

To: Members of the Planning & Regulation Committee

## ***Notice of a Meeting of the Planning & Regulation Committee***

**Monday, 13 April 2026 at 2.00 pm**

**Room 2&3 - County Hall, New Road, Oxford OX1 1ND**

If you wish to view proceedings online, please click on this [Live Stream Link](#).  
However, this will not allow you to participate in the meeting.



Martin Reeves  
Chief Executive

April 2026

Committee Officer: **Jack Ahier**  
E-Mail: [committeesdemocraticservices@oxfordshire.gov.uk](mailto:committeesdemocraticservices@oxfordshire.gov.uk)

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*Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.*

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### **Membership**

Chair – Councillor Diana Lugova  
Deputy Chair - Councillor Tony Worgan

#### *Councillors*

Ron Batstone  
Mark Cherry  
Stefan Gawrysiak  
Jenny Hannaby

Saj Malik  
Gavin McLauchlan  
Lesley McLean  
Paul-Austin Sargent

Geoff Saul  
Roz Smith

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#### **Notes:**

- **Date of next meeting: 1 June 2026**

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

## AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - See Guidance Note Below**
3. **Minutes of the Previous Meeting (Pages 9 - 14)**

To approve the minutes of the meeting held on 23 February 2026 and to receive information arising from them.

4. **Petitions and Public Address**

Members of the public who wish to speak on an item on the agenda at this meeting, or present a petition, can attend the meeting in person or 'virtually' through an online connection.

Requests to present a petition must be submitted no later than 9am ten working days before the meeting.

Requests to speak must be submitted no later than 9am three working days before the meeting.

Requests should be submitted to [committeesdemocraticservices@oxfordshire.gov.uk](mailto:committeesdemocraticservices@oxfordshire.gov.uk)

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9am on the day of the meeting. Written submissions should be no longer than 1 A4 sheet.

5. **Land Adjacent to Ferris Hill Farm, Sibford Road, Hook Norton, Banbury (OX15 5JY) (Pages 15 - 54)**

### **Report by Planning Development Manager**

Part retrospective application for the creation of a development platform, erection of a new building and installation and operation of a Combined Heat and Power Plant along with associated landscape works.

**It is RECOMMENDED that planning permission for application MW.0027/24 be refused for the following reasons:**

- a) **The proposed development would potentially divert a substantial proportion of waste currently recycled at the safeguarded Banbury Plant & Skip Hire site into residual waste treatment through incineration. No robust evidence has been provided to demonstrate that this material cannot continue to be managed at a higher tier of the waste hierarchy. The proposal would therefore result in waste moving down the hierarchy, contrary to policy W2 of the OMWCS and the National Planning policy for Waste. Furthermore, the proposal provides no increase in recycling capacity and does not address the identified shortfall in non-hazardous waste recycling capacity in Oxfordshire. As no need for additional residual waste treatment capacity has been demonstrated, the development is contrary to policies W1 and W3 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.**
- b) **The proposed development would include greenfield land as the facility would extend waste management operations onto previously undeveloped agricultural land. The applicant has not demonstrated that this would be the most suitable or sustainable option for the proposed development. As such, the proposed development is contrary to policy W5 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.**
- c) **The proposal does not constitute sustainable development. It has not been demonstrated that it would not increase the incineration of waste material capable of being recycled thus moving the management of waste down the waste hierarchy and this is not outweighed by the claimed energy recovery benefits relating to local heat and electricity supply. The development therefore fails to deliver sustainable outcomes and is not sustainable development contrary to policy C1 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policies PSD1 and ESD3 of the Cherwell Local Plan 2031.**

## **EXEMPT ITEM**

In the event that any Member or Officer wishes to discuss the information set out in Agenda Item **6**, the Committee will be invited to resolve to exclude the public for the consideration of item 6 by passing a resolution in relation in the following terms:

"that the public be excluded during the consideration of **Agenda item 6** since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

THE ITEM NAMED HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

## **6. Exempt Minutes of the Previous Meeting (Pages 55 - 56)**

The information in this case is exempt in that it falls within the following prescribed categories:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**To approve the exempt minutes of the meeting held on 23 February 2026 and to receive information arising from them.**

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

### **Members Code – Other registrable interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

### **Members Code – Non-registrable interests**

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 23 February 2026 commencing at 2.00 pm and finishing at 3.50 pm

**Present:**

**Voting Members:** Councillor Diana Lugova – in the Chair (Items 1-3)  
Councillor Tony Worgan - in the Chair (Items 4 and 5)

Councillor Mark Cherry  
Councillor Gareth Epps  
Councillor Stefan Gawrysiak  
Councillor Saj Malik  
Councillor Gavin McLauchlan  
Councillor Geoff Saul  
Councillor Roz Smith

**Officers:** Jack Ahier (Senior Democratic Services Officer), Jennifer Crouch (Principal Solicitor – Regulatory), Raji Damodaran (Solicitor), Beccy Micklem (Team Leader – Landscape and Nature Recovery), Andrea Newman (Senior Democratic Services Officer), David Periam (Planning Development Manager), Robin Rogers (Director of Economy and Place), Jack Wheeler (Senior Biodiversity Officer).

*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 ][the following additional documents:] and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports [agenda, reports and schedule/additional documents], copies of which are attached to the signed Minutes.*

### **26/26 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1/26)

Apologies were received from Cllr Batstone, Cllr Hannaby (substituted by Cllr Epps), Cllr McLean and Cllr Sargent.

### **27/26 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE BELOW**

(Agenda No. 2/26)

The Chair noted that she intended to step down from the Chair for Item 5, Land at Thrupp Farm, Radley, Abingdon, Oxfordshire Grid (Ref: SU 51539 97065) and would not participate in the debate or vote on the application. Item 5 would be chaired by the Deputy Chair.

**28/26 MINUTES OF THE PREVIOUS MEETING**

(Agenda No. 3/26)

The Planning Development Manager noted that correspondence had been received by members of the Committee after the 19 January meeting and that officers were working on responses.

The minutes of the meeting held on 19 January were approved and signed by the Chair as a correct record.

*Cllr Diana Lugova stepped down from the Chair at this stage and viewed the Committee from the public gallery but did not participate in the debate or vote. Cllr Tony Worgan (Deputy Chair) assumed the role of Chair for the remainder of the meeting.*

**29/26 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4/26)

Nine requests to address the Committee on the following agenda items had been received from:

Land at Thrupp Farm, Radley, Abingdon, Oxfordshire Grid (Ref: SU 15139 97065)

- Andrew Coker
- Roger Thomas
- Craig Woolhouse
- Richard Dudding
- David Tannahill (Radley Parish Council)
- James Lodge (Applicant)
- Nick Dunn (Applicant's Agent)
- Dr James Etienne

**30/26 LAND AT THRUPP FARM, RADLEY, ABINGDON, OXFORDSHIRE GRID (REF: SU 51539 97065)**

(Agenda No. 5/26)

The Chair introduced the item to the meeting and invited the Planning Development Manager to introduce the application, which was an application for the determination of the conditions to which a planning permission is to be subject (Permission numbers DD1 and DD2).

The Chair noted that the Committee might need to take legal advice during the Committee, which would be legally privileged. In such circumstances, the Chair stated that he would propose for the Committee go into private session to allow legal advice to be sought.

The Planning Development Manager read out the further addendum in full for the benefit of the Committee and for members of the public attending the meeting.

The Planning Development Manager presented maps and photographs of the areas that would be affected by the application.

The Chair then invited speakers to address the Committee and noted that members may ask questions of clarification after they had finished.

Roger Thomas spoke about the legalities over whether the Thrupp Farm ROMP application was still valid, given that the re-application for permissions needed to happen before the first review date (in this case, 31<sup>st</sup> October 2016) and if not, the permission ceased to exist the following day. It was noted that the ROMP legislation was designed to avoid situations such as this. He asked for the Committee to refer the application back to officers to deal with the detailed points raised in Taylor Wessing's letter.

Andrew Coker spoke as a local resident adjacent to the ROMP area, highlighting that ROMP applications were an issue of national importance and that legislation was designed so permissions could not continually roll over. He spoke of the national importance with regards to the habitat and the issues the ROMP application could cause local residents if it was not decided until 2042.

Craig Woolhouse, representing Radley Lakes Trust, spoke about the Radley Lakes Masterplan, produced in 2021 as part of the Neighbourhood Plan, which therefore held weight in planning decisions. He spoke in favour of the Council's acceptance of some of the conditions proposed by the Trust, but did note there would be significant adverse effects through loss of habitats. Mr Woolhouse argued that recommendation b) should have strengthened conditions to increase the level of mitigation for habitat loss.

Councillor Smith asked for clarification regarding the Section 'C' area totalling 50% of the gravel extraction for the entire site and asked the speaker if he knew that to be correct. Mr Woolhouse stated that the applicant would have their view but that it was his understanding that the 50% figure was correct.

Councillor Gawrysiak noted the speaker's ask for further mitigations and asked what type of mitigations this could involve. Mr Woolhouse focused on shallower areas and potentially islands on the lakes to increase biodiversity, noting that some progress had been made but that there was more to do.

Richard Dudding noted that the conditions proposed by the applicant were almost entirely for the site they proposed to extract, but not the wider ROMP site. He asked for the ROMP conditions to be amended to specify the land to which each applies and relating to the land in the northwest, that restoration was pursued vigorously so that the legacy of early extraction was cleared up.

David Tannahill, Chair of Radley Parish Council, spoke in favour of the position that the ROMP application ceased to have effect in 2016. If the permissions were to be upheld, a definite deadline of June 2028 to present a plan to restore Curtis Yard industrial estate, rather than one being dependent on the start of extraction.

