

For: PLANNING AND REGULATION COMMITTEE - 8 JANUARY 2017

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Continuation of the development permitted by MW.0044/08 (the construction and operation of an energy from waste and combined heat and power facility together with associated office, visitor centre and bottom ash recycling facilities, new access road and weighbridge facilities and the continuation of landfill operations and landfill gas utilisation with consequent amendments to the phasing and final restoration landform of the landfill surface, water attenuation features and improvements to the existing household waste recycling centre) without complying with conditions 1 and 3, in order to allow an import of 326 300 tonnes per annum to the Energy Recovery Facility.

Division Affected: Caversfield, Ambrosden and Chesterton

Contact Officer: Mary Thompson **Tel:** 07393 001 257

Location: Ardley Energy Recovery Facility, Middleton Stoney Road, Ardley, OX27 7AA

Application No: MW.0085/17 **District No:** 17/02104/CM

Applicant: Viridor

District Council Area: Cherwell

Date Received: 9 October 2017

Consultation Period: 19 October – 9 November 2017

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Recommendation

The report recommends that the application (MW.0085/17) be **approved**.

• Part 1 – Facts and Background

Location (see plan 1)

1. The site is located 18km (11 miles) north of Oxford and 3km (2 miles) from Bicester. Nearby villages include Ardley 1.5 km (1 mile) from the site, Middleton Stoney 2 km (1.2miles), Bucknell 1.3 km (0.7 mile) and Upper Heyford 2.5 km (1.5 miles).

Site and Setting (see plan 2)

2. The application site comprises the existing Energy Recovery Facility (ERF) and landfill site. These are located within a former limestone quarry. The ERF is in the south east of the site. The landfill site to the north is undergoing restoration but filling of the void has not yet been completed. The site also includes a Household Waste Recycling Centre (HWRC) which lies adjacent to the landfill access.
3. The ERF has a direct access from the B430, which is separate from the access for the landfill and HWRC which is further north on the B430.
4. Ardley Trackways geological SSSI lies immediately south of the ERF building. Ardley Cutting and Quarry geological SSSI lies along the railway line to the north of the site.

Planning History

5. Planning permission for the ERF was granted in February 2011 following an appeal. In the original planning documents the facility was referred to as an Energy from Waste plant (EfW). The plant became fully operational in November 2014.
6. The planning permission for the ERF (MW.0044/08) also controls the landfill and HWRC. Permission for the HWRC expires at the end of 2018 and permission for landfilling expires at the end of 2019. A separate planning application (MW.0103/17) has been submitted for the retention of the HWRC until 2026. The consultation on that application runs until 8th January 2018. Import of waste to the landfill is currently limited to inert soils as non-hazardous waste coming into the site is processed in the ERF.
7. The current planning permission has an associated routeing agreement which requires all traffic to use the B430 north of the site entrance only, the M40 and the A43. Other routes are prohibited. This means that HGVs cannot travel through local villages (other than the B430 through Ardley) or south on the B430.
8. The current planning permission is also subject to a Section 106 legal agreement which covers aftercare of the restored site, a travel plan,

contributions for rights of way and transport, access to the quarry geological face and diversion of a bridleway.

Details of the Development

9. It is proposed to change a condition on the existing planning consent in order to increase the amount of waste that can be processed by the ERF from 300 000 tonnes per annum (tpa) to 326 300tpa. This change would make the maximum throughput on the planning permission consistent with the maximum tonnage on the Environmental Permit issued by the Environment Agency. The application states that a throughput of 326 300 tpa would allow the ERF to operate at its maximum thermal output.
10. Condition 3 on the existing consent currently limits the combined waste import to the landfill and ERF to 500 000tpa, until the completion of landfilling. It is not proposed to exceed this maximum and therefore until the end of 2019 the only change would be to how the waste imported to the site is split between the ERF and the landfill. However, the permission requires landfilling to be complete by the end of 2019. After this date under the current permission the total throughput to the site would reduce to 300 000 tpa to the ERF. Therefore, the proposal to increase the ERF throughput to 326 300 tpa would lead to a 26 300tpa increase to the waste permitted to be imported to the site from the start of 2020.
11. Condition 1 would also need to be amended, as this lists the approved plans and details which include reference to a 300 000tpa maximum throughput for the ERF. It is proposed to insert reference to this application to make it clear that references to a maximum throughput of 300 000tpa in the original application documents have been superseded. It is also proposed to insert a reference to the 326 300tpa maximum into condition 3 to make it clear what the maximum annual throughput is.
12. Annex 1 contains the proposed new wording for conditions 1 and 3. Annex 2 contains the complete list of current conditions on consent MW.0044/08.
13. No other changes are proposed. There would be no changes to the ERF building or stack height, or to the landfill site and HWRC which are also covered by consent MW.0044/08. No change is proposed to the approved hours for vehicle movements.
14. The ERF runs continuously 24 hours a day and 7 days a week. Once or twice a year it is shut for planned maintenance. Fewer hours have been lost to such closures than originally anticipated, which is why the operator now considers that the maximum annual capacity of the plant is 326 300tpa, rather than 300 000tpa as stated in the original application.
15. Until the end of 2019 there would be an increase in vehicle movements of 1 movement per day, required to remove combustion by-products, as

a result of the proposed change. It would not lead to additional movements related to waste import because the current maximum combined throughput for the site of 500 000tpa would not be exceeded.

16. After the closure of the landfill at the end of 2019, under the current permission the waste imports to the site would fall to the current ERF throughput of 300 000tpa. This proposal would therefore lead to a 26 300tpa increase in permitted throughput from the start of 2020, which would result in more vehicle movements after that date than under the current consent. There would still be a fall in the number of vehicle movements after the end of 2019 compared to the current situation up until the end of 2019 as permitted throughput would fall from 500 000tpa until the end of 2019 to 326 300tpa from the start of 2020.
17. There would be an estimated 10 additional HGV movements per day (on average) to the ERF after the end of 2019, compared to what is currently expected based on the permitted tonnage after that date, as a result of this development. This includes vehicles importing waste and exporting by-products.
18. No amendments are proposed to the landfill, although the application makes reference to a possible future planning application in relation to this.
19. This application is accompanied by an Environmental Statement, the findings of which are summarised in Annex 3.

• Part 2 – Other Viewpoints

Representations

20. No letters of representation have been received.

Consultation Responses

21. Ardley Parish Council – No response received.
22. Middleton Stoney Parish Council – Our members have no objection to the proposed increase in tonnage. However, they wish to restate that any movements to and from this site must adhere strictly to the existing routeing agreement.
23. Bucknell Parish Council – Object. There has been no change in circumstances since the condition restricting tonnage was imposed justifying its removal. The tonnage limit imposed by the EA is irrelevant to the tonnage limit imposed by the planning condition. The applicant's arguments to justify the tonnage increase based on the waste criteria are ill-founded. The applicant has not addressed the detrimental impact on the local community of the consequences of the proposed increase in tonnage. There have been a number of concerns since the plant became

operational, including in relation to escape of IBAA dust, water discharge, light pollution and traffic. An increase in tonnage would exacerbate the situation. Live information about emissions has not been provided, an increase in throughput would increase emissions and the risk of toxicity. An hourly maximum should be imposed. A greater throughput would mean more IBAA and a greater risk of it escaping. Bucknell has experienced unexplained flooding and any increase in tonnage throughput will only increase the risks to the local watercourses. The opportunity should be taken to add a condition to reduce the amount of light emanating from the site. Any increase in traffic movements would have a negative impact on the community and is not acceptable. The ERF was permitted to meet Oxfordshire's waste needs; the 300 000 tonne limit is well in excess of Oxfordshire's needs.

24. Cherwell District Council – No objections.
25. Environment Agency – No objection.
26. Thames Water – No response
27. Natural England – No objection. Consider that the proposed development would not damage or destroy the interest features for which the Ardley Quarry and Cutting SSSI has been notified. The air quality modelling report submitted with the application indicates that increases in traffic generated by the proposals on roads within 200m of the SSSI will not result in increases in N deposition or NO_x of more than 1% of the critical loads or levels. Additionally, it is understood that the proposed increase in waste to be processed is covered by the existing Environmental Permit for the site. Natural England is therefore satisfied that increases in aerial emissions resulting from the proposals are unlikely to cause significant harm to the SSSI. It is understood that the proposals use existing buildings and infrastructure and therefore no other impacts on designated sites are likely.
28. Historic England – No comments
29. Highways England – No objections.
30. OCC Transport Development Control – No objection, subject to routeing agreement. The junction at the ERF access is considered to have sufficient capacity to accommodate increased number of vehicles. There is an existing routeing agreement that would need to be updated to include this application should it be permitted. Given the relatively small predicted impact on the overall traffic flows and HGVs in particular, the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
31. OCC Rights of Way – No objection. Concerned about the increase in traffic at the ERF junction which is relatively close to the junction of the B430, bridleway 27 and the Heyford Road/proposed in-field bridleway

access track. This increase in traffic would require the installation of a signal controlled crossing facility. There is a funding gap for this requirement under the original Section 106. Therefore, an additional contribution of £46k is sought for the installation of a crossing.

32. OCC Public Health - No comments or concerns with regard to this application.
33. OCC Ecology Officer – No objection.
34. OCC Arboricultural Officer - No objections to the application from a tree perspective.
35. OCC – Environmental Strategy – No response
36. OCC Drainage – No response
37. OCC Countryside Access – Concerned about the transfer of traffic away from the landfill to the ERF access as the ERF access point is in relatively close proximity to the junction of the B430, bridleway 27 and the Heyford Road/proposed in-field bridleway access track and will create a potential safety risk. Seek additional funding towards a Pegasus or modified-Pegasus crossing at that point.

Part 3 – Relevant Planning Documents

Relevant Planning Policies – (see policy annex)

38. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
39. The relevant development plan documents are:
 - The Oxfordshire Minerals and Waste Core Strategy 2031 Part 1 (OMWCS)
 - The Oxfordshire Minerals and Waste Local Plan 1996 (OMWCS) (saved policies)
 - Cherwell Local Plan 1996 (CLP 1996) (saved policies)
 - Cherwell Local Plan 2011-2031 Part 1 (CLP)
40. The Government's National Planning Policy Framework (NPPF), The National Planning Policy Guidance (NPPG) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions.
41. Cherwell District Council are preparing a Part 2 to the Adopted Cherwell Local Plan 2011-2031 which will contain non-strategic site allocations and development management policies. An issues consultation was held in early 2016. This plan is at an early stage and there are not yet draft policies to consider.

Relevant Policies

42. The relevant development plan policies are:

- Oxfordshire Minerals and Waste Core Strategy 2031(OMWCS)

C1 Sustainable development

C2 Climate change

C5 Local environment, amenity and economy

C7 Biodiversity and geodiversity

C10 Transport

W1 – Oxfordshire waste to be managed

W3 - Provision for waste management capacity and facilities required

W4 – Locations for facilities to manage the principal waste streams

W5 – Siting of waste management sites

- Oxfordshire Minerals & Waste Local Plan 1996 (saved policies)

There are no relevant saved policies.

- Cherwell Local Plan 1996 (CLP 1996) (saved policies)

TR7 – Development attracting traffic on minor roads

TR10 – Heavy goods vehicles

C1 – Protection of sites of nature conservation value

ENV11 – Proposals for installations handling hazardous substances

- Cherwell Local Plan 2011-2031 Part 1 (CLP)

PSD1 – Presumption in favour of sustainable development

ESD2 – Energy hierarchy and allowable solutions

ESD5 – Renewable energy

ESD10 – Protection and enhancement of biodiversity and the natural environment

Comments of the Director for Planning and Place

Waste Policy

43. OMWCS policy W1 states that provision will be made for waste management facilities to provide capacity that allows Oxfordshire to be net self-sufficient in the management of its municipal waste, commercial and industrial waste, construction, demolition and excavation waste and agricultural waste over the period to 2031. The ERF is contributing towards waste management capacity in the county and the aim of net self-sufficiency.

