

For: PLANNING AND REGULATION COMMITTEE – 27 NOVEMBER 2017

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum

Division Affected: Eynsham
Contact Officer: David Periam **Tel:** 07824 545378
Location: Sheehan Recycled Aggregates Plant site Dix Pit,
Stanton Harcourt, Witney OX29 5BB
Application No: MW.0073/17 **District Ref:** 17
Applicant: Sheehan Haulage and Plant Hire Ltd
District Council Area: West Oxfordshire DC
Date Received: 15th September 2017
Consultation Period: 28th September – 19th October 2017

Contents:

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

Recommendation Summary:

Approval.

Part 1 – Facts and Background

Location (see Site plan 1)

1. The village of Stanton Harcourt lies about 200 metres to the north east of the application site and the towns of Witney and Eynsham are located about 5 kilometres (3 miles) to the north west and north east respectively. Oxford is about 10 kilometres (6 miles) to the east. The West Oxfordshire District Local Plan landscape character assessment places the application site within the Lower Windrush Valley and Eastern Thames Fringes Landscape Character Areas. The Oxfordshire Wildlife and Landscape Study identifies the site as falling within the landscape areas of Lowland Village Farmlands and River Meadowlands and the particular local landscape character of Stanton Harcourt.
2. The application site is the existing recycling aggregates facility which covers an area of 5.1 hectares. The existing site 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 conveyors). It adjoins to the east the Controlled Reclamation Landfill site (Con Rec).
3. In addition, there is a landfill site to the east, while further to the south there is a former block making works (Conbloc), a waste transfer station, 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. A fishing lake run by the Vauxhall Angling Club lies to the west. Agricultural land lies to the north-west and north-east.
4. Beard Mill, which is a grade II listed building, lies approximately 446 metres (320 metres to the property boundary) to the north-west of the existing Recycled Aggregates Plant site. It is separated from the application sites by the B4449 and a lake. There are other properties on the northern side of the B4449.
5. Stanton Harcourt Public Bridleway 12 has recently been permanently diverted from its previous route which was immediately to the north of and partly within the application site so that it now passes to the west of the recycling plant along the River Windrush.

History

6. The original application for the recycled aggregates plant [Ref: MW.0091/09, DC Ref: 09/0330/P/CM] was refused on 28 September 2009 but granted on appeal on 23 March 2011. A revised application for the facility [Ref: MW.0184/12, DC Ref: 12/1638/P/CM] was granted planning permission on 21 March 2013. This is accompanied by a routeing agreement which requires lorries associated with

the facility to not travel through Sutton during the morning and afternoon peak hours. A section 73 application addressing changes to the site's lighting was approved in 2015 (Ref: MW.0069/13, DC Ref: 13/0837/P/CM). A further full planning application to planning permission for an extension to the recycled aggregates plant area [Ref: MW.0003/14, DC Ref: 14/0142/P/CM] along with commensurate variations of conditions attached to permission no. MW.0184/12 was refused planning permission but granted planning permission on appeal in early 2016. The most recent planning permission for variations to conditions and a small extension to the north to incorporate a wheel bath [Ref: MW.0140/16, DC Ref: 16/04166/CM] was granted in 2017 and is the planning permission to which variation of condition 6 is now applied for. This permission is also subject to the routing requirements set out above. A non-material amendment application [Ref: MW.0089/17] to the current planning permission in order to re-locate the fencing and gates to enclose the wheel bath area is currently under consideration.