The applicant, James Lodge, spoke in favour of the application and stated that it was not about whether a quarry could exist, but about determining reasonable and lawful conditions on a permitted site. The conditions on the ROMP sought to complement and enhance the Radley Lakes site, including that Area 'C' would only be worked if detailed mitigation including species translocation schemes and restoration was agreed. Mr Lodge asked for the conditions to be agreed today, rather than elongate the process.

Councillor Gawrysiak and Councillor Epps asked if Area 'C' was part of the application. It was confirmed that Area 'C' was part of the fourth and last phase of excavation, which could be up to five years in the future. Mr Lodge confirmed that surveys would have to be undertaken at that time to see if the area was still deemed as beneficial for excavation. It was stated that based upon the information today, Area 'C' would be able to be excavated, but that situations change.

Councillor McLauchlan asked how the decision would be made and who would make the decision as to whether Area 'C' was able to be excavated. Mr Lodge replied that it would be based on two factors; firstly, if the area was able to be excavated and secondly, if the mitigation to be put in place would make it uncostly. It would have to be addressed at the time.

Nick Dunn, the applicant's agent, spoke in favour of the application and noted that the concerns raised over several years had been dealt with in the environmental statement accompanying the application. He noted that the application included extensive areas of grassland and wildlife boxes were only some of the benefits being secured by long term management plans. He asked the Committee to approve the officer recommendations but also to determine the conditions, with the exception of the one relating to the avoidance of the loss of grasslands.

Councillor Gawrysiak asked if the land referenced in the northwest of the area would be restored. Mr Dunn confirmed that there was a specific condition relating to that point.

Dr James Etienne spoke in favour of the application, noting the archaeological and scientific importance of the site, highlighting several fossils that had been found on the site that were scientifically valuable across the world. Dr Etienne suggested that the development at Thrupp Lane would be likely to find further evidence of fossils that would be critical to scientific development and history, which the applicants supported.

The Chair thanked all speakers for their contributions to the meeting.

The Chair noted that the Committee was now likely to need to take privileged legal advice. The Chair proposed and Councillor Cherry seconded the following resolution:

**RESOLVED: that the public be excluded for the part of item 5 since it is likely that if they were present during those items there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified below in relation to those items and since it is considered that, in all the circumstances of the case, the**

**public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

The Committee unanimously resolved the resolution as stated above and went into private session.

After taking legally privileged advice in private session, the Committee resumed in public session. The Chair thanked members of the public for their patience.

The Chair proposed an amendment to the recommendation b) to add **'for them to determine'** at the end of the sentence to make it clear that if the decision was referred back to the Council by the Secretary of State, that it would be for the Committee to decide upon.

During debate, Members considered the national importance of the ROMP application that was before them; the obscurity of the law in this particular area meaning that further legal opinions were only opinions; as well as how Area 'C' would be managed into the future if it proved that it would not be able to be excavated. It was commented that the Council found itself in a difficult situation and referring the application to the Secretary of State seemed sensible to provide clarity on ROMP issues.

Councillor Smith asked officers if monitoring of the site would continue regardless of the decision to refer the application to the Secretary of State or not. Officers confirmed that the site was not currently being worked and stated that the Committee could ask for monitoring to continue if it wanted officers to do so.

Officers confirmed, if the Committee was minded to refer the application to the Secretary of State, that there was no indication on the timeframe on if it was to be determined, but that the Committee would continue to be updated.

The Chair proposed the recommendations as set out on page 5 and 6 of the Addenda, as amended to include 'for them to determine' at the end of recommendation b). This was seconded by Councillor McLauchlan.

- a) That in the absence of there being a clear position in law to refuse the application to determine the conditions to which planning permission numbers DD1 and DD2 are to be subject due to an absence of authority on the effect of Schedule 14 paragraph 7 of the Environment Act 1995 and despite the significant adverse effect identified through the loss of irreplaceable and priority habitats, refer the application to the Secretary of State to consider whether to call the application in for their own determination;**
- b) Should the Secretary of State decline to call the application in for their own determination, authorise the Director of Economy and Place to consider how to proceed with the determination of the application including as appropriate consideration of the conditions set out in Annex 4 and provide a further report to the committee for them to determine.**

**RESOLVED:** that the Committee unanimously approved the recommendations as set out above.

..... in the Chair

Date of signing .....

## Division Affected – Cropredy and Hook Norton

### PLANNING AND REGULATION COMMITTEE

Date 13<sup>th</sup> April 2026

**Development Proposed:**

Part retrospective application for the creation of a development platform, erection of a new building and installation and operation of a Combined Heat and Power Plant along with associated landscape works

#### Report by Planning Development Manager

**Contact Officer:** Matthew Case

**Location:** Land adjacent to Ferris Hill Farm, Sibford Road, Hook Norton, Banbury OX15 5JY

**Applicant:** Mathews Environmental Services Ltd

**Application No:** MW.0027/24

**District ref Nos:** 24/00689/CM

**District Council Area:** Cherwell

**Date Received:** 9<sup>th</sup> October 2023

**Consultation Period:** 12<sup>th</sup> March to 2<sup>nd</sup> April 2024  
29<sup>th</sup> August to 20<sup>th</sup> September 2024

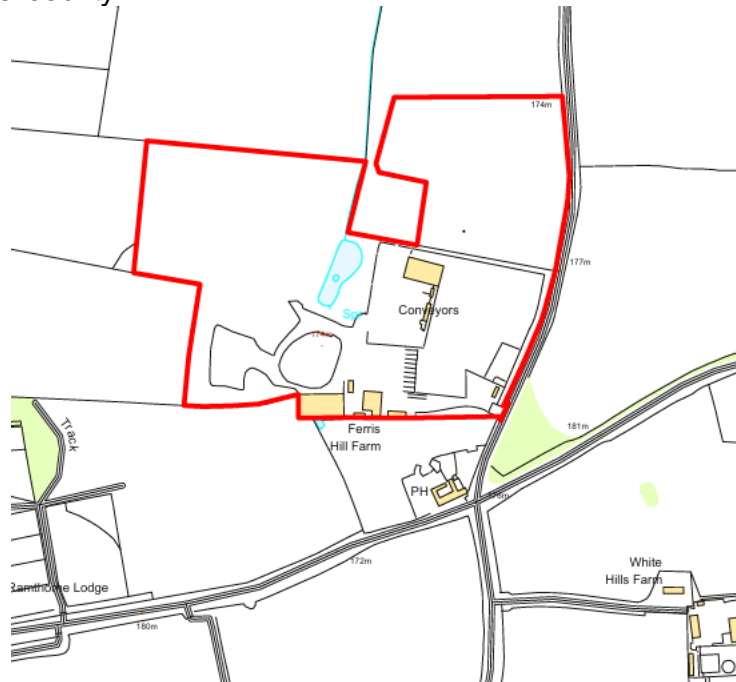
#### Contents:

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

## PART 1 – FACTS AND BACKGROUND

### Location (see site plan 1)

1. The site is located about 1.5km (0.9miles) north of Hook Norton and approximately 2km (1.2miles) south of Sibford Ferris in the north-western part of the county.



*Plan 1 -Site Location Plan*

2. The main highway access to the site is from the Wigginton crossroads to the Rollright/Whichford road and a short distance north along the Sibford Road adjacent to The Gates Hang High (public house).
3. The site is in a rural location. It is surrounded to the north, east and west by agricultural land. Approximately 250m to the south of site as mentioned is the public house. There are scattered farmsteads and residential properties are located between 400m-650m to the west and south of the application site.

### Site and Setting

4. The application site covers an area of 9.32ha. The majority of the development in regard to the combined heat and power plant structure and associated landscaping and planting is located within the northern area of the application site, and north of the existing waste recycling and transfer apron and building, this area covers an area of 2.57ha. The proposed CHP building would be located on land that is presently greenfield agricultural land.
5. The application site boundary includes a proposed extension to the existing permitted waste recycling site to construct the new structure and landscaping, The red line boundary also includes the existing waste

management site which consists of several steel industrial structures, a waste picking station, stone-built offices and welfare facilities. In addition, there are associated structures connected to the waste management activities, including stockpiles, concrete apron and concrete bays. The site also has a car park, next to the access to the site in the south-eastern corner of the site.

6. The development includes to the west of the existing workshop the Lower Yard area which is used for recycling construction waste into useable aggregate.
7. No footpaths or sites of archaeological are affected by the proposal.
8. The site is located approximately 1.8km to the south-east of a SSSI (Sharps Hill Quarry) and is therefore within the Impact Risk Zone. Sharps Hill Quarry is an area of native broadleaved predominantly secondary woodland. In addition, the site is also located within the Risk Impact Zone for both Whichford Wood and Hook Norton Cutting and Banks SSSI.
9. The application site is not located in an area identified as being at risk of flooding (Flood Risk Zone 1), although the site has a pond and stream on site to the west of the proposed new combined heat and power plant.
10. The proposed extension to existing site in which the new building and landform is proposed is classed as grade 3b (good to moderate) in regard to national agricultural land classification (ALC).
11. The closest listed building is located approximately 550m to the north-west of the proposed site. The site located is located just over 2km to the east of the Cotswold National Landscape.

### **Planning History**

12. In late 1997, Cherwell District Council (CDC) granted planning permission (97/01677/F) for a sand and ballast distribution depot at Ferris Hill Farm. In 2004, the County Council (OCC) granted permission (MW.0029/03) for the erection of a waste transfer building and the use of the site as a waste transfer station (WTS). In 2005, permission was granted to increase the number of vehicles from one skip lorry to three skip lorries and one bulk carrier. Later in 2005, a further application (05/01092/CM) was made to enable the waste transfer operations and the distribution of sand and ballast to take place in separate areas. This application was granted permission but never implemented.
13. In 2007, planning permission (07/00058/CM) was granted for an extension to the operational area of the WTS and an enlarged/relocated waste transfer building. This permission removed the condition that limited the number of skip HGVs and bulk carriers that could operate from the site. To control the scale of the development and the volume of traffic generated, condition 5

was imposed, limiting the maximum annual throughput of the site to 24,999 tonnes per annum (tpa).

