropriate level of lighting for the permitted development whilst ensuring that light spillage beyond the boundary of the site is minimised in the interests of the residents in the locality, in accordance with the reason for the planning condition and NPPF paragraph
- 125, NSCLP policies EN1 and EN6, CLP policy ENV1 and Draft OMWCS policy C5. The additional photomontages provide further reassurance that the proposed lighting would not have an unacceptable impact once installed.

## **Recommendation**

14. It is RECOMMENDED that Application MW.0067/13 be approved

PETER LERNER

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

March2014