Details of the Development

7. The applicant proposes to vary condition 6 of the planning permission which currently restricts the facility to the importation of a maximum of 100,000 tonnes of waste material in any calendar year. It is proposed that the wording of the condition be varied to allow a maximum of 175,000 tonnes of waste material to be imported in any calendar year. No other changes to the planning permission are proposed. The applicant states that if planning permission is granted then a further 12 people would be directly employed.
8. In support of the application it is stated that since commissioning the plant the applicant has found it necessary to keep developing or altering the site to improve its efficiency and achieve the optimum outcomes in recycled aggregate production. To maximise efficiency it is now necessary to increase production and this can be done with no discernible additional impact on the environment. No more land or storage space and no further fixed plant would be required. It is advised that the Environmental Permit issued by the Environment Agency permits up to 250,000 tonnes of waste to be managed at the site. The applicant therefore considers that the Environment Agency believes that the Site can be effectively controlled and can operate safely and the environment within which it operates can be protected from harm even if it were proposed to operate at a much higher output than that proposed in this application. Because the proposal can be accommodated within the site's existing boundaries and by the plant's existing capacity the development may also overcome the need to establish other recycling plants perhaps on greenfield sites in less favourable locations.
9. The applicant considers that the only potential impact which the proposal could have arises from an increase in vehicle numbers going to and from the site. The proposal itself will not generate additional use of materials or more vehicles on Oxfordshire's roads because the need for construction materials at construction sites and the need to remove superfluous waste materials from those sites is determined, not by the availability of a waste site, but by the economy. This proposal would reduce the construction industry's reliance on virgin sands and gravels and reduce the numbers of vehicles travelling further afield to dispose of

construction wastes. It should reduce vehicle mileage overall on Oxfordshire's roads. The application is supported by a Transport Assessment which concludes that this would have no significant impacts on the highway. The additional lorries which will carry the extra waste materials entering the Site or processed materials leaving will be a maximum of 54 two-way movements per day (5 to 6 per hour) subject to daily variation, based on the assumption that the loaded lorry bringing raw materials leaves empty. This equates to an overall increase in traffic flow on the B4449 at any time of a maximum of around 3% at hours of lowest existing flows in late morning. In highway operational terms the B4449 currently operates well within capacity and could accommodate the small increase in HGV numbers.

10. Any permission granted to the application would be subject to the terms of the existing routeing agreement which restricts vehicles visiting the site from passing through Sutton at peak hours between 7.30 am and 9.00 am and 4.30 pm and 6.00 pm other than for local deliveries within Sutton or if directed, for example by the police due to an accident. There would therefore continue to be no movements through Sutton at peak hours as no movements are in any instance permitted in either direction. It is stated the applicant takes the routeing agreement very seriously and has recently purchased new software to combine with its existing vehicle tracking equipment so that any breaches of the routeing agreement can be readily identified and addressed. It is admitted that some breaches have been identified and the applicant is determined to prevent these from happening in future.
11. The applicant considers that the proposed variation of condition is in compliance with both development plan policies, including M1, W1 and C10 and national planning policy including section 4 of the National Planning Policy Framework which supports sustainable development.

Part 2 – Other Viewpoints

Representations

12. Three objections have been received to the application citing the following grounds:
 - i) The B4449 is of insufficient width, is bendy, has no cycle lane and is not designed to accommodate HGVs. The existing traffic causes considerable, ongoing damage to the road necessitating regular repairs and consequent expense to the OCC budget.
 - ii) There would be an increased danger to other road users including cyclists.
 - iii) The pavements in Sutton village are extremely narrow and pedestrians and school children alighting at the bus stop, and crossing the road, are regularly terrorised by HGVs speeding through the village well in excess of the 30 MPH limit inches from where they're walking.

- iv) The current 100 tonnes limitation should be scrapped altogether; permitting a 75% increase in tonnage would be a scandal and demonstrate beyond doubt the council favours the interest of commercial enterprises over the health and safety of the constituents it is elected to serve.
- v) Environmental damage to properties along the B4449;
- vi) Noise, vibration and other pollution to residents of properties along the B4449;

Consultations

- 13. Transport Development Control: Oxfordshire County Council, as the Local Highways Authority, do not object to the application. The applicant has included a thorough Transport Assessment which includes a detailed turning count at the junction of Blackditch and the B4449. There were 67 HGV movements associated with Dix Pit HGVs, so a 75% increase would result in an additional 50 movements. A worst-case of 54 movements has been calculated assuming an even spread through the year, so it can be assumed that the count is representative. The count demonstrates that three-quarters of the Dix Pit HGVs travel to/from the east, through the village of Sutton. Therefore, this will equate to approximately 38 extra HGV movements over a 12-hour period. As these trips are banned during the peak hours by a routeing agreement, it will average out at around two additional movements per hour in each direction outside of peak hours. This represents an increase of roughly 14% in the total number of HGVs passing through Sutton in a 12-hour period (eastbound has the highest flows, up from 127 to 145). When compared to the overall traffic flow eastbound through Sutton, the additional HGV trips would result in a 1% increase in vehicles. Therefore, although the extra HGV movements may be noticeable, it is not considered to be reason for objection.
- 14. County Council's Ecology Officer – No objection.
- 15. West Oxfordshire District Council: Having considered the amendment, WODC has no objection. However, the District Council has concerns with the significant increase of waste being delivered to the site in any calendar year, specifically the impact of the increase in traffic, vehicular movements and noise on the amenity of those in the neighbouring villages.
- 16. No other consultation responses have been received on the application.