14. Planning permission was issued on the basis that this was a 'small-scale' waste facility meeting local waste management needs, and the 24,999 tpa limit was imposed to ensure that the scale of the development would be controlled. The maximum volume of traffic that the applicant indicated was expected to be generated by the site was 36 HGV movements per day (18 in and 18 out).
15. In 2011, an application was submitted to increase the throughput to 75,000 tpa, which is allowed by the Environmental Permit for the site, and to extend the operating hours. This application was recommended for refusal but was withdrawn by the applicant prior to being considered by the committee.
16. A routing agreement for the site has been in place since the original 1998 permission was granted and has been updated with each subsequent planning permission. The routing agreement prohibits the use of the route to and from the north of the site on the Sibford Road, to prevent traffic passing through the villages of Sibford Ferris and Sibford Gower.
17. In 2012, two planning applications were submitted and later withdrawn by the current applicant and owner of the site. The first application involved the variation of two conditions from the existing planning permission for a materials recycling building and waste transfer station. The variation of Condition 3 involved a proposed extension to operating hours (extending the start time from 08:00 to 07:00 and the end time from 17:00 to 18:00), and the variation to Condition 5 proposed an increase to the maximum annual throughput of waste from 24,999 tpa to 45,000 tpa. The second application was made to extend the time for the provision of a concrete apron in front of a recently constructed waste transfer building.
18. In 2013, two planning applications made to Cherwell District Council (CDC) were approved for the construction of an earth bund to the west of the application boundary and for retrospective permission for a staff and visitor car park to the south-east of the application boundary near the site entrance. In 2015, permission was also granted by the district council for a building to support a free-range chicken enterprise and hardstanding for the parking of agricultural tractors and machinery to the west of the application boundary.
19. In March 2016, planning permission (MW.0132/15) was granted by OCC to extend the waste transfer apron and provide a waste picking station. The picking station is used to sort waste for recycling. The application was part retrospective. The picking station was erected in a different direction to what was actually permitted. In addition, the picking station built was red in colour, whereas the permission at the time required it to be dark green or grey. The case officer has advised at a recent site visit linked to this application that the operator will need to rectify this or make an application to amend the existing scheme.

20. In April 2017, planning permission (17/00662/F) was granted by CDC to install a private weighbridge for the existing sand and ballast business, which included a small area of additional drive. OCC granted planning permission (MW.0037/17) in July 2017 for the construction of a building for a waste baling machine and the storage of baled waste. The planning statement for the planning application MW.0037/17 stated that the majority of material going into site would be recycled, and/or transported to specialist sites for recycling. It was stated that no residual materials were being transferred to landfill.
21. In January 2018, a Section 73 planning application (MW.0081/17) was granted by OCC to vary planning permission MW.0132/15 (15/01829/CM) to delete condition 3, which required the picking station to be dark green or grey in colour. It also varied condition 8 (pre-sorting of skip waste materials) and condition 10 (storage of waste materials). At the same time, separate planning permission was granted by OCC (MW.0080/17) for the “continued use of the area shown on the plan marked ‘Site Location Plan – Lower Yard 2 – Sept 2017’ and the buildings and land to the south in connection with the waste transfer station”.
22. A certificate of lawfulness of existing use (18/00210/CLUE) was granted under delegated powers for the existing use for the siting of one mobile home by CDC in March 2018. In addition, planning permission was granted by CDC for an extension to offices (18/001179/F) in April 2018 and the erection of a workshop (18/00885/F) in August 2018. In November 2020, CDC granted planning permission (20/02107/F) for an extension to the staff room and the re-siting of the mobile home.
23. Planning permission was granted by CDC for the relocation of sand and gravel bins, plus additional bins, a vehicle wash bay, the relocation of fuel bunkers, and an extension to the upper yard (20/002571/F) in December 2020, and a part-retrospective extension of the staff car park in January 2021. Three further planning permissions were granted by CDC:
- 21/00190/F: A part-retrospective application for the siting of a security mobile home on the staff car park, the erection of a guard doghouse, and the removal of the existing mobile home southwest of the workshop and mess room from the site. Granted in March 2021.
  - 21/00510/F: The erection of a workshop for small plant, the formation of parking spaces, and the rebuilding of a roadside Cotswold stone wall and new planted area. Granted in April 2021.
  - 22/01470/F: Reinforcement of the northern site boundary to improve security at Ferris Hill Farm (bund with tree planting and hedge). Granted in July 2022.
24. Planning permission was granted by CDC for the construction of an agricultural storage shed immediately to the west of the application site (23/02253/AGN) in September 2023.

## Conclusion

25. Under planning permissions MW.0132/15 (waste picking station) and MW.0037/17 (construction of building for waste baling machine and storage of baled waste) the applicant states in both planning statements that all skip waste have been diverted from landfill, all materials are either sorted on site for recycling this includes hardcore, paper, cardboard, plastics, metal. Residue which includes green waste, and plastic bottles are transported to specialist sites for recycling. Waste timber is shredded and collected by companies for converting such as fuel pellets.

## **Details of Proposed Development**

### Overview

26. It is proposed to construct a combined heat and power plant (CHP) which would generate approximately 2.4 Mega Watt (MW) of electricity and 8MW of heat energy. Around 0.4 MW of electricity would be consumed on site as parasitic load to run the plant. The applicant indicates that up to a further 1 MW of electricity could be utilised on site through future replacement of diesel-powered plant with electric alternatives, although this is not secured as part of the application. No quantified assessment of on-site heat demand has been provided.

27. In order to generate this output of electricity and heat, it is proposed to burn approximately 10,000-20,000 tonnes of waste per year. The application states the upper technical design limit would be 24,000 tonnes per year. The figures depend on the calorific value of the waste. The current planning application is, in part, retrospective in nature. This status arises because the platform intended to support the building that would accommodate the plant has already been constructed. In addition to the platform, some bunding works have also been completed. It is important to note that a portion of this bunding has prior approval, being partly authorised under district planning permission reference 22/01470/F. The creation of the platform for the proposed building has been built at a level of around 167m AOD.

28. It is proposed that heat generated by the development would be used within the adjacent waste management operations, including to serve a drying floor. The application includes provision for the on-site use of heat and electricity only. Whilst the plant would be CHP-ready, no external infrastructure is included within the application to distribute heat either to a drying floor or to off-site users. Any export of surplus heat would be via underground pipework, the routes and end users for which have not yet been identified and would be subject to separate planning applications. The applicant states subject to the grant of planning permission, negotiations would continue with local companies and, should contractual agreements be reached for the supply of heat, planning applications would be prepared and submitted for the installation of necessary pipework. A new concrete hardstanding would be created, upon which the proposed building would be sited.

29. Electricity generated by the plant would be used within the site to the south of the CHP Building, with any surplus exported to the electricity distribution network. The applicant states that any grid connection works would be undertaken by the Distribution Network Operator under their permitted development rights and do not form part of this application.

30. The plant would have a maximum capacity of just over 65 tonnes per day and would operate on a continuous basis (24 hours a day, 7 days a week), other than during periods of maintenance. The CHP itself would run continuously, the applicant states that vehicle movements associated with the development would be limited to daytime hours only, and no waste import or residue export would take place overnight.

#### Landscaping Works

31. The applicant proposes to carry out landscaping works prior to erection of the building to mitigate the potential landscape and visual impacts of the proposed development. This includes a revised landform on the northern boundary of the site reaching a maximum height of 181m AOD. Materials to create the landform already exist on site in the form of stockpile. The stockpile material is made of clean processed soils as result of processing of waste on site.

32. To create the landform, the existing topsoil would first be stripped and placed into temporary storage bunds. These would be formed in an L-shaped arrangement along the northern boundary of the application site and partially along the eastern boundary, to the north of the proposed CHP building. The temporary topsoil bund would be up to 4 metres in height along the northern boundary and up to 2 metres in height along the western boundary. The bund would have 1:2 side slopes and have approximate volume of 4,000 cubic metres.

33. In addition, a separate subsoil bund would be formed immediately to the south of the topsoil bund and would run along the northern boundary only. The subsoil bund would have a maximum height of 4 metres, be formed with 1:2 side slopes, and would have an approximate volume of 4,000 cubic metres, similar to that of the topsoil bund.

34. . Then the existing stockpile would be transferred to the new location to create the revised landform and then spread the topsoils over the landform. Once the landform is completed, a scheme of planting would then be implemented in the first available planting season. The scheme also includes gapping up the existing hedgerow, supplementary planting adjacent to existing hedgerows, the planting of approximately 170m of new hedgerows along the northern boundary, 200m of new hedgerow in the southwestern corner and planting of over 5000 trees.

#### Built Development

35. The applicant proposes to construct the building on an impermeable concrete base. Surface water drainage would be provided to tie into the

existing site drainage system. All surface water would be redirected into the existing system and away from the watercourse to the west of the proposed building.

36. The plant would utilise up to 24 000 tonnes per year of Refuse Derived Fuel (RDF) which would be manufactured from low grade wood and other non-hazardous wastes produced at the existing waste transfer facility immediately to the south. The plant would be inside a building measuring approximately 60 metres by 48 metres. The building eaves heights would vary between 6.96m and maximum of 14m. The ridge heights would vary between 10.165m and a maximum of 17.965m. The flue stack would be to a height 22m above ground level. The flue stack final height may be reduced, but this would be determined at the environmental permitting stage.
37. The build would comprise a steel portal framed shed clad in single skin, plastisol coated, vertically profiled steel sheets. The roof would comprise the same materials along with Perspex roof lights. Materials and colour of the proposed building would be olive green (roof and elevations), matching those of the adjacent waste transfer building.
38. Access into the building would be gained via level access roller shutter doors located on the northern, eastern and southern elevations. Around the fuel store, roller shutter doors would be fast closing to ensure the containment of fuel within the building. The roller shutter doors would be grey in colour.
39. Personnel access would be via level access personnel doors located on each elevation. External to the proposed building would be a series of water coolers. The coolers are to ensure that in the event the heat cannot be utilised by downstream users, it can be effectively dissipated.