44. The OMWCS does not identify the need for any additional capacity for residual waste treatment before the end of the plan period. However, neither does it set any cap on further capacity for this type of waste management. Therefore, although there is no identified need for the additional capacity, this is not in itself a reason to refuse the application.

45. However, OMWCS policy W3 states that proposals for non-hazardous residual waste treatment will only be permitted if it can be demonstrated that the development would not impede the movement of waste up the hierarchy, and that it would enable waste to be recovered at one of the nearest appropriate installations. The application seeks to demonstrate that the provision of additional capacity for waste treatment would not prevent waste from moving further up the waste hierarchy, for example by being recycled. The application states that there is municipal waste currently being landfilled in Oxfordshire, from which energy could be recovered. It also confirms that waste would be sourced from transfer stations and the waste will have already been subject to sorting to remove recyclable waste. Therefore, it is accepted that the proposed increase to the tonnage is in accordance with the requirements of OMWCS policy W3.
46. OMWCS policy W4 sets out the locations where strategic, non-strategic and local waste management facilities should be located. The facility is within the zone around Bicester that is identified as suitable for strategic waste management facilities with a throughput exceeding 50 000tpa. Therefore, the proposal is in accordance with this policy.
47. OMWCS policy W5 sets out locations in which priority will be given to siting waste management facilities. As the site is already in waste management use, it would currently be considered a 'priority location' for waste management facilities in line with this policy.

Air Quality

48. OMWCS policy C5 states that proposals for development shall demonstrate that they will not have an unacceptable adverse impact on the local environment or human health including from (amongst other things) air quality. CLP policy ESD10 states that air quality assessments will be required for development proposals that would be likely to have a significant adverse impact on biodiversity by generating an increase in air pollution.
49. The Environment Statement includes an assessment of the impact of the increase in tonnage on air emissions. It concludes that there would be no significant effects on either human receptors or ecological receptors. There has been no objection to the proposals from the Ecology Officer, Natural England or the Public Health officer.
50. The development is considered to be in accordance with OMWCS policy C5 with regard to air quality.

Traffic

51. CLP 1996 policy TR7 states that development that would regularly attract large commercial vehicles onto unsuitable minor roads will not

normally be permitted. Similarly, CLP 1996 policy TR10 states that development that would generate frequent HGV movements on unsuitable urban or rural roads will not be permitted.

52. The ES concludes that traffic impacts as a result of the increased tonnage would not be significant. Transport Development Control have not objected to the proposal and consider that the existing access junction has sufficient capacity to accommodate the increased number of vehicles and that the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
53. The proposal would increase HGV movements on the B430. However, the increase compared to existing movements would be small. The road is considered adequate for the volumes of traffic proposed and the majority of HGV traffic would travel only a short distance on the B430 before reaching the M40 and A43 junction. The routing agreement would ensure that vehicles would not travel on unsuitable minor roads in the area and therefore it is recommended that the provisions of the existing routing agreement are brought forward to any new permission issued. Subject to this, the development is considered to be in accordance with CLP 1996 policies TR7 and TR10.
54. OMWCS policy C10 states that waste development will be expected to make provision for safe and convenient access onto the advisory lorry routes shown on the Oxfordshire Lorry Routes Map. The B430 is shown as a local access route on this map. Therefore, the access arrangements for the additional vehicle movements proposed would be in accordance with this policy.

Rights of Way

55. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and improvements and enhancements to the rights of way network will generally be encouraged.
56. The Rights of Way team have not objected to the application, but have requested a contribution towards a new crossing facility for bridleway 27, as the proposals would increase traffic at the ERF junction, which is relatively close to the point where the bridleway meets the B430. The applicant has not agreed to make this contribution and have stated that they do not consider it to be justified given the relatively low increase in vehicle movements at the ERF site access.
57. The development would lead to an increase in vehicle movements of 10 per day and there is no objection from Transport Development Control. Therefore, there is not considered to be a conflict with OMWCS policy C11 as the small increase in traffic would not cause significant harm to the amenity of the bridleway. Overall it is not considered that the contribution proposed by the Rights of Way team is necessary to make the development acceptable, although it would be supported by OMWCS

policy C11, which encourages improvements and enhancements to the rights of way network.

58. The development is considered to be in accordance with OMWCS policy C11, regardless of the applicant's unwillingness to provide a financial contribution towards rights of way.

Amenity

59. OMWCS policy C5 states that proposals for waste development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy. This includes through noise, traffic, air quality, light pollution, visual intrusion, litter and the cumulative effect of development. As there is no change proposed to the building itself, the activities taking place inside or the operating hours the potential impacts on amenity would be limited. The increase in traffic could cause additional amenity impacts and the increase in throughput would result in an increase in air emissions, however the ES concludes that these would not be significant. It is considered that the limited increase in vehicle movements would not lead to any additional significant unacceptable adverse impacts. Therefore, the proposal is considered to be in accordance with OMWCS policy C5.
60. CLP 1996 policy ENV11 states that proposals for installations handling hazardous substances will not be permitted in close proximity to housing and other landuses which may be incompatible from a safety viewpoint. The ERF creates hazardous waste in the form of air pollution control residues from the stack. The proposed increase to the annual throughput would result in a corresponding increase to the hazardous waste produced on site. However, it is considered that the existing facility has satisfactory procedures for handling and removing this waste such that it does not pose a safety or health risk and the proposed increase in tonnage would not have any significant impacts in this regard. The County Council as Public Health Authority has raised no objection to the application. The proposal is considered to be in accordance with CLP 1996 policy ENV11.

Biodiversity and Geodiversity

61. OMWCS policy C7 states that waste development should conserve and, where possible, deliver a net gain in biodiversity. Development likely to have an adverse impact on a SSSI will not be permitted except where the benefits outweigh the harm.
62. CLP 1996 policy C1 states that development which would result in damage to or loss of SSSIs will not normally be permitted.
63. CLP policy ESD10 states that biodiversity and the natural environment will be protected and enhanced. A net gain for biodiversity will be sought.

Damage to sites of biodiversity or geological value of national importance will not be permitted unless the benefits clearly outweigh the harm.

64. There has been no objection from the Ecology Officer. The proposed increase in tonnage would not affect the geological SSSI adjacent to the ERF building. It is considered that the development would comply with policies protecting biodiversity and geodiversity, including OMWCS policy C7, CLP 1196 policy C1 and CLP policy ESD10.

Other Issues

65. As there would be no changes to the ERF building, there would be no impact on landscape, flooding or the water environment, agricultural land or soils, archaeology or rights of way.
66. A new legal agreement would be needed to ensure that the provisions in the existing Section 106 agreement relating to the existing development are carried forward should a new planning permission be issued.
67. Bucknell Parish Council has objected on the basis that there has been no change in circumstances to justify an amendment to the tonnage. They are concerned that that the current 300 000tpa capacity is already well in excess of Oxfordshire's needs. However, as set out above the relevant planning policy does not set a cap on waste treatment capacity. The application explains that the maximum throughput at the plant is higher than originally anticipated as the plant has lost less time to planned maintenance than anticipated. The original tonnage limit was set in 2011 when the original permission was issued. The proposal must be considered against relevant current policies and other material considerations.
68. Bucknell Parish Council are also concerned that amenity impacts from the existing operations would be exacerbated by an increased tonnage. They are concerned that live information about emissions has not been made available. However, this is a matter for the Environment Agency under the monitoring of the waste permit. Amenity impacts have been addressed above and neither the County Council as Public Health Authority nor the Environment Agency have raised objections to the application.
69. Bucknell Parish Council are also concerned that the storage area for Incinerator Bottom Ash Aggregate (IBAA) has already reached capacity and that an increase in tonnage would increase the generation of IBAA and the risk of it escaping. Both processed Incinerator Bottom Ash Aggregate (IBAA) and unprocessed Incinerator Bottom Ash (IBA) are stored in designated areas in the ERF complex. IBA is processed to produce IBAA which is then sold for use as an aggregate in construction projects. The storage of these materials is covered by planning conditions which are regularly monitored. It is considered that ensuring

that excessive quantities of IBA and IBAA do not build up at the storage on site is a matter of good management and the limited increase in throughput would not prevent the applicant from complying with conditions setting out how these materials should be stored.

70. Bucknell Parish Council is concerned about flooding and the discharge of leachate, including in relation to the landfill site. There would be no change to the landfill or to the surface water drainage for the ERF site as a result of the current proposals. These matters are controlled by conditions on the consent.
71. Bucknell Parish Council acknowledge that the proposed increase in tonnage would not have an impact on light levels, but consider that this could be an opportunity to impose a condition to reduce light nuisance from the site. Whilst this issue has been of concern and has been raised and considered both by this committee and at the Local Liaison Committee, this is not within the scope of this application which should make no difference to the lighting requirements of the facility should it be permitted. However, an informative could be attached to any planning permission granted asking that the operator continue to seek ways of reducing the impact of lighting from the facility.
72. Bucknell Parish Council considers that any increase in traffic would have an impact on the local community and this would be unacceptable. However, the increase in traffic movements needs to be assessed against planning policy. There is no policy justification for refusing an application on the basis of an increase in traffic movements which has been assessed as insignificant and which will not cause an unacceptable adverse impact as set out in OMWCS policy C5. The routeing agreement would ensure that HGVs travel only a short distance along the B430 to the motorway junction. HGVs would not travel on unsuitable minor roads, or have any direct impact on Bucknell.

Sustainable Development

73. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles and this is reflected in OMWCS policy C1 and CLP policy PSD1. OMWCS policy C2 states that applications for development should adopt a low carbon approach.
74. CLP policy ESD2 states that an energy hierarchy will be promoted in order to achieve carbon emissions reductions. This includes making use of renewable energy. CLP policy ESD5 supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily.
75. The ES contains a carbon assessment which concludes that there would be significant carbon benefits from the proposed change to the throughput at the ERF, as it would divert waste from landfill. The

proposal is considered to be in accordance with policies supporting sustainable development.

Conclusions

76. The proposed development is considered to be in accordance with relevant development plan and emerging plan policy related to waste, air quality, traffic, rights of way, traffic, biodiversity and geodiversity and sustainable development.

RECOMMENDATION

77. **It is RECOMMENDED that subject to a supplementary legal agreement to ensure that the provisions of the existing Section 106 and routeing agreements are carried forward that planning permission for Application MW.0085/17 be approved subject to conditions as on consent MW.0044/08 amended as set out in Annex 1 to this report.**

SUSAN HALLIWELL
Director for Planning and Place

December 2017

Annex 1 – Proposed Revised Wording for Conditions 1 and 3

1. The full wording of conditions on the existing consent is set out in Annex 2.
2. The changes to conditions 1 and 3 suggested by the applicant to achieve the changes proposed are set out below:
 1. *The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of the permission and by planning application MW.0085/17 (17/02104/CM). The approved plans and particulars comprise: application form (undated), planning support statement, letter dated 13th November 2008 covering amendment to the application form, gas management plan, tree survey plans TS/1 and TS/2, site survey plan 2/3, section through split level CA site plan 3/17 and office elevations plan 3/18, letter dated 4th March 2009 including item 4A sewage treatment plant, item 5A HWRC plan 3/14, item 6A existing access plan 4-1 and item 7A planning support statement comments, and plans 2/1, 2/2, 3/1, 3/2, 3/3, 3/4 rev A, 3/5 rev C, 3/6 rev D, 3/7 rev D, 3/8 rev D, 3/10, 3/11, 3/12, 3/13, 3/15, 3/16, EFW-PO-09, EFW-PO-10, EFW-PO-11, EFW-PO-12, EFW-PO-13, EFW-PO-14, EFW-PO-15, EFW-PO-16, EFW-PO-17, EFW-PO-18, EFW-PO-19, EFW-PO-20 and EFW-PO-21.*
 3. *No more than a combined total of 500 000t of waste per annum shall be imported to the ERF and the Landfill until the completion of landfilling at the site in accordance with condition 34 of this permission. Upon completion of landfilling no more than 326 300t of waste per annum shall be imported to the site for treatment at the ERF.*
3. Further minor updates to these and the other conditions are recommended in order to:
 - Correct typos
 - Add reasons for each condition including policies
 - Remove references to construction and commencement which no longer apply
 - Update the list of plans in condition 1 to include those approved under this permission
 - Update listed plans and condition wording to reference plans approved under non-material amendment applications since the original permission was issued.
 - Update plan references and condition wording to reference plans approved under details pursuant submission since the original permission was issued.
 - Remove duplicated condition 69
4. An informative asking that the operator continue to seek ways of reducing the impact of lighting from the facility.

Annex 2 – Conditions on permission MW.0044/08

All the Site

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of their permission. The approved plans and particulars comprise: application form (undated), planning support statement, letter dated 13th November 2008 covering amendment to the application form, gas management plan, tree survey plans TS/1 and TS/2, site survey plan 2/3, section through split level CA site plan 3/17 and office elevations plan 3/18, letter dated 4th March 2009 including item 4A sewage treatment plant, item 5A HRWC plan 3/14, item 6A existing access plan 4-1 and item 7A planning support statement comments, and plans 2/1, 2/2, 3/1, 3/2, 3/3, 3/4 rev A, 3/5 rev C, 3/6 rev D, 3/7 rev D, 3/8 rev D, 3/10, 3/11, 3/12, 3/13, 3/15, 3/16, EFW-PO-09, EFW-PO-10, EFW-PO-11, EFW-PO-12, EFW-PO-13, EFW-PO-14, EFW-PO-15, EFW-PO-16, EFW-PO-17, EFW-PO-18, EFW-PO-19, EFW-PO-20 and EFW-PO-21.
2. The amendments to the Household Waste Recycling Centre (HWRC) and the construction of the Energy from Waste (EfW) plant to which their permission relates shall be begun not later than the expiration of three years beginning with the date of their permission.
3. No more than 500 000t of waste per annum shall be imported to the site until the completion of landfilling at the site in accordance with condition 34 of their permission.
4. No more than 2 000t of waste a day shall be imported to the site until the landfilling of waste ends in accordance with condition 34 of their permission. On public and bank holidays the amount of waste imported shall be no more than 50% of their allowance. There shall be no waste imported on Good Friday, Christmas Day or New Year's Day.
5. Records of the daily tonnages of waste, including separately that transferred from HWRCs in Oxfordshire shall be taken and shall be made available for the officers of the WDA to see on request.
6. Except for exceptional loads during construction, agreed in writing by the Waste Planning Authority, no heavy goods vehicles, including those associated with construction works, shall enter or leave the Energy from Waste site as shown on approved plan 3/11 except between the following times:

07.00 hours. to 19.00 hours Mondays to Fridays

07.00 hours to 16.00 hours Saturdays

No movements shall take place on Good Friday, Christmas Day or New Year's Day.
7. Notwithstanding condition 6, waste may be brought to the Energy from Waste site from Household Waste Recycling sites operated on behalf of

Oxfordshire County Council during the following additional hours:

10.00 hours to 16.00 hours on Sundays.

8. Within one year of the date of their permission a restoration plan shall be submitted to the waste planning authority showing pre-settlement levels which shall not exceed those shown on the draft pre-settlement plan 3/19 and land restored to a combination of agricultural land and woodland together with geological exposures, facilities for protected species and ponds and wetlands associated with the energy from waste plant. Details of a scheme of landscaping shall be part of the plan and such details shall incorporate the general principles indicated in the application and shall include:

- (a) the position, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;
- (b) the positions, species, density/planting distances and initial sizes of all new trees and shrubs;
- (c) any hard landscaping proposed, and
- (d) the design, location and elevations of the leachate treatment plant required to treat the IBA leachate following the removal of the existing plant required by Condition 39.

Any plan that is approved shall be implemented progressively in accordance with a timetable to be submitted with the plan but shall be completed by December 31 2020 with the exception of the areas where the gas flare and buildings and plant are located. Those areas shall be restored in accordance with the timetable shown on the restoration plan approved under their condition.

9. With the exception of trees to be removed to form the new access the existing trees along the boundaries of the site (as shown on approved plan 3/10) shall be retained. For a period of 20 years from the completion of restoration of the landfill any trees removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by their permission shall be replaced with trees and bushes of such size and species as may be approved by the Waste Planning Authority, in the planting season immediately following any such occurrences.
10. No removal of trees or hedgerows to create the new access shall take place between 1 March and 31 July inclusive in any year.
11. All haul and access roads and storage heaps shall be sprayed with water sufficient to prevent dust or windblown material being carried onto adjoining properties during dry weather conditions.
12. With the exception of the HWRC, as shown on approved plan 3/14, no waste materials, other than those associated with the treatment process at the Energy from Waste Plant, shall be sorted or stored on site for disposal at some other location.

[13. Not used]

14. Any gate or fence destroyed or damaged during operations permitted or required by their permission shall be replaced or repaired within one month of the waste planning authority informing the operator, in writing, that any replacement or repair should take place.
15. No mud shall be deposited on the public highway.
16. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise.
17. All vehicles, plant and machinery operated within the site shall use equipment that minimises noise output.

[18. Not used]

The EfW plant

19. No waste shall be processed at the EfW plant until construction of the new access road, shown as 'access road' on approved plan 3/6 rev C, has been completed. Thereafter no access to the EfW plant shall take place except via the new access road.
20. Prior to commissioning of the EfW plant, a Combined Heat and Power (CHP) Feasibility Review, assessing potential commercial opportunities for the use of heat from the plant, shall be submitted to and approved by the Waste Planning Authority. The Review shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the plant as part of a good quality CHP scheme (as defined in the CHPQA Standard issue 3 January 2009 which sets out the definitions, criteria and methodologies for the operation of the UKs CHP Quality Assurance (CHPQA) programme), or any superseding or amending standard, and for the provision of subsequent reviews of such commercial opportunities as necessary.
21. No occupation of the EfW plant shall take place until the works on the B430, including provision of signage, as shown on approved plan 3/15, have been implemented.
22. No waste shall be burnt in the EfW plant until the electric cable link from the Plant to the National Electricity Grid has been constructed and is capable of transmitting all the electrical power produced by the Plant. Thereafter, except during periods of maintenance and repair and unless required to do so by the National Grid no waste shall be processed by the plant unless power is being generated.
23. Unless the Energy from Waste plant is not operating the Energy from Waste plant shall accept for delivery and process all of Oxfordshire's municipal waste that is delivered to it.
24. No waste shall be burnt in the EfW plant until a plan showing the layout and operation of the Incinerator Bottom Ash Operations has been submitted and approved in writing by the waste planning authority. No incinerator ash operations shall take place except in accordance with the

approved plan.

25. Development and operation of the EfW plant shall not take place except in accordance with the flood risk assessment and mitigating measures in item 13B and the site drainage plan in item 4A both as set out in the additional information in support of the planning application and environmental statement reference 409.0036.00349 dated March and July 2009.

[26. Not used]

27. The EfW plant may operate continuously but no activities shall take place outside the building except during the hours authorised in condition 6, other than for essential maintenance and staff shift changes.
28. A scheme showing how bridleway 27 shall be accommodated back on its original definitive line in a safe manner including how it would cross the access road and bridge the attenuation pond shall be submitted to the waste planning authority not later than 31 December 2016. Any scheme that is approved shall be implemented once the approved temporary diversion ends unless bridleway 27 has been otherwise permanently diverted in accordance with any other confirmed diversion order.
29. No construction works for the new access road or for the EfW plant shall take place until a scheme for the recording of the dinosaur footprints in phases 1a, 1b, 3, 3a, 3b and 5, as shown on approved plan 3/4 rev A, has been submitted to and approved by the waste planning authority. The construction works shall not then take place except in accordance with that approved scheme.
30. No fencing or other means of enclosure of the energy from waste plant shall take place except in accordance with a scheme that shall have been agreed in writing by the Waste Planning Authority.
31. 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.
33. Prior to commencement of building works to the EfW plant samples of all external materials shall be submitted to and agreed, in writing, by the waste planning authority. Only the agreed external materials shall be used in the building works.

The Landfill

34. By 31 December 2019 landfilling at the site shall finish and except for the infrastructure required for the management of landfill gas all associated buildings, plant and machinery shall be removed from the site.
35. Notwithstanding the previous condition, the HWRC shall be removed and the site of the facility shall be prepared for landfilling by 31 December 2018.

36. In the event of a cessation of landfill operations, for a period exceeding twelve months, at any time before the landfilling is completed, a reinstatement and restoration scheme shall be submitted in writing to the waste planning authority for approval within six months of the expiry of the twelve month period. The scheme shall provide revised details of final levels, restoration, capping, landscaping and a timescale for the implementation of the scheme and each element within it. The approved scheme shall be implemented within twelve months of approval of the scheme.
37. Plans showing the design, elevations and location of the Leachate Treatment Plant located immediately north of the household waste recycling plant shall be submitted to the waste planning authority for approval within 6 months of the date of their permission. Any plan that is approved shall be implemented within a year of that approval.
38. The leachate treatment facility shall be used for the processing and treatment of landfill leachate which has been generated by the Ardley Fields Farm Landfill Site and for the leachate generated by the IBA facility. At no time shall any other leachate, effluent or liquor be imported to the facility for processing or treatment.
39. Following the cessation of leachate generation of the Ardley Fields Farm Landfill Site, the surrender of the Waste Management licence (or any superseding or amending licensing regime) or within six months of the leachate treatment facility failing to be operated for any twelve month period the facility shall be decommissioned and demolished and the site restored in accordance with approved plan within the following twelve months.
- [40. Not used]
41. No landfill operations authorised by their permission, including vehicles entering or leaving the landfill, shall take place except between the following times:
0700 to 1800 hours on Mondays to Fridays; 0700 to 1300 hours on Saturdays; and on 12 nominated Saturdays 13.00 hours to 16.00 hours.
No landfill operations shall take place on Sundays and Bank or Public Holidays.
42. After 31st December 2019 no access shall take place to the site except via the access road, as shown on approved plan 3/8 rev D.
43. No import of waste shall take place along the access road to the landfill, as shown on approved plan 3/8 rev D until the location and details of wheel washing equipment have been submitted to and approved by the waste planning authority. Any plans that are approved shall be implemented before any waste is transported to the landfill along the access road.
44. Landfill gas well heads and collection mains shall be located such that they do not impede drainage and cultivation of agricultural soils. The crown of pipes of these well heads shall not be within the top metre of the

agricultural soils.

45. The phasing of landfilling and restoration shall take place in accordance with approved plans 3/4 rev A, 3/5 rev C and 3/6 rev D to 3/8 rev D.
46. Details of surface water drainage works for the restored site shall be submitted to the waste planning authority for approval within one year of the date of their permission. Any details that are approved shall be implemented as part of the restoration works on each phase of restoration.
47. No lighting shall be used on the landfill except that required to satisfy health and safety regulations in accordance with a scheme submitted to and approved by the waste planning authority.
48. All soil storage bunds intended to remain in situ for more than six months or over the winter period shall be grassed over with a seed mixture, and weed control and other necessary maintenance shall be carried out, in accordance with a scheme to be approved by the waste planning authority. Such scheme shall be submitted within six months of the date of their permission and any scheme that is approved shall be implemented within one month.
49. Topsoil shall be retained on site. The better quality topsoil shall be used only for the areas restored to agricultural use.
50. The depth of soils above the capping layer shall not be less than 1 metre and a soil layer of at least 1.5 metres shall be provided beneath areas where trees are to be planted.
51. Soil handling, cultivation and trafficking over the top and subsoil materials shall not take place other than in dry weather conditions and when the soils are dry and friable.
52. No imported soils or soil making materials shall be brought to the site for the purpose of restoration unless:
 - (a) they are stored in an area agreed in writing by the waste planning authority;
 - (b) they are identified by the waste planning authority in writing as suitable for use in restoration; and
 - (c) they are free of large solid objects greater than 15cms in diameter.
53. No materials other than inert soils and subsoils free of materials in excess of 150mm in any dimension (as they are likely to hinder the future cultivation of the site) shall be deposited on the site within the top metre of the site.
54. Imported soils, or overburden and subsoils stripped from the site shall be placed in the naturally occurring sequence and spread evenly in layers to a settled uniform depth of at least 80 cms. There shall be no stone, clinker, rubble or other waste materials over 150mm in size in any dimension within the subsoil horizon. Each layer shall be ripped to its full depth and any waste appearing on the surface shall be removed.

55. Topsoil previously stripped from the site or imported shall be spread evenly to a minimum depth of 20 cms over the reinstated subsoil so as to form the final approved contours.

56. Land for agricultural use shall then be prepared to a state suitable for seeding by grading and cultivation.

57. No HGVs shall enter or leave the Household Waste Recycling Centre except between:

08.00 – 17.00 Mondays to Fridays

08.00 – 13.00 Saturdays

And 13.00 – 16.00 on 12 nominated Saturdays per year, the dates of which shall be agreed in writing by the Waste Planning Authority in advance.

There shall be no vehicle movements on Christmas Day, Boxing Day or New Years Day.

In regard to vehicles other than HGVs, the Household Waste Recycling Centre shall not operate except between:

8.00 hours to 17.00 hours Mondays to Sundays

8.00 hours to 20.00 hours Thursdays between 1st April and the 30th September inclusive

There shall be no operations on Christmas Day. Boxing Day or New Years Day

58. An aftercare scheme outline strategy shall be submitted for the written approval of the waste planning authority within six months of the date of their permission. It shall cover the areas restored to woodland and to agriculture. With respect to agriculture the strategy shall provide for:

(a) the physical characteristics of the land to be restored, as far as it is practical to do so, to what they were when the land was last used for agriculture as would satisfy the requirements of paragraph 3(1) of Schedule 5 of the 1990 Act;

(b) aftercare phasing of land to be demarcated, identifying the start date of aftercare following restoration of each phase;

(c) a five year period of aftercare in accordance with Annex A of MPG7, specifying the steps to be taken and the period during which they are to be taken, and who will be responsible for taking those steps. The scheme shall include provision of a field drainage system and provide for an annual meeting with the waste planning authority; and

(d) a detailed annual programme, in accordance with Annex A of MPG7 to be submitted to the waste planning authority.

With respect to woodland the strategy shall provide for

(e) an annual assessment of tree losses, during the establishment period and arrangements for replacements to be provided;

- (f) continuing and effective weed control, throughout the establishment period, management and removal of tree shelters, stakes, tree ties and fencing, all in accordance with current best practice;
- (g) ongoing protection measures from deer, rabbits, hares, grey squirrel populations, insects and other pest species; and
- (h) a programme for thinning the woodland, as may be necessary to ensure that it develops in a way that the objectives of planting will be realised.

Any scheme that is agreed shall be implemented within the period agreed in the scheme.

59. Before the end of one year from the date of their permission, and every subsequent year during the aftercare period, the landfill operator shall provide the waste planning authority with a detailed annual programme for the written approval of the waste planning authority including:
- (a) proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months; and
 - (b) a record of aftercare operations carried out on the land during the previous 12 months.
60. The storage of any skips on the land shall only be incidental to the use of the HWRC and shall be confined to an area as shown on approved plan 3/14.
61. No development shall take place until a local liaison panel has been established in accordance with details to be submitted to and approved in writing by the waste planning authority. The details shall include terms of reference and frequency of meetings of the panel. The panel shall meet in accordance with the approved details.
62. If for any reason other than for extended maintenance or repair, the EfW facility ceases to be used for a period of more than 36 months, a scheme for the demolition and removal of the building and the related infrastructure (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) shall be submitted for approval in writing to the Council. Such a scheme shall include:
- (i) details of all structures and buildings which are to be demolished;
 - (ii) details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise ;
 - (iii) timing and phasing of the demolition and removal;
 - (iv) details of the restoration works; and
 - (v) the phasing of restoration works.

The demolition and removal of the building and the related infrastructure and subsequent restoration of the site shall thereafter be implemented in accordance with the approved scheme.

Time Limit

63. Within 35 years of the date that the plant becomes operational, the use of the plant for the incineration of waste shall cease. Within 24 months of the cessation of waste incineration all buildings, structures, plant, equipment, areas of hardstanding and access roads comprising and associated with the energy from waste plant shall be demolished and removed from the site and the land shall be restored in accordance with the restoration plan approved under condition 64.

Scheme for demolition

64. Within 34 years of the date that the plant becomes operational, or if the Energy from Waste facility ceases to be used for a period of more than 36 months, for any reason other than for extended maintenance or repair, whichever is sooner, a scheme for the demolition and removal of the building and the related infrastructure (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) shall be submitted to the Waste Planning Authority for approval in writing. Such a scheme shall include:

- (a) details of all structures and buildings which are to be demolished;
- (b) details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise;
- (c) timing and phasing of the demolition and removal; and
- (d) details of the restoration works; and the phasing of restoration works.

The demolition and removal of the building and the related infrastructure and subsequent restoration of the Site shall thereafter be implemented in accordance with the approved scheme.

Definitions

65. Within one month of the commissioning phase commencing and within one month of the commissioning phase ending and the plant becoming fully operational the operator shall inform the Waste Planning Authority in writing of the date that the commissioning phase of the plant commenced and the date that commissioning phase ended and the operation of the plant commenced.

CCTV Monitoring

66. Details of the location and design of CCTV facilities capable of recording the direction from which HGVs enter the site and the number plates of those vehicles shall be submitted to and approved by the Waste Planning Authority. The approved CCTV facilities shall be constructed and operational before HGVs use the new site entrance or before HGVs associated with construction works use the existing access and shall be retained at those accesses as long as they are used by HGVs accessing the landfill or Energy from Waste Plant.

Flooding

67. Within 18 months of the date of the permission a surface water and

groundwater management scheme for the Energy from Waste site, based on sustainable drainage principles and on an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Waste Planning Authority. Any scheme which is approved shall be fully implemented prior to completion of construction.

68. No excavation of foundations for the Energy from Waste site shall commence until details of the temporary surface water and groundwater management scheme required during the construction phase of the Energy from Waste site has been submitted to and approved in writing by the Waste Planning Authority. Any scheme which is approved shall be fully implemented.

Treatment of Oxfordshire's municipal waste

69. Unless the Energy from Waste plant is not operating the Energy from Waste plant shall accept for delivery and process all of Oxfordshire's municipal waste that is delivered to it.

Annex 3 – Environmental Statement

1. The application is accompanied by an Environmental Statement, covering traffic, air quality and climate change as specified in the Scoping Opinion.
2. The traffic chapter concludes that there would be an estimated increase of 10 movements per day, 2 related to removal of by-products and 8 from import of waste. This is calculated to be less than a 1% increase in baseline traffic flows and therefore impacts are not considered to be significant.
3. The air quality assessment concludes that the increase in emissions due to additional vehicle movements would be less than 1% of the relevant air quality objectives. It concludes that there would be no likely damage to Ardley Cutting and Quarry SSSI. Cumulative effects are considered and it is concluded that there is not a risk of potentially significant effects as a result. Impacts on human receptors are assessed as negligible.
4. The climate change section includes a full carbon assessment. It concludes that the proposed increase in capacity would deliver significant additional carbon benefits through diverting waste from landfill.

Annex 4 - European Protected Species

European Protected Species

The Local 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.

The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

The recommendation:

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

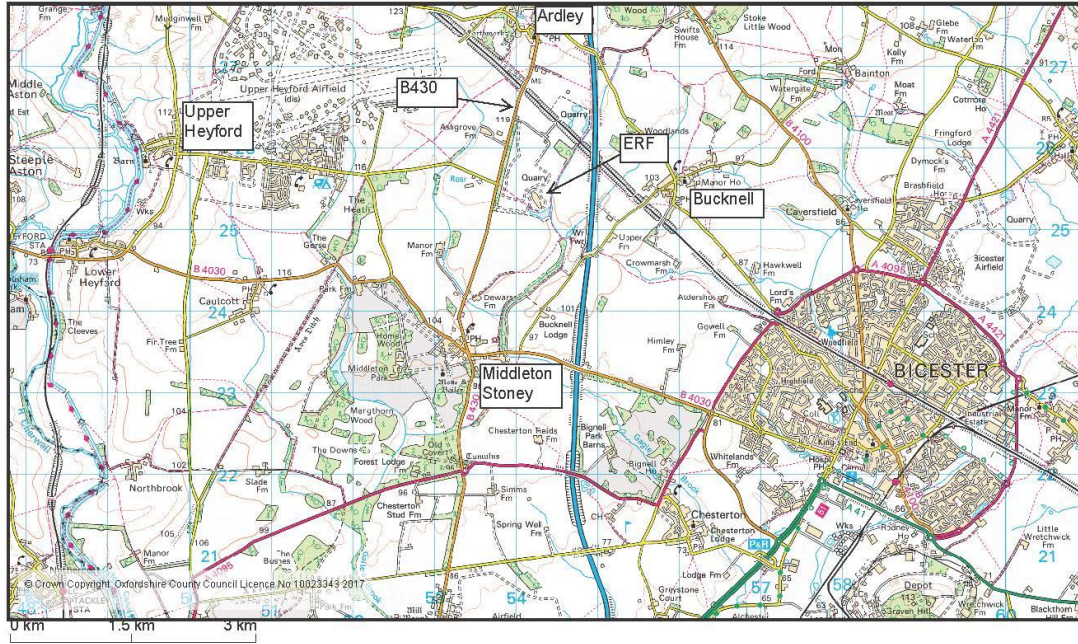
Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

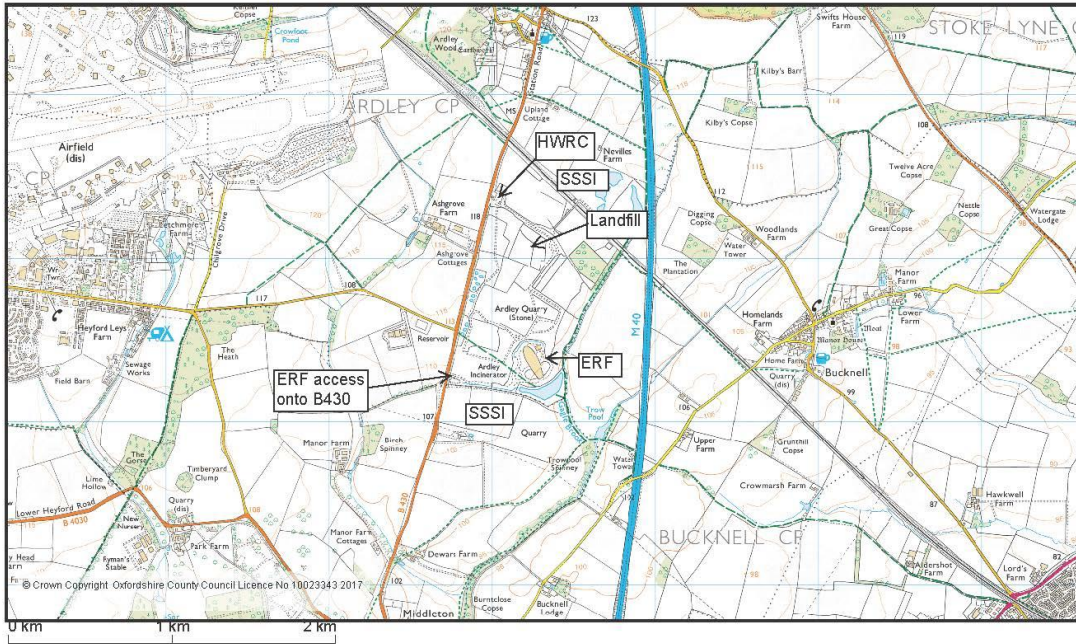
In this case there was a formal pre-application meeting which informed the application. No issues arose that required amendments to the proposal. However, the applicant was kept informed of comments which were made in relation to the application.

Plan 1



Scale 1:46873

Oxfordshire County Council, Spectrum Software



Scale 1: 23436

Oxfordshire County Council, Spectrum Software