Part 3 – Relevant Planning Documents

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

- 17. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

18. The relevant development plan documents are:
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - West Oxfordshire Local Plan 2011 (saved policies) (WOLP)
19. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites.
20. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were 'saved' until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are non-strategic site-related policies.
21. Other material considerations are:
- i) The Emerging West Oxfordshire Local Plan 2011-2031 (EWOLP) was submitted to the Planning Inspectorate for independent examination in July 2015. The first hearing sessions were held in November 2015, following which the examination was suspended until December 2016 to allow further work to be undertaken in relation to housing need. The Council consulted upon the Proposed Modifications in December 2016. Stage 3 of the examination hearings took place in July 2017. The District Council is now undertaking further work. The plan is therefore at an advanced stage and it is appropriate to consider draft policies which are relevant to this development.
 - ii) The National Planning Policy Framework (NPPF) and National Planning Policy for Waste are also material considerations.

Relevant Policies

22. The relevant policies are:

OMWCS

- M1 - Recycled and secondary aggregate
- W1 – Oxfordshire Waste to be managed
- W2 – Oxfordshire Waste Management targets
- W3 – Provision for waste management capacity and facilities required
- W4 – Locations for facilities to manage the principal waste streams
- W5 - Siting of waste management facilities
- C1 - Sustainable Development
- C2 – Climate Change
- C5 – Local environment, amenity & economy

C10 – Transport

OMWLP 1996

SH2 – Transport impact in Sutton
SH3 – Routeing agreements

WOLP 2011

BE2 – General Development Standards
BE3 – Movement and parking
BE18 - Pollution
T1 – Traffic generation

EWOLP

OS1 – Presumption in Favour of Sustainable Development
EH6 – Environmental Protection

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

23. The reason given for the existing condition 6 which limits the importation to 100,000 tonnes per calendar year is: “To control the amount of HGV traffic on the local road network and in the interests of road safety.” I consider that the key issues to be considered are:
- i) whether the development is in general compliance with OMWCS policies with regard to waste management including increasing waste recycling and the production of secondary aggregate material;
 - ii) whether the additional impact of a further 75,000 tonnes per annum, which is a considerable increase on the existing limitation, would have an unacceptable impact in terms of highway safety and the capacity of the local road network; and
 - iii) whether there would be a significant and unacceptable additional impact on the amenity of local residents and other road users.

Waste management

24. The existing planning permission provides for the recycling of up to 100,000 tonnes of waste material per annum with the production of secondary aggregate material. The proposed development is to increase this to 175,000 tonnes per annum. It therefore accords with the aims of OMWCS policy M1 which states that so far as is practicable, aggregate mineral supply to meet the demand in Oxfordshire should be from recycled and secondary aggregate minerals in preference to primary aggregates, that provision will be made for facilities for the production and supply of 0.926 million tonnes per annum and that the production and supply of recycled and secondary aggregates will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. It also accords with the aims of OMWCS policy W1 which states that provision will be made for waste management facilities

that allow Oxfordshire to be net self-sufficient in the management of its municipal waste, commercial and industrial waste, and construction, demolition and excavation waste over the period to 2031. Further it accords with the aims of OMWCS policy W2 which states that provision will be made for capacity to manage Oxfordshire's principal waste streams to provide for the maximum diversion of waste from landfill. The target given for the period to 2030 is 70% for construction, demolition and excavation waste. It also follows that it is in compliance with the aim of policies.