#### Proposed Plant and Equipment

40. As stated above, once the building would be constructed, the building would be operated as a CHP. No above ground plant would be located outside the building except external coolers referred to above.
41. The fuel storage system consists of a horizontal moving-floor silo with multiple pusher blades, the operation of which is adjusted according to the type of fuel, required heat output and operating temperature. Materials would be conveyed from the storage hopper to a buffer hopper at the furnace via an interconnecting conveyor system. The furnace is fed through a front gate using a heavy-duty metal blade powered by two high-power hydraulic rams.
42. Heat generated during combustion would be captured by a heat recovery system comprising a boiler and associated heat exchangers. Thermal energy is transferred to a closed-loop working fluid, which is used both to generate electricity via an Organic Rankine Cycle (ORC) turbogenerator and to provide usable heat.

43. Prior to emissions passing through the flue, the emissions would first pass through various bag filters and finally a ceramic filter to remove chemical and particulate matter. The applicant states that filters emissions would be monitored continuously by a fixed system accredited by the Monitoring Certification Scheme (MCERTS).

#### Operational Development

44. The proposed development is intended to operate as a combined heat and power plant, running continuously except during maintenance periods. The applicant plans to export electricity through the existing distribution network, with the connection point to be determined in collaboration with the Distribution Network Operator (DNO). It is proposed that heat would be supplied at commercial rates to local businesses and residents via underground pipelines, but this would depend on customer demand, agreements with landowners, and separate planning approvals. The planning application does not cover connectivity since it falls outside the designated red line boundary. However, the applicant has indicated that connectivity could be arranged by means of a section 106 agreement or carefully worded condition, specifying that the plant cannot begin operation until connectivity is secured.

45. The plant would have a design capacity of 3 tonnes per hour, using up to 24,000 tonnes per year to qualify as a Small Waste Incineration Plant. Depending on the calorific value of the Refuse-Derived Fuel (RDF), it would likely use between 10,000 and 20,000 tonnes of fuel annually. RDF, produced from non-recyclable waste at the Banbury Plant & Skip Hire site, would be manufactured to a specification agreed with the plant supplier.

46. RDF would be delivered to the plant area via internal haul roads, ready for use as fuel. No material would be processed outside the permitted areas of the Banbury Plant & Skip Hire site. Instead, it would be delivered directly to the RDF fuel store within the proposed building on sealed ro-ro style skip wagons. The material would be discharged to the fuel store and then transferred to the combustion plant.

47. The proposed plant would operate 24 hours a day, 7 days a week, except during periods of maintenance or repair. Deliveries to the site would only take place during specific times. From Mondays to Fridays, deliveries would occur between 07:00 and 18:00. On Saturdays, deliveries would be made from 07:00 to 13:00. There would be no deliveries on Sundays or Bank Holidays.

48. During operation, the proposed development is expected to create around 10 full-time equivalent jobs, working on a three-shift pattern. Existing staff would handle duties during the day, while additional staff would be needed for nighttime and weekend operations. All staff would use the existing parking and welfare facilities at the Banbury Plant & Skip Hire site, with no need for additional parking to accommodate nighttime and weekend staff.

### Fuel

49. The applicant states only RDF processed and produced at the adjacent Banbury Plant & Skip Hire operations would be used as fuel for generating heat and power. No unprocessed fuel would be delivered directly to the building. The planning statement states that all fuel must first be processed at the adjacent site in line with current planning permissions and environmental permits.
50. The applicant states that RDF is currently manufactured on-site from residual wastes collected around Banbury and managed at the established waste management facility. They go on to state material would continue to be accepted at the facility regardless of the application's outcome. The applicant states that waste which would be used to create RDF volumes are currently transported off-site for disposal or energy recovery. This proposal would allow the waste to be converted to fuel to be used at the point of production, eliminating the need for additional processing within the application building. Consequently, the haulage of up to 20,000 tonnes of residual wastes would cease, reducing HGV movements from the applicant's existing operations by approximately 4.6 movements per day.

### Waste Ash

51. The plant is expected to generate approximately 3000 - 4000 tonnes of ash per year, primarily bottom ash and air pollution control residues (APCR). Ash would be collected in sealed bins to minimise dust emissions. Bottom ash would be processed into secondary aggregate for construction projects, while APCR would be removed and disposed of at a permitted facility. Residues would be removed on a return load basis, but even if not, this would result in an additional 2.4 deliveries (or 4.8 movements) per week. All vehicles collecting residues would use the existing site access and be appropriately sheeted or sealed to prevent fugitive emissions of ash. The noise assessment states the noise from the operation of the CHP plant is not predicted to give rise to significant adverse impacts due to the building containment, separation distances and mitigation inherent in the design. The dust assessment states that both stack emissions and fugitive dust pathways are assessed as insignificant.

## **PART 2 – OTHER VIEWPOINTS**

52. There were two periods of public consultation. The full text of the consultation responses can be seen on the e-planning website, using the reference MW.0027/24. These are also summarised in Annex 2 to this report.
53. The case officer received two third party representations in the first round of consultation. One in support of the application from Hook Norton Low Carbon Limited, and one third party objecting to the application. The letter of support states the development would reduce HGV movements and provide low carbon, locally consumed electricity and heat through private

wire, heat networks and the local substation. The objection highlights concern about a significant commercial development in a rural area. Key issues include the height of the development, production of hazardous waste, potential impact on air quality, and noise nuisance. The 24/7 operation of the plant further underscores the scale of the project, making it an unwelcome change to the area.

### **PART 3 – RELEVANT PLANNING DOCUMENTS**

54. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

#### **Development Plan Documents**

55. The Development Plan for this area comprises:

- Oxfordshire Minerals and Waste Core Strategy (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)
- Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need (September 2020)

56. The Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (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.

57. The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. The saved policies are site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.

#### **Emerging Plans**

58. The most recent [Oxfordshire Minerals and Waste Development Scheme](#) was produced in July 2025.

59. This Scheme reflects that in July 2025, the [Cabinet](#) agreed to cease producing a new Minerals and Waste Local Plan under the current plan-making system and prepare to produce the plan under the new plan-making system, proposed by the Levelling Up and Regeneration Act 2023, once it is brought into effect.

60. The Core Strategy remains the Minerals and Waste Local Plan for Oxfordshire until a new Minerals and Waste Plan is adopted.
61. Cherwell District Council has submitted the Cherwell Local Plan Review 2042 (CLP 2042) to the Secretary of State for independent examination. The Plan was submitted in July 2025 and is currently under examination by a government-appointed Planning Inspector. The Hearings for the Examination of the Plan commenced on 17<sup>th</sup> February 2026. Limited weight can be given to the draft policies.

### **Other Material Considerations**

62. Other documents that are relevant to the determination of these applications include:
- National Planning Policy Framework 2024 (NPPF)
  - National Planning Policy for Waste 2014 (NPPW)
  - National Planning Policy Guidance (NPPG)
63. On 16<sup>th</sup> December 2025, central government published a consultation on the NPPF and other changes to the planning system. This consultation runs until 10<sup>th</sup> March 2026. Whilst it does not therefore at this time replace the current NPPF, it does provide indication of the intentions of central government with regard to the planning system and some weight should be attached to the draft policies and changes set out in it.
64. The Oxfordshire Local Nature Recovery Strategy (OLNRS) is a coordinated strategy to develop a shared ambition to recover nature across the County, help wildlife to flourish, improve air and water quality, and mitigate the impacts of climate change. The strategy is part of a series to cover the whole of England and assist the delivery of the Environment Act 2021. The final version of the LNRS was approved by the council at its Cabinet meeting on 21<sup>st</sup> October 2025 and has now been published.

### **Relevant planning policies**

65. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
66. The relevant Development Plan policies in this case are:

#### **Oxfordshire Minerals and Waste Core Strategy (OMWCS)**

- Policy W1: Oxfordshire waste to be managed
- Policy W2: Oxfordshire waste management targets
- Policy W3: Provision for waste management capacity and facilities required
- Policy W4: Locations for facilities to manage the principal waste stream

- Policy W5: Siting of waste management facilities
- Policy W6: Landfill and other permanent deposit of waste to land
- Policy W11: Safeguarding waste management sites
- Policy C1: Sustainable development
- Policy C2: Climate change
- Policy C3: Flooding
- Policy C4: Water Environment
- Policy C5: Local environment, amenity and economy.
- Policy C6: Agricultural land and soils
- Policy C7: Biodiversity and geodiversity
- Policy C8: Landscape
- Policy C10: Transport

#### Cherwell Local Plan 2031(CLP)

- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD3: Sustainable Construction
- Policy ESD 4: Decentralised Energy Systems
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage System (SuDS)
- Policy ESD 8: Water Resource
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement

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

- Policy TR7: Development attracting traffic on minor roads
- Policy TR10: Heavy Goods vehicles

#### *Emerging policies*

#### Cherwell Local Plan 2042 (CLP 2042) (not adopted)

- Policy CSD1: Mitigating and Adapting to Climate Change
- Policy CSD6: Renewable Energy
- Policy CSD9: Water resources and wastewater infrastructure
- Policy CSD12: Biodiversity net gain
- Policy CSD16: Air quality
- Policy CSD 17: Pollution and noise
- Policy LEC7: Best and versatile land
- Policy COM10: Protection and enhancement of the landscape

## **PART 4 – ASSESSMENT AND CONCLUSIONS**

## **Comments of the Planning Development Manager**

67. Policy C1 of the OMWCS states that a positive approach will be taken to waste development in accordance with the presumption in favour of sustainable development. This is echoed by policy PSD1 of the CLP which states that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework.
68. The main issues raised are:
- i. Waste policy
  - ii. Biodiversity and restoration,
  - iii. Arboriculture
  - iv. Landscape
  - v. Flood risk and the water environment
  - vi. Local amenity,
  - vii. Highways impacts
  - viii. Agricultural land and soils
  - ix. Carbon Emissions, Natural Resources and Waste
  - x. Sustainable Development

### **Waste Policy**

69. Policy W1 of the OMWCS seeks to ensure that Oxfordshire can be net self-sufficient in managing its principal waste streams. Proposals should contribute positively to this objective by providing additional capacity where required. In this case, the proposal does not provide any increase to the current management of waste handled at the site, which remains capped at 24,999 tonnes per annum (tpa) under the existing permission. The residual waste that would fuel the CHP plant is already being managed at the existing waste transfer and recycling facility. As no additional waste management capacity is created, there is no strategic need-based justification for the development under Policy W1.
70. Policy W2 requires applicants to demonstrate that waste cannot reasonably be managed at a higher tier of the waste hierarchy than the method proposed.
71. In addition, policy W3 sets out 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....”
72. As the development does not include electricity and heat connections beyond the development, the development would be classed as incineration without recovery although there is the potential for such connections. The case officer analysed the Environment Agency’s Waste Data Integrator. The data shows waste leaving the development in 2024. In total the site exported 16,739 tonnes of waste that year of which, 15% was sent to for incineration (wood), 33% to landfill this includes materials like asbestos, and 52% for

recovery which is most likely materials being recycled which includes plastics, construction and demolition waste, metals and card/paper. Even with energy recovery secured e.g. via a carefully worded condition, the development sits below reuse and recycling and must not displace waste management activities higher in the hierarchy. The proposed CHP plant would require up to 24,000 tpa of Refuse Derived Fuel (RDF), close to the site's total permitted throughput. On the evidence provided, this would result in the majority of the waste currently being recycled or transferred for specialist recycling at the site being instead converted into RDF for incineration, thereby it would move waste down the waste hierarchy, rather than moving it up.

73. The applicant has not provided robust evidence to demonstrate that existing levels of recycling could be maintained or that the waste currently recycled cannot continue to be recycled. i.e. that using it for recovery would not divert the waste stream down the waste hierarchy. As such, the development would move a substantial quantity of waste down the waste hierarchy and be contrary to policies W2 and W3.

74. Policy W3 also identifies that the identified capacity gap for non-hazardous waste lies in recycling, not in residual waste treatment. The Core Strategy does not identify a need for new residual waste treatment capacity such as incineration or CHP. The proposed development would provide no new recycling capability, therefore would not address the existing shortfall in recycling capacity. It would also result in a reduction of recycling capacity at the existing safeguarded site as the recyclable materials would be redirected as RDF to fuel the incineration plant. The applicant's suggestion of limiting throughput to 15,000 tpa does not address this fundamental conflict. The proposal therefore fails to comply with policy W3.

75. In relation to plan-making, the NPPW states that where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers. However, it also emphasises the waste hierarchy as the guiding principle for decision-making. Recycling is placed above recovery, including incineration. Evidence submitted with previous permissions confirms that the existing waste site achieves high levels of recycling, with non-recyclable fractions sent to specialist re-processors. The operation of the proposed CHP plant, however, would have the capacity to absorb almost the entire site throughput, leaving limited tonnage available for recycling operations. This would reverse the current position, shifting waste away from recycling and towards incineration. This is wholly inconsistent with the NPPW and further reinforces conflicts with policies W2 and W3 of OMWCS.

76. The application proposes on-site heat use and the potential for off-site heat and electricity export. Appendix 6 of the Planning Statement contains letters from local businesses who have stated they would explore the possibility of private connection for offtake of both heat and electricity. This includes

Brymbo Works, a local children's nursery, a local veterinary group, Hook Norton Brewery and a local farmer. However, no heat network infrastructure is included within the red line boundary. In practical terms, the plant may operate solely as a standalone incinerator, rather than a genuine energy-from-waste facility. The applicant provided a connection offer with Western Power (now part of National Grid) in support of the application. The connection offer is based upon laying 8.25km of cable between the point of connection and Epwell Primary Substation. The works would be carried out by National Grid utilising the permitted development rights afforded to Electricity Undertakings by the General Permitted Order 2015, schedule 2 part 15 Class B(a). The applicant proposes that a Section 106 agreement could secure works and connection to end-users prior to the CHP becoming fully operational. Alternatively, this could instead be secured via a carefully worded condition.

77. Even if full connectivity were secured, this would not address the central waste policy conflicts. The proposal would still divert recyclable material into residual waste treatment. As such, connectivity is not a determinative factor in the waste policy assessment and does not mitigate conflicts with Policies W2 and W3.
78. The applicant states the plant would likely operate at around 15,000 tpa, despite a design capacity of 24,000 tpa. No evidence has been provided to demonstrate that a throughput limit would protect current recycling levels. Based on available information, it remains likely that the proposal would reduce recycle output by shifting material into RDF production. This would result in poorer performance against the waste hierarchy and would conflict with policies W2 and W3.
79. Policy W4 of the OWMCS outlines the locational strategy for waste management facilities, aiming for a balanced distribution of capacity across the county. Strategic facilities are directed to larger towns like Banbury, Bicester, Oxford, Abingdon, and Didcot. Non-strategic sites are also directed to these towns, as well as larger towns such as Witney and Wantage & Grove, and smaller towns like Carterton, Chipping Norton, Farringdon, Henley-on-Thames, Thame, and Wallingford, or areas with good access to the Oxfordshire lorry route network. Outside these areas, only small-scale facilities should be located.
80. The supporting text to policy W4 defines the scales of potential waste sites. Strategic facilities are those that manage at least 50,000 tonnes per annum (tpa) of waste. Non-strategic facilities manage between 20,000 and 50,000 tpa of waste. Smaller scale facilities manage less than 20,000 tpa of waste or 25,000 tpa of inert waste for recycling. Based on the site's current and proposed input/output, at a capacity of up to 24,000 tonnes pa, the site remains non-strategic.
81. Para 5.36 of the OWMCS states that non-strategic facilities should normally be located within 15km of Oxford City Centre or 5km of specified large towns or 2km of small towns. The site is located approximately 11km from Banbury

town centre or 9.5km from the perimeter of the town. Regarding its nearest lorry route, the A361, HGVs would need to travel approximately 7.2km west to reach the A361. Nevertheless, the proposed CHO would be located as a physical extension to a site which is an existing non-strategic facility.

82. Policy W5 of the OMWCS states that priority will be given to locating waste management facilities on land that:
- is already in waste management or industrial use; or
  - is previously developed, derelict, or underused; or
  - is part of an active mineral working or landfill site; or
  - involves existing agricultural buildings and their curtilages; or
  - is located at a waste water treatment works.

Waste management facilities may also be located on other greenfield land where it can be demonstrated that this represents the most suitable and sustainable option.

83. The policy emphasises efficient land use, avoidance of unnecessary greenfield loss, and prevention of development creep beyond established boundaries of existing waste sites. It reflects the need to focus waste development on land already associated with industrial or waste-related activity.

84. The proposed CHP facility building would be located on land that is unequivocally greenfield agricultural land, notwithstanding unauthorised earthworks carried out by the applicant. This land has not previously been used for waste or industrial purposes, is not previously developed, derelict or underused land, is not at an active mineral working or landfill site, does not use existing agricultural buildings and their curtilages and is not at a waste water treatment works. Therefore, the proposal does not meet any of the priority categories for siting of waste management facilities identified under policy W5.

85. Policy W5 does set out that waste management facilities may be sited on other land in greenfield locations where this can be shown to be the most suitable and sustainable option.

86. The applicant states none of the existing buildings on site can provide the sufficient floor space to accommodate the proposed plant. Early discussions on alternative locations for siting the plant were considered, but they were not acceptable due to higher potential landscape impact, this includes the existing location of the stockpile in the western part of the site, as it would impact the users of Tadmorton Heath Road and visitors to the Gate Hangs Public House to the south.

87. However, no evidence has been provided to show that alternative brownfield or industrial sites were considered or discounted. The justification put forward focuses on proximity to the existing waste operations.

88. In the view of the case officer this justification is insufficient in itself to demonstrate that the greenfield location is the most sustainable option, particularly when the development:
- does not increase overall waste throughput;
  - provides no additional recycling capacity; and
  - risks undermining the recycling function of the safeguarded site.
89. Accordingly, the proposal represents an unjustified expansion of waste management activities into undeveloped countryside and fails to satisfy the requirements of policy W5.
90. Policy W6 of the OMWCS requires that the permanent deposit of inert waste is directed to existing facilities or allocated sites, with priority given to the use of non-recyclable inert material for the restoration of active or unrestored quarries. Planning permission for other forms of inert waste deposit will only be granted where there is a clear overall environmental benefit.
91. The application proposal does not involve the creation of a landfill nor the importation of inert materials for disposal. However, the development does include the use of processed inert soils that the applicant states are already present within the wider Ferris Hill waste management site operations to create the revised landform and associated landscape mitigation bund along the northern boundary. The applicant states the soils originate from previously permitted engineering works on the adjacent waste site and are currently stored on-site for this purpose. Their use represents an engineering operation rather than disposal.
92. The re-use of these processed soils directly aligns with the priority approach set out in policy W6, as they are being employed to form a stable landform that delivers substantial landscape and visual mitigation. This is a productive after-use of inert material that cannot be recycled into a higher-value product and avoids the need to transport and dispose of these soils at external facilities, thereby reducing vehicle movements and associated emissions.
93. No permanent landfill void is created, and no external waste is accepted. The proposal minimises waste, makes effective use of existing on-site resources, and materials used deliver landscape mitigation to better integrate the new building into the landscape and avoiding off-site disposal. The development therefore complies with policy W6.
94. The existing Banbury Plant & Skip Hire facility is safeguarded under policy W11. However, policy W11 does not support expansion onto land not already in waste or industrial use, nor does it override other waste policy conflicts. While the safeguarding status ensures protection of the current operations, it does not provide positive support for this proposed substantial expansion onto adjacent greenfield land. As such, policy W11 carries no weight in the context of this proposal.

95. The proposal has attracted local support, including from Hook Norton Parish Council and a local low-carbon social enterprise, both of which recognise the potential benefits associated with the generation of locally produced heat and electricity. Letters of support from nearby businesses demonstrate a genuine interest in utilising low-carbon energy through private wire and potential heat network connections, which could contribute to reduced reliance on fossil fuels, improved local energy resilience, and some reduction in wider grid demand. These benefits are material considerations and align in principle with national objectives to support decentralised energy generation and lower-carbon infrastructure.
96. However, while the prospective heat and electricity benefits are acknowledged and afforded weight, they are not sufficient to overcome the fundamental waste planning objections. The development has not been demonstrated to represent the most sustainable or appropriate means of managing waste at this location and would, on the evidence provided, result in a significant diversion of recyclable material into residual waste treatment. This would undermine the waste hierarchy and reduce recycling capacity within Oxfordshire. As such, even when the energy benefits are taken into account, the proposal remains contrary to Policies W1, W2, W3 and W5 of the OMWCS, and the balance of planning considerations weighs firmly in favour of refusal.

### **Biodiversity and Restoration**

97. OMWCS policy C7 requires that minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity. It further states that development shall ensure that no significant harm would be caused to Local Wildlife Sites.
98. Policy ESD 10 of the CLP states a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.
99. Some weight shall be applied to draft policy CSD12 of the CLP 2042. The policy states development will be required to demonstrate a minimum of 10% net gain in biodiversity.
100. The County's Senior Biodiversity Officer initially objected to the application, requesting additional surveys and information regarding great crested newts. Upon receipt of the supplementary details, the Senior Biodiversity Officer withdrew his objection, subject to conditions that require further ecological assessment and the submission and approval of a construction environmental management plan, along with conditions securing a Habitat Management and Monitoring Plan covering 30 years of management.
101. The application proposes a biodiversity net gain of 28.97% for habitat units and 13.08% for hedgerow units. The Biodiversity Officer also stipulated that the proposed district licensing for great crested newts must be

addressed by an appropriate condition. With the removal of this objection, the development is considered compliant with policy C7 of the OMWCS, policy ESD10 of the CLP, and draft policy CSD12 of the CLP 2042.

### **Arboriculture**

102. Policy C7 of the OMWCS aims to protect and enhance biodiversity.
103. Policy C8 of the OMWCS requires that minerals and waste development proposals respect and enhance the character and quality of the landscape.
104. Policy ESD10 of the CLP includes provisions for the protection of trees and woodlands. Policy ESD13 of the CLP emphasises the importance of retaining and enhancing landscape features, including trees. Policy ESD15 of the CLP relates to the character of the built and historic environment. The policy requires that new developments respect the character of the area, including existing trees and green spaces.
105. After the first round of consultation, the Senior Tree Officer objected to the development, stating that the application had limited arboriculture information. Further assessment was requested.
106. After further information was provided the Senior Tree Officer was satisfied that his concerns were addressed, subject to condition to the measures being installed prior to any further works completed. Therefore, in this respect the development is in accordance with policies C7 and C8 of the OMWCS and policies ESD10, ESD 13 and ESD 15 of the CLP.

### **Landscape**

107. Para 174 b) of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
108. Policy C8 of the OMWCS requires proposals for minerals and waste development to demonstrate that they respect and where possible enhance local landscape character and are informed by landscape character assessment. This shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping.
109. Policy C8 further states that great weight is given to the conserving of the landscape and scenic beauty of AONBs (now National Landscapes), and that proposals within an AONB, or that would significantly affect the AONB shall demonstrate that they have taken this into account and have regard to the AONB Management Plan.
110. Policy ESD13 of the CLP seeks the restoration, management and enhancement of existing landscapes, features, and habitats. It further requires development to respect and enhance local landscape character,

securing appropriate mitigation where damage to local landscape character cannot be avoided.

111. Policy ESD 15 of the CLP states amongst other things this policy requires development to contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.
112. Policy ESD 17 of the CLP requires the district's green infrastructure network to be maintained and enhanced.
113. Draft policy COM10 of the CLP 2042 states proposals will be expected to preserve the character and appearance of the landscape through restoration, management and enhancement of existing areas, features or habitats and where appropriate the creation of new ones including the planting of woodlands, trees and hedgerows.
114. Following the initial consultation, the Landscape Specialist at OCC requested additional information to clarify several points, including the exclusion of a flat area west of the proposed CHP plant, the removal of a mature hedgerow to the north, and the absence of a tree survey. Upon receiving the supplementary details, the Landscape Specialist withdrew their objection but sought further clarification regarding the mitigation plan. The lack of objection was subject to conditions requiring submission of a comprehensive landscaping scheme, specifications for lighting, and further details on materials, finishes, and the colour palette for the CHP building. After the applicant provided this information, the Landscape Specialist confirmed satisfaction with the response.
115. Additionally, the Cotswolds National Landscape Board raised no objections, concurring with the applicant's assessment that the site is largely screened from key viewpoints and concluding the development would at most have a negligible visual effect from these locations. Therefore, they consider it would not adversely affect the setting of the Cotswolds National Landscape.
116. However, Cherwell District Council maintains an objection, stating that the proposed building would adversely affect the character and appearance of the area, particularly due to its prominent position, which they contend would contribute to the urbanisation of an otherwise rural locality.
117. Notwithstanding this objection, the case officer notes that, given the lack of objection from both the County's Landscape Specialist and the Cotswolds National Landscape Board, whose professional expertise is considered significant, greater weight should be afforded to their assessments. Consequently, after evaluating all comments, it is concluded that the development aligns with policy C8 of the OMWCS, as well as policies ESD 13, ESD 15, and ESD 17 of the CLP.

## **Flood Risk and the Water Environment**

118. Policy C3 of the OMWCS states development will, wherever possible, take place in areas with the lowest probability of flooding.
119. Policy C4 of the OMWCS states proposals for minerals and waste development will need to demonstrate that there would be no unacceptable adverse impact on or risk to the quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities, the quantity or quality of water obtained through abstraction unless acceptable provision can be made; the flow of groundwater at or in the vicinity of the site; an Waterlogged archaeological remains.
120. Policy ESD6 of the CLP states development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.
121. Policy ESD7 of the CLP states all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
122. Policy ESD8 of the CLP states the Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use. Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground waterbodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.
123. Draft Policy CSD9 of the CLP 2042 states that development proposals which adversely affect the water quality of surface or underground water bodies, including rivers, lakes, groundwater or habitats which are water dependent will not be permitted.
124. The development is located in Flood Zone 1 which is an area with the low probability of flooding. No part of the site falls within Flood Zones 2 or 3. The Lead Local Flood Authority (LLFA) initially objected to the proposal, requesting a comprehensive drainage strategy. Following several communications in which the LLFA sought additional information regarding maintenance procedures and layout, the LLFA subsequently withdrew its objection, confirming it had no further comments.
125. Thames Water stated that the current water network infrastructure cannot support the proposed development. They have tried to reach an agreement with the applicant but have not succeeded in the available time. Therefore, Thames Water requests that a condition be added to any planning permission stating that no development should be occupied until either all necessary water network upgrades are completed, or a

development and infrastructure phasing plan is agreed upon with Thames Water.

126. The Environment Agency also raised no objections, noting that the development is not situated within an area subject to significant environmental constraints.
127. Accordingly, subject to conditions to meet the requirements of Thames Water, the development complies with policies C3 and C4 of the OMWCS, as well as policies ESD6, ESD7, and ESD8 of the CLP, and draft policy CSD9 of the CLP 2042.

### **Local Amenity**

128. Policy C5 of the OMWCS states that proposals for minerals and 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.
129. Policy ENV1 of the CLP states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution would not normally be permitted.
130. Draft policy CSD16 of the CLP 2042 states all development proposals should be designed to be air quality neutral. The design and layout of development should seek to improve air quality to protect the health and well-being of all end users.
131. Draft policy CSD17 of the CLP 2042 states development will not be permitted if it results in an unacceptable risk to public health or safety, the environment, general amenity or existing uses due to the potential of air pollution, noise nuisance, vibration, odour, light pollution, surface/ground water sources or land pollution.
132. The application is partly retrospective. Both the County Council's Public Health Team and the District Council's Environmental Health Team have no objections to the development.
133. One objection has been received from a local resident who has concerns about air quality and that the noise generated would be unwelcomed and nuisance. In addition, a second third party, a low carbon social enterprise group in Hook Norton supports the application.
134. The proposal is supported by a Noise Assessment and a Dust and Air Quality Assessment, both of which confirm that the development incorporates appropriate measures to control operational noise and dust emissions. Noise from the CHP plant would be contained within the building envelope, with roller shutter doors at fuel intake points and all major plant housed internally. The assessments conclude that predicted noise levels at the nearest sensitive receptors would not give rise to significant adverse

impacts due to the enclosed design, separation distances and inherent mitigation. Similarly, the dust assessment finds that both stack emissions and fugitive dust pathways would be effectively controlled through sealed waste handling systems, enclosed fuel storage, and the use of sealed containers for ash and APC residues. The assessment identifies the overall impact of dust emissions as insignificant.

135. On balance, I am of the view the development is not contrary to policy C5 of the OMWCS, policy ENV1 of the CLP, and policies CSD16 and CSD17 of the CLP 2042.

### **Highways**

136. Policy C10 of the OMWCS states that minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps. The proposed development would make no changes to the existing access and routeing of lorry movements.

137. CLP 1996 saved policy TR7 states that development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads would not normally be permitted. CLP 1996 saved policy TR10 states that development that would generate frequent heavy-goods vehicle movements through residential areas or on unsuitable urban or rural roads would not be permitted.

138. The Transport Development Control Officer raised no objections, noting that the proposed development will reduce traffic and have no adverse effects on the highway network. The primary impact is anticipated during the construction phase; accordingly, the officer has requested a condition requiring the submission of a construction traffic management plan. Conversely, the District Council planning team have objected to the proposal, expressing concerns regarding its location, accessibility, and reliance on motor vehicles, although they acknowledged that the Local Highway Authority would provide comments on highway-related matters. Taking into account the consultation responses received from both the TDC officer and the District Council, I am of the opinion that the development complies with policy C10 of the OMWCS and policy TR7 of the CLP.

### **Agricultural land and soils**

139. Policy C6 of the OMWCS states proposals for waste development shall demonstrate that they take into account the presence of any best and most versatile agricultural land. Development proposals should make provision for management and use of soils in order to maintain agricultural land quality. It states that significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where all options for

reinstatement without loss of quality have been considered taking into account other relevant considerations.

140. Draft policy LEC7 of the CLP 2042 states that best and versatile agricultural land will be protected from unplanned development to maximise opportunities for food and other agricultural production.
141. The proposed extension in which the CHP building and landform is proposed is classed as grade 3b (good to moderate) in regard to national agricultural land classification (ALC). Therefore, the land is not best and most versatile land. Therefore, the development is in accordance with policy C6 of the OMWCS and draft policy LEC7 of the CLP 2042.

### **Carbon Emissions, Natural Resources and Waste**

142. OMWCS policy C2 states that all developments should seek to minimise their carbon emissions.
143. Policy ESD1 of the CLP focuses on reducing carbon emissions and promoting sustainable development practices. Policy ESD2 of the CLP relate to energy hierarchy and allowable solutions. The policy encourages the use of renewable energy and energy efficiency measures to reduce carbon emissions.
144. Policy ESD4 of the CLP encourages the use of decentralised energy systems which provide heating or heating and power which include CHP. Policy ESD 5 of the CLP states the district council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.
145. Some weight shall be placed on draft policy CSD1 of CLP 2042 states that all development proposals will be required to ensure and demonstrate the development is resilient to climate change impacts that the impact of the development on climate change is mitigated. This includes the promoting of the use of decentralised and renewable energy where appropriate. It also states that developments shall minimise waste and make adequate provision for the re-use and recycling of waste, and causing no deterioration and, where possible, achieving improvements in water or air quality.
146. Draft policy CSD6 of the CLP 2042 states Cherwell District Council supports renewable and low-carbon energy provisions providing any adverse impacts can be addressed satisfactorily.
147. NPPF paragraph 168 states that when determining applications for renewable and low carbon developments, significant weight should be given to the benefits associated with renewable and low carbon energy generation

and the proposal's contribution to a net zero future and recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions. This is reflected in draft policy W3 of the consultation draft NPPF.

148. The existing waste management site handles a range of waste types including hardcore, paper, cardboard, plastics, metal, residue which include green waste, and waste timber.
149. Using waste to produce renewable energy is only considered partially renewable due to the presence of fossil-based carbon in the waste.
150. The development is supported by the Hook Norton Parish Council and a low-carbon social enterprise group based in Hook Norton. The applicant proposes to utilise the development to provide heat and electricity to the local area, including its own site. Although as stated the offsite heat and electricity connections are not part of this application. This project would reduce HGV movements, thereby decreasing carbon emissions. The applicant states the development would reduce emissions as the waste is currently exported elsewhere to be burned or to landfill. The application also states that the CHP incorporates high-standard emissions control to minimise greenhouse gasses. Additionally, the development incorporates tree planting to offset onsite activities and enhance the screening of the broader area. It is recommended that machinery on site be properly maintained to further limit carbon emissions. In conclusion, it is assessed that the development partly meets the requirements of these policies stated above insofar as it would be a partially renewable means of energy generation.

### **Sustainable Development**

151. Policy C1 of the OMWCS requires waste development to deliver genuinely sustainable outcomes across environmental, social and economic dimensions.
152. Policy PSD1 of the CLP reflects the NPPF's presumption in favour of sustainable development, but this presumption applies only where proposals accord with the Development Plan when read as a whole. Policy ESD3 of the CLP requires development to adopt sustainable construction methods that minimise environmental impact, promote resource efficiency, and reduce carbon emissions.
153. In this case, it is considered the proposed CHP facility does not constitute sustainable development when assessed against all the Development Plan policies. Environmentally, and taking into account the existing limitation on throughput at the existing waste management site, the proposal would seem to require diverting waste that is currently recycled at the safeguarded site into residual treatment through incineration in order to meet the required inputs. This represents a clear movement down the waste hierarchy, directly conflicting with the NPPW. If waste is being burned that

could be recycled, then it is no longer delivering sustainable outcomes which conflicts with policy C1 of the OMWCS. Policy ESD3 expects development to minimise environmental impact through sustainable construction and resource efficiency, yet the fundamental inefficiency of burning material that could otherwise be recycled undermines this objective. No evidence has been provided to demonstrate that this material cannot continue to be recycled or reprocessed, and therefore the proposal fails to demonstrate sustainable resource use.

154. Economically, the applicant points to potential efficiency benefits and reduced HGV movements. However, these claimed benefits depend on the development functioning as a genuine combined heat and power facility with confirmed heat users and operational energy networks. At present, no heat customers have been secured, and no heat distribution infrastructure forms part of the application. It would not be acceptable for the proposal to function principally as a standalone incinerator, limiting the economic value of energy recovery and undermining the economic dimension of policy C1. Moreover, the economic costs of reducing local recycling capacity and moving waste down the hierarchy run counter to the aims of supporting a circular economy.

155. Socially, while some community support has been expressed in relation to potential low-carbon heat, and there is support for small-scale and community-led renewable energy schemes which cut carbon emissions and contribute to achieving net zero in national policy, this must be weighed against the long-term implications of undermining sustainable waste management practices. Policy PSD1 requires development to contribute positively to social wellbeing as part of a sustainable planning balance. By reducing recycling and increasing incineration, the proposal conflicts with the broader social objective of protecting environmental quality for local residents and future generations. The applicant has not demonstrated that the development would deliver the kind of balanced environmental, social and economic outcomes required to justify a favourable presumption under PSD1.

156. Taking these factors together, the proposal fails to demonstrate that it would deliver sustainable development in accordance with policy C1 of the OMWCS, policy PSD1 of the Cherwell Local Plan and policy ESD3. The development would move waste down the hierarchy, undermine recycling performance, provide uncertain and unproven energy recovery benefits, and extend waste operations onto greenfield land without sufficient justification. Therefore, it is not in accordance with the waste policies of the OMWCS and local plan policies. For these reasons, the development does not constitute sustainable development within the meaning of the Development Plan or the NPPF.

### **Financial Implications**

157. Not applicable as the financial interests of the Council are not relevant to the determination of planning applications.

### **Legal Implications**

158. The report determines the application in accordance with the Town and Country Planning Act 1990 (as amended) and all relevant legislation and guidance.

### **Equality & Inclusion Implications**

165. In accordance with Section 149 of the Equality Act 2010, in considering this proposal, due regard has been had to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

166. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

167. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any such issues are raised in relation to consideration of this application.

### **Conclusions**

159. Overall, when assessed against the Development Plan as a whole, the proposal represents an unacceptable and unsustainable form of waste development. The application fails to comply with Policy W1 of the Oxfordshire Minerals and Waste Core Strategy (OMWCS), which seeks to ensure net self-sufficiency in the management of Oxfordshire's principal waste streams by directing new development to address identified capacity needs.

168. The proposal does not deliver any additional waste management capacity within the County. The amount of waste handled at the site would remain capped at 24,999 tonnes per annum under the extant permission, and the residual waste proposed to fuel the CHP plant is already managed at the existing waste transfer and recycling facility. As such, the development does not contribute positively to net self-sufficiency or meet any identified strategic need, contrary to Policy W1.

169. The evidence does not demonstrate that the facility would not divert a substantial proportion of waste that is currently recycled at the safeguarded Banbury Plant & Skip Hire site into residual treatment through incineration. This represents a clear and unjustified movement down the waste hierarchy, directly conflicting with policy W2 of the Oxfordshire Minerals and Waste Core Strategy (OMWCS), which requires applicants to demonstrate that waste cannot reasonably be managed at a higher tier. No such justification has been provided.
170. The development would also fail to address the type of capacity required in the County. Policy W3 identifies a shortfall in non-hazardous recycling capacity, not in residual waste treatment. The proposal offers no additional recycling capacity and would in practice reduce existing recycling performance by redirecting recyclable material into RDF production. As no need for additional residual treatment has been demonstrated, the development conflicts with Policies W1, W2, and W3.
171. In addition, the proposal would extend waste operations onto greenfield agricultural land without evidence that this represents the most suitable or sustainable location. Policy W5 prioritises land already in waste or industrial use, or previously developed, unless compelling justification is provided for a greenfield option. The applicant has not demonstrated that alternative brownfield sites or accommodation within the existing site boundary were explored. The proposal therefore represents an unjustified expansion into open countryside.
172. When considered through the lens of sustainable development, the proposal also fails to comply with policy C1 of the OMWCS, policy PSD1, and policy ESD3 of the Cherwell Local Plan. The redirection of recyclable waste into incineration undermines resource efficiency and conflicts with the principles of the waste hierarchy in the NPPW. Although some local support references low-carbon heat opportunities, these benefits remain unproven and cannot outweigh long-term harm arising from reduced recycling performance and movement down the waste hierarchy.
173. Notwithstanding the above, the potential social and community benefits of the scheme have been carefully considered. The proposal has attracted support from the Parish Council, local businesses and community groups, who identify benefits associated with the local generation of lower-carbon heat and electricity, opportunities for private wire connections, and the prospect of improved local energy resilience. These benefits are capable of carrying some positive weight in principle, particularly in the context of national objectives to support decarbonisation and community-scale energy solutions. However, the delivery of these benefits remains uncertain, and in any event they do not address or outweigh the fundamental waste planning conflicts identified above.
174. Taken together, these environmental, economic, and social deficiencies mean the proposal does not constitute sustainable development under the

Development Plan or the NPPF. The scheme conflicts with policies W1, W2, W3, W5, C1, C2, and C6 of the OMWCS, and with policies PSD1 and ESD3 of the Cherwell Local Plan. For these reasons, the proposal is contrary to the Development Plan and should be refused.

### **Recommendation**

**It is RECOMMENDED that planning permission for application MW.0027/24 be refused for the following reasons:**

- a) The proposed development would potentially divert a substantial proportion of waste currently recycled at the safeguarded Banbury Plant & Skip Hire site into residual waste treatment through incineration. No robust evidence has been provided to demonstrate that this material cannot continue to be managed at a higher tier of the waste hierarchy. The proposal would therefore result in waste moving down the hierarchy, contrary to policy W2 of the OMWCS and the National Planning policy for Waste. Furthermore, the proposal provides no increase in recycling capacity and does not address the identified shortfall in non-hazardous waste recycling capacity in Oxfordshire. As no need for additional residual waste treatment capacity has been demonstrated, the development is contrary to policies W1 and W3 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.**
- b) The proposed development would include greenfield land as the facility would extend waste management operations onto previously undeveloped agricultural land. The applicant has not demonstrated that this would be the most suitable or sustainable option for the proposed development. As such, the proposed development is contrary to policy W5 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.**
- c) The proposal does not constitute sustainable development. It has not been demonstrated that it would not increase the incineration of waste material capable of being recycled thus moving the management of waste down the waste hierarchy and this is not outweighed by the claimed energy recovery benefits relating to local heat and electricity supply. The development therefore fails to deliver sustainable outcomes and is not sustainable development contrary to policy C1 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policies PSD1 and ESD3 of the Cherwell Local Plan 2031.**

**David Periam  
Planning Development Manager**

Annexes:

Annex 1: Consultation Responses

Annex 2: European Protected Species

## **Annex 1 – Consultation Responses Summary**

### **Cherwell District Council - Planning**

1. Second Response – No changes to original objection.
2. First Response - Cherwell District Council's Development Management objects to the proposal, citing concerns that the building would negatively affect the rural character and appearance of the area. They highlight the site's prominent position and believe additional buildings would further urbanise the locality. The Council also raises issues regarding the site's location, accessibility, and reliance on motor vehicles, and expects the Local Highway Authority to comment on the highway aspects of the application.

### **Cherwell District Council – Environmental Health**

1. Second Response - No objection
2. First Response – Reviewed the Air Quality Assessment and have no objections.

### **Natural England**

3. Second Response – No Objection
4. First Response - No Objection

### **Thames Water**

5. Second Round: – Thames Water has found that the current water network infrastructure cannot support the proposed development. They have tried to reach an agreement with the applicant but have not succeeded in the available time. Therefore, Thames Water requests that a condition be added to any planning permission stating that no development should be occupied until either all necessary water network upgrades are completed, or a development and infrastructure phasing plan is agreed upon with Thames Water. This is to prevent issues like low water pressure. If the Local Planning Authority finds this recommendation unsuitable or cannot include it in the decision notice, they should consider the potential impact on water pressure and network capacity.

### **Cotswolds Conservation Board**

6. Second Response – Still does not object to the application.
7. First Response - The Board has reviewed the application and supporting technical assessments and does not object to the proposal.

They agree with the applicant's assessment that the site is largely not visible from many viewpoints within the CNL due to intervening topography and vegetation. Any visible viewpoints are at a distance where the development would be difficult to discern, resulting in at worst a negligible visual effect. Additionally, the development is expected to reduce HGV traffic in the local area, which may slightly benefit the area's tranquillity.

### **Environment Agency**

8. Second Response – No Objection
9. First Response – The proposed development site does not face significant environmental constraints, so there is no objection to the planning application. However, the operation of a combined heat and power plant and a waste transfer station will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies. The applicant should contact the Environment Agency for advice and to discuss potential issues. It's important to note that obtaining a permit is not guaranteed. Additional guidance can be found on the UK Government's website.

### **Active Travel England**

10. First Response – 'No Comment'
11. Second Response - 'No Comment'

### **National Gas Transmission**

12. Second Round - There are no National Gas Transmission gas assets affected in this area.

### **National Grid**

13. Second Round - There are no National Grid Electricity Transmission assets affected in this area.

### **Senior Tree Officer OCC**

14. Second Response - The tree officer acknowledges that the submitted arboricultural information has addressed their previous comments. They recommend that, if planning permission is granted, a condition should be attached requiring the implementation of the tree protection measures outlined in the Arboricultural Impact Assessment and shown on the Tree Protection Plan. These measures must be installed before

any work begins and remain in place throughout the development to ensure the protection of the adjacent trees and hedges.

15. First Response – The tree officer has raised a holding objection due to insufficient arboricultural information provided by the applicant. They require a tree survey and arboricultural impact assessment (AIA) in line with BS 5837:2012 standards. This assessment should detail the effects of the proposed development on trees, hedges, and vegetation, including all related works like drainage and utility installations. Specific points to address include identifying trees and vegetation to be retained, removed, or pruned, and evaluating the impact of these actions. Additionally, an arboricultural method statement (AMS) and tree protection plan (TPP) are needed to show how the vegetation will be protected during the project.

### **Public Health (OCC)**

16. First Response – No objections

### **Archaeology OCC**

17. First Response – No objection

### **OCC Transport Development Control**

18. First Response – No Objection subject to a condition requiring a construction traffic management plan.

### **OCC Rights of Way and Countryside access**

19. First Response: No comments from public rights of way

20. Second Response: No comments from public rights of way

### **OCC Drainage Team and Lead Local Flood Authority**

21. Fifth Response – LLFA has no further comments/objection for the above application.
22. Fourth Response - Still objecting. Please provide details of the party that will conduct the maintenance of the proposed site and provide site boundary on the drainage strategy layout.
23. Third Response – LLFA object:

- i. BRE 365 infiltration testing to be conducted to confirm the feasibility of infiltration on site.
- ii. Should infiltration not be feasible consent to be provided to discharge surface water at the proposed rates from the sewer undertaker.
- iii. Provide the details of the party that will conduct the maintenance of the proposed site.
- iv. Provide site boundary on the drainage strategy layout.

24. Second Response – The recommendation is a holding objection. The key issues identified include the need for Cv values in the calculations to be at least 0.9, and the use of more recent FEH data. Clarification is required regarding the existing surface water sewer connection, specifically whether it was already receiving flows from the proposed development area. If it wasn't, the capacity of the sewer must be assessed before increasing flows into the system. Additionally, water quality needs to be assessed using the simple index approach outlined in The SuDS Manual, with sufficient pollution mitigation included in the drainage system. The maintenance details must also consider the attenuation tank.

In more detail, the site is within Flood Zone 1 and is at very low risk of flooding from surface water. Infiltration has been ruled out due to the nature of the soils and the site history, and no infiltration testing or groundwater monitoring has been undertaken. The drainage proposal is to attenuate runoff in a tank before discharging it to an existing surface water sewer within the site. It is stated that a connection already exists, but it is not clear whether the developable site specifically is already draining to this connection. Further information is required, as additional flows should only be permitted if capacity in the sewer is proven to be available.

The proposed discharge rates are acceptable, as reducing them further could result in a higher risk of blockages in the system. The calculations show that no flooding occurs for the design storm event, but Cv values should be increased to at least 0.9 in accordance with OCC Local Standards. The most up-to-date FEH rainfall data should be used where possible, and flood exceedance flow routes have been considered.

Water quality has been briefly considered, but more detail on the level of the pollution hazard and appropriate mitigation measures must also be included. Maintenance of the drainage system has been considered, but the details provided do not currently include the attenuation tank.

25. First Response - The LLFA has issued a holding objection because the applicant hasn't provided any drainage information. This means they can't accurately assess the impact of the proposed development. They recommend submitting a drainage strategy that complies with Oxfordshire County Council's local standards.

### **OCC Biodiversity**

26. Third Response – No objection

A condition is required to account for commencement occurring more than 1 year after the most recent ecological assessment. This is to ensure ecological surveys remain representative of current site conditions in line with best practice guidelines.

Details of a CEMP (construction environmental management plan) should be provided either with the application or secured through a planning condition. The CEMP should include lighting, noise, hydrological, dust and air pollution mitigation details and an ecological method statement with consideration of impacts to ecological receptors for impacts of the proposed development as outlined in the submitted ecological reports.

The proposed great crested newt district licencing is considered appropriate mitigation and should be secured through condition wording as provided by NatureSpace.

It is agreed that the provision of a minimum of 2 swift boxes and 2 bat boxes are appropriate and details of their location, installation, maintenance and monitoring should be secured through an appropriately worded planning condition.

Details of a Habitat Management and Monitoring Plan (HMMP) should be secured through a planning condition or obligation. The HMMP should cover a 30 year period of management and include monitoring and reporting arrangements to demonstrate target habitat type and conditions are achieved, and to identify any remedial actions needