

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 11 April 2011 commencing at 2.00 pm and finishing at 4.20 pm

Present:

Voting Members: Councillor Steve Hayward – in the Chair

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

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Governance); R. Dance, J. Hamilton and F. Hamid (Environment & Economy)

Part of meeting

Agenda Item

Officer Attending

- | | |
|----|-------------------------------------|
| 5. | J. Duncalfe (Environment & Economy) |
| 6. | T. Islam (Environment & Economy) |

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

7/11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apology from

Temporary Appointment

Councillor Anda Fitzgerald O'Connor
Councillor Jenny Hannaby

Councillor Melinda Tilley
Councillor Zoe Patrick

8/11 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Nature of Interest
Mrs C Fulljames and George Reynolds	<p>5. Finmere Quarry</p> <p>(1) Change of use of the materials recycling facility which is the subject of planning permission reference 10/00361/CM to add biodrying and gasification waste treatment technologies and associated power generation together with the extension of the operational life of the materials recycling facility – Application 11/00015/CM</p> <p>(2) To continue development of non hazardous landfilling operations without complying with conditions of planning permission 08/02519/CM (as varied by appeal reference APP/U3100/A/09/2117987/N WF) relating to phasing of landfilling and restoration, life of the site, restoration and aftercare schemes and tipping levels – Application 11/00026/CM</p>	<p>Personal. Both were members of Cherwell District Council Planning Committee and both advised that they had not expressed an opinion on either application in that capacity and therefore intended to participate in discussion and any voting on both.</p>

9/11 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 7 March 2011 were approved and signed.

Updates

Dix Pit, Sutton Courtenay – Appeal against refusal allowed

Ardley Energy from Waste

Residents Against Incinerators had submitted a judicial review challenging the decision by the Secretary of State.

Slurry Lagoon, Worton Farm

The Council's Monitoring Officer was carrying out an investigation into the process leading up to approval of this application following representations by a local resident. The permission would not be issued pending the outcome of that investigation.

Oxfordshire Minerals Producers Group

Members were asked to respond to an invitation issued by the Producers Group to attend a seminar on 11 May. County officers would also be attending.

10/11 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Mike Kerford-Byrnes Matthew Horton QC) 5. Finmere Quarry)
Steve Bowley	6. Shellingford Quarry

11/11 FINMERE QUARRY

(Agenda No. 5)

Change of use of the materials recycling facility which is the subject of planning permission reference 10/00361/CM to add biodrying and gasification waste treatment technologies and associated power generation together with the extension of the operational life of the materials recycling facility – Application 11/00015/CM

To continue development of non hazardous landfilling operations without complying with conditions of planning permission 00/01480/CM (as varied by appeal reference APP/U3100/A/09/2117987/NWF) relating to phasing of landfilling and restoration, life of the site, restoration and aftercare schemes and tipping levels – Application 11/00026/CM

The Committee considered (PN5) two applications. The first to add a gasification plant to the existing MRF permission to process more waste and the second to

continue landfilling operations at the quarry without complying with conditions which related to an end date for filling, changes to phasing of tipping and restoration and assessment of pre-settlement levels.

Mr Kerford-Byrnes referred to the dismay locally at yet another request to extend operations at the quarry. This translated to a total operational life of 42 years which was wholly disproportionate when compared to the area of land involved which was only 16 hectares. Finmere Parish Council considered that amounted to grounds for refusal in itself. Previous operations had blighted the landscape. There were also many unknowns regarding the gasification process and provenance of the operation itself with no guarantee that it would be successful. There were also serious safety concerns. He urged the Committee to refuse the application on the grounds of the length of the restoration operation and uncertainties regarding gasification technology. At the very least residents would expect a condition to be imposed to revoke any permission for the plant if it was not operational after a certain time in order to prevent any unnecessary delay to the restoration programme.

He then responded to questions from:

Councillor Reynolds – previous problems at the site had been largely containable but this was new technology even closer to the village and if a major incident occurred, say an explosion, could potentially have catastrophic results. Residents had from past experience little confidence in the quality of operations at the site.

Matthew Horton QC reminded the Committee that permission for the MRF and the extension to operations at the site had been granted on appeal in September 2007 and that circumstances which existed before that date were irrelevant because ownership had changed. The nature of the MRF had also changed as a result of new technology. Gasification was in line with government policy and complaints regarding odour had been overcome. Delays to landfill had occurred because of problems with the Environment Agency, the recession and increased levels of recycling. There would be a further reduction in landfill material because of gasification which had resulted in the need to apply for an extension to the landfill operation. He did not accept statements made regarding uncertainties relating to gasification technology nor was there any risk of explosion. The gas produced would be sealed and transported via pipes and not emitted to the air. Safety was the responsibility of the Environment Agency and Health Protection Agency and county planning officers had been right to recommend approval. He asked the Committee to support that recommendation.

He responded to questions from:

Councillor Sanders – gas was not processed in 2007 and therefore was not part of the applicant's case. Permission was now being sought to process waste using the best practice and resources.

Councillor Reynolds – the earlier history regarding the EA had arisen from problems experienced by the previous owners.

Councillor Owen – he considered that the detail in the proposal completely addressed the safety concerns and there was no danger to local residents. That had been borne out by comments from relevant agencies. The gas produced would be in a sealed unit and the only substance emitted would be filtered exhaust fumes from the facility's engine.

At the invitation of the Chairman Mr Krantz summarized the gasification technology. Although the process itself was not new its adaptation to burning waste was. The technology was used more commonly used abroad than in the UK but more sites were beginning to appear. The process itself involved drying waste prior to degrading it thermally which produced a synthetic gas composed of hydrogen, methane and carbon dioxide and monoxide. The gas was then oxidised to clean it prior to it being used in a turbine/engine to produce electricity. Non hazardous ash was also produced as a by product which could be disposed of as landfill He clarified that the engine would produce exhaust fumes which would be passed through a filtration system to meet permitted toxin levels. The plant itself was very expensive and companies would be unlikely to undertake such an investment unless they were satisfied that the process would work. Similar systems had been commissioned by the Royal Navy and after extensive trials on shore had been installed on naval vessels with proposals for further installation.

He responded to questions from:

Councillor Armitage – if the system used was a singular unit it would need to be capable of being switched off for maintenance. If a modular system then one unit could be switched off while others remained operational. The system itself was more versatile and the heating process was so great that it removed toxins. In the unlikely event that the residue ash was found to be hazardous then it would have to be disposed of correctly.

Councillor Owen – if the gas produced was breathed in for long periods of time then it could be harmful. However, if it did escape then it would disperse in the atmosphere over a distance. The Environment Agency and Health & Safety Executive would ensure that any risk was minimal.

Councillor Seale – he estimated that the proportion of used energy to energy produced was about 31/2 to 1.

Councillor Tilley – there were a lot of differences between this process and incineration not least of all scale and efficiency. Gasification degraded waste thermally rather than incineration.

Councillor Lindsey-Gale – he listed other sites in the country including Rainham (Essex), Dumfries and South Wales.

Councillor Tanner – there would be no increase in waste throughput or change to the type of waste or catchment area.

Mr Duncalfe introduced the report together with additional information and amendments as set out in the addenda sheet.

Mr Dance confirmed there were no changes to the type or amounts of waste or where that waste came from. The applicants were looking to adapt an existing facility to use new technology and extend the landfill operation to allow for the diversion of waste from landfill. Furthermore the two applications were inextricably linked and the Committee needed to agree or refuse both. There was now regular monitoring of activity at the site which now generally complied with conditions and benefitted from regular liaison at which the county council and environment agency were present. The Committee needed to look at the application on its merits. The history of the site had been dealt with and the Committee were now required to consider the application before it. It did represent industrial use in a rural area but as there was an existing gravel site it seemed logical for it to be sited there. There were existing consents for waste and the type of waste to be used (commercial and industrial) was different to the type of waste going to Ardley.

Councillor Mrs Fulljames appreciated the explanation regarding the process even though it seemed a little biased in favour. She endorsed all that Mr Kerford-Byrnes had said and advised that the Parish Council at a recent meeting had been extremely concerned over the largely unknown technology. She felt the report had done a disservice to the chequered history at this site and local residents were being asked to live alongside a visual eyesore until 2035. She was also concerned about bi products from this process and where the waste would come from bearing in mind this facility was only 9 miles from the proposed energy from waste facility at Ardley and recycling levels continued to rise. Figures given in paragraph 11 did little to remove those grounds for confusion. She could not support the applications.

Councillor Reynolds wondered whether tipping could be carried out to a lower level and therefore reduce the time required.

Councillor Tanner believed that the Council had little choice other than to approve the application.

RESOLVED: (on a motion by Councillor Tanner, seconded by Councillor Jelf and amended with their agreement by Councillor Armitage and carried by 13 votes to 2):

- (a) subject to a legal agreement requiring restoration payments and operation of a hinterland that planning permission be granted for Application (1) (11/00015/CM (MRF)) subject to conditions to be determined by the Deputy Director for Environment - Growth and Infrastructure the heads of which were set out in Annex 3 to the report PN5; and
- (b) subject to a legal agreement requiring early application for diverting bridleway 4, restoration payments and operation of a hinterland that planning permission be granted for Application (2) (11/00026/CM (Landfill)) subject to the condition changes proposed in the application as set out in Annex 1 to the report PN5 (with the exception of condition 4), the modified condition 4 and any other conditions to be determined by the Deputy Director for Environment & Economy - Growth and Infrastructure but to include the heads of which were set out in Annex 3 to the report PN5 together with the following additional conditions:

- no implementation of this permission unless or until the gasification plant was operating in the MRF and variation of end date if plant implementation was delayed, relative to the effect of that delay in terms of filling rates
- tipping and restoration of cells 1 – 6, 8 and 9 to be completed by 2015.

12/11 SHELLINGFORD QUARRY

(Agenda No. 6)

Continuation of the development permitted under permission STA/SHE/8554/8 (extension of areas of extraction of limestone and sand and restoration to agriculture at original ground levels using inert fill over total quarry area and retention of existing facilities) without complying with conditions relating to approved plans, bund details, access, depth for working dewatering and water discharge, removal of bagging and processing plant, the importation of aggregates, restoration details, and sand martin habitat and extension of the time period for operations at the site;

To consider an extension of the existing quarry to the east for the extraction of limestone and sand with restoration to agriculture at original ground levels using inert fill

The Committee considered (PN6) 2 applications for developments at Shellingford Quarry, near Stanford in the Vale the first of which sought consent to vary a number of conditions on the existing permission for the quarry, principally dealing with changes to the phasing of sand and limestone extraction (with subsequent infill operations), the depth of working of the site and an extension of the time period for completion of the development. The second sought permission for an extension to the east of the existing quarry to extract further sand and limestone with subsequent restoration to agriculture using inert waste material over a period of 8 years with restoration within a year.

Mr Bowley thanked county officers for their work during the pre-application stage. That had helped to allay many concerns regarding the applications and the only real area of concern seemed to relate to traffic. The site had direct access onto an A road with proposed improvements to the access if the application was approved. There would be no increase to current levels of traffic and the applicants, as one of many users of the A417 did not consider it necessary to impose any limits on traffic movements. However, if the Committee were so minded then limits should only apply to south bound vehicles. The Company were sympathetic to the concerns of local residents regarding the impact of lorries but felt the best way forward was through management. The Company were therefore proposing a formalisation of current practice through a code of practice for all hgv drivers which would deal with issues such as driving behaviour, speed, sheeting of loads and wheelwashing. The company were also suggesting a hot line to deal with any problems and reinstatement of the quarry liaison committee. He referred to a number of conditions

which related to the old site which duplicated the activity of other agencies. He asked the Committee to support the officer recommendation.

He responded to questions from:

Councillor Tilley – an average figure for vehicle movement was 140 daily but that did fluctuate.

Councillor Armitage – he clarified that the vast majority of the proposed conditions were relevant but some for example relating to groundwater, landfill gas and leachate referred to areas of activities of other agencies.

Councillor Seale – he agreed that southward lorry movements presented more of a problem for Wantage and there was little that could be done to alleviate that but the company were not proposing any increase in movements.

Mr Dance confirmed that the conditions set out in the report gave an indication of the matters which needed to be covered. It would be possible to add conditions but not remove any. He suggested that the Committee consider delegating authority to the Director for Environment & Economy to finalise conditions to adequately cover the matters in Annex 1 to the report with a further delegation regarding traffic, possibly in consultation with the local member, to agree a precise number of vehicles leaving the site southwards in order to properly protect Stanford in the Vale.

Presenting the report Taufiq Islam clarified that the proposal if agreed would increase the County landbank but that the rate of production at the site would not change. He also referred to amendments to the recommendation set out in the addenda regarding traffic levels and monitoring arrangements.

Councillor Tilley considered a limit of 50 vehicle movements would be too restrictive. The real problem related to speeding, lack of sheeting and wheelwashing which the Company were proposing to deal with. They had made huge efforts to improve liaison. She supported the introduction of a company hotline and reinstatement of the liaison committee and wanted the company to comply with conditions.

She moved that the application should be approved as amended in the addenda sheet but with no restriction imposed on vehicle movements over and above current hgv traffic levels. The motion, seconded by Councillor Patrick was put to the Committee and –

RESOLVED: (13 votes to 0) that subject to:

- (a) an agreement to secure the required funding for independent monitoring of traffic movements and destinations;
- (b) no restriction being imposed on vehicle movements over and above current limits;

that planning permission be granted for the developments described in Applications STA/SHE/8554/12-CM and STA/SHE/8554/11-CM subject to conditions to be

PN3

determined by the Deputy Director for Environment & Economy -Growth & Infrastructure to include the matters set out in Annex 1 (with regard to Application 1) and Annex 2 (with regard to Application 2) to the report PN6 and to the following additional condition requiring access to the operators weighbridge records to be given to the Council's monitoring team.

..... in the Chair

Date of signing