25. OMWCS policy W3 sets out the need for at least 326,800tpa of additional waste management capacity up to 2031 and states that specific sites to meet this requirement will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. This application would help the County meet its targets for the recycling of construction, demolition and excavation waste.
26. OMWCS policy W4 states that strategic waste management facilities, which are those managing 50,000 tonnes per annum of waste or more, should normally be located in or close to the county's major urban areas which includes Oxford. The site chiefly serves waste generated in Oxford and the surrounding area. OMWCS policy W5 supports the location of waste management sites at sites already in that use. As a variation to a planning permission for an existing facility, the application complies with that policy.
27. OMWCS policy W5 states that priority will be given to siting waste management facilities on land which is at an active mineral working or landfill site. This policy supports the location of an inert waste disposal facility at an active mineral working.

Highway capacity and safety

28. NPPF paragraph 32 states that all development that generates a significant amount of movements should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.
29. Policy C10 of the OMWCS states that waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Routes Maps. Policy C10 goes on to state that waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area. It also requires that proposals for waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement,

as appropriate, including mitigation measures where applicable and that where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution. It also states that where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

30. WOLP policy T1 states that proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than private car is not realistic. Saved OMWLP policy SH2 states that planning permission will not be granted for development which would significantly increase traffic in Sutton, or prolong significant traffic intrusion, unless the Sutton Bypass has been constructed and brought into use. Saved OMWLP policy SH3 states that the County Council will seek routeing agreements to limit the use of the A415 through Standlake and southwards over Newbridge.
31. The application is supported by a Transport Assessment and, as set out above, the Highways Authority considers that the proposed development would be acceptable and has no objection to the application. The B4449 through Sutton is one of the advisory lorry routes identified on the Oxfordshire Lorry Routes map. The existing waste management facility serves an area in the south of the county but includes Oxford.
32. Whilst I note the concerns raised by local residents with regard to the danger caused by HGVs passing through Sutton to pedestrians and cyclists I do not therefore consider that an objection to the application in terms of highway safety or capacity could be sustained. With regard to the provisions of policies SH2 and SH3, whilst these are saved policies and still part of the development plan, the more recent OMWCS policy C10 identifies the B4449 as an advisory lorry route and the site does benefit from a safe and suitable access to it via the Blackditch. Regarding sustainable transport modes, it is considered that there are no practical opportunities for more sustainable transport modes at this site which is not close to any railway or waterway.
33. It is therefore considered that the proposed development is generally in accordance with the NPPF and the above development plan policies with regard to highway capacity and safety.

Amenity

34. Policy C5 of the OMWCS states that proposals for waste development shall demonstrate that it will not have an adverse effect on the local environment; human health and safety; residential amenity; and the local economy from impacts including noise, dust, visual intrusion, light pollution, traffic and air quality. Policy BE2 of the WOLP states that new development should clearly respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment. Policy BE3 of the WOLP states that development should make provision for the safe movement of people and vehicles whilst minimising

impact upon the environment. Policy BE18 of the WOLP seeks to prevent development which would generate unacceptable levels of pollution and policy BE19 of the WOLP seeks to prevent development causing significant noise disturbance. EWOLP policy EH6 makes similar provision. Paragraph 7 of the NPPW states that in determining waste planning applications consideration should be given to the impact on amenity.

35. Objection has been raised with regard to the amenity impacts of the application through traffic passing through Sutton in terms of noise, vibration and other pollution both to local residents and other road users but also to properties and through the proximity of traffic to pedestrians on narrow pavements.
36. Members will recall that at the meeting of this committee on 16th October 2017, an oral report was presented at the request of the local member with regard to alleged breaches of the existing routeing agreement. Since that time, your officers have carried out five periods of monitoring during peak hours when the routeing agreement restricts vehicles leaving or visiting the site passing along the B4449 through Sutton. On one of these, on 23rd October, officers recorded five breaches well within the 7.30 am to 9.00 am restricted period and three which were on the cusp of 9.00 am and which the applicant's tracking records record as having been just after 9.00 am. No breaches were recorded on any of the other four monitoring periods, three of which were subsequent to 23rd October. As set out above, the applicant has maintained their commitment to seeking to ensure compliance with the routeing agreement and following the breaches identified issued a note to all contractors as follows:

"It has been noted that contractor lorries went through Sutton on 23rd October between 07:30 – 09:00.

This is strictly prohibited as stated on site signage when entering and exiting Dix Pit.

The routing restriction states that under no circumstance can any HGV vehicle visiting Sheehan's Dix Pit site travel through Sutton between 7.30am – 9.00am and 4.30pm – 6pm.

This includes during the school holidays.

Failure to comply with this restriction will result in an official warning, and subsequent financial penalties and ultimate site ban.

I appreciate this is a firm stance, however this is an obligation made by the company to the local planning authority which must be adhered to.

We appreciate your co-operation."

37. The applicant has not requested that the routeing agreement be removed and so it will continue to apply should planning permission be granted to this application by virtue of a clause which states it will continue to apply to any planning permissions varying the terms of the permission. I am therefore

satisfied that the applicant is now using its best endeavours to secure compliance with the agreement. Clearly if no vehicles to or from the site pass through Sutton at peak times then they are not during those times causing any impact on amenity.

38. Clearly there would be additional HGV traffic associated with the site outside peak hours should planning permission be granted to this application and to it then being implemented. The application states that the maximum additional HGV traffic projected would be 54 movements per day, 27 in, 27 out, which equates to 5 to 6 additional vehicle movements per operational hour. The traffic associated with the current limitation of 100,000 tonnes per calendar year, which was originally attached to the first permission granted on appeal and which has been carried forward on each subsequent planning permission for the site, has clearly been judged to be acceptable previously although this is not to say that the concerns raised in objection by local residents are not reflective of the impact of traffic passing through Sutton. As officers have observed during their site monitoring, the B4449 is clearly a well-used road during peak hours and HGVs unconnected with the application site were observed passing through Sutton in both directions, some considerably larger than the tipper lorries which would generally be associated with the application site.
39. To suggest that there is no noticeable impact on the amenity of local residents from the existing traffic, particularly where the B4449 passes through Sutton is therefore unrealistic, but the vehicle movements associated with the application site are a relatively small proportion of these and even with the proposed increase, this would continue to be the case. For planning permission to be refused on amenity grounds it would therefore be necessary to demonstrate that the additional vehicle movements proposed, which would be outside peak hours, would have a significant and detrimental impact over and above the existing situation which has been considered previously to be acceptable. Whilst I have considerable sympathy with the concerns of local residents and which have been often expressed by the local member, I do not consider that a refusal of planning permission on this ground could be sustained on appeal.
40. Some consideration must also be given as to whether there would be any significant additional impact on amenity arising from the additional level of waste handling and processing works on site which would occur should the application be approved and implemented. The applicant has stated that there would be no requirement for additional fixed plant or additional storage areas. An extension to the site was granted on appeal following a public inquiry in January 2016 and this has been implemented and is in use. Other than the variation of condition proposed, all other conditions including those which require compliance with the approved drawings, hours of operation and noise levels would continue to apply. I do not therefore consider there would be any additional significant impact on amenity arising from the works on site as a consequence of this application.

Sustainability

41. The NPPF sets out a presumption in favour of sustainable development, which is supported in policy OS1 of the EWOLP and policy C1 of the OMWCS. OMWCS policy C2 requires waste development to take account of climate change for the lifetime of the development from construction through operation and decommissioning. The proposed variation would clearly increase the use of fossil fuels through the generation of the additional vehicle movements proposed and to this extent it would make an additional albeit limited contribution to increased CO₂ emissions. In the balance however, it would facilitate up to a 75% increase in the amount of waste material imported and recycled as secondary aggregate materials, some of which could then be used to displace the need for primary aggregate materials to be extracted and used albeit in a limited way when the overall demand for mineral is taken into consideration. It is considered that the application would have limited impacts in Climate Change terms but overall it continues to be a sustainable development in economic, social and environmental terms which should be supported.

Conclusions

42. The development proposed in application no. MW.0073/17 is acceptable. Therefore planning permission should be granted subject to the requested revised wording of condition 6 but with all other conditions continuing to apply other than as may be amended should Non-material amendment application no. MW.00889/17 be granted.

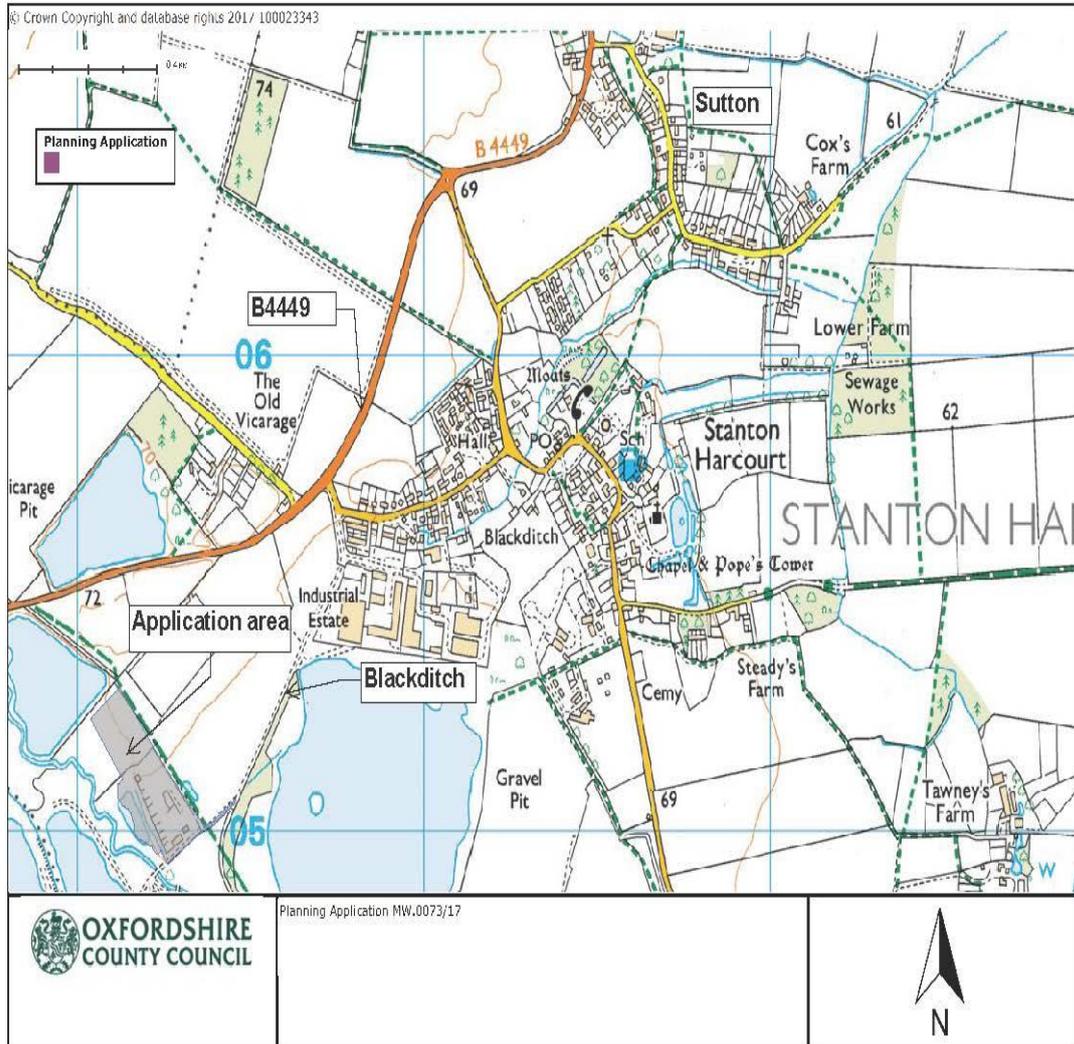
Recommendation

- 43 The Committee is RECOMMENDED to approve Application MW.0073/13 subject to the existing conditions other than as may be amended should non-material amendment application no. MW.00889/17 be granted and to condition 6 reading as follows:**

No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request. Separate records shall be kept on site of any topsoil or other soil materials imported solely for use in the restoration of the Controlled Reclamation Site permitted subject to planning permission no. MW.0141/16 (16/04159/CM).

SUE HALLIWELL
Director for Planning and Place

November 2017



Annex 2 - European Protected Species

The County Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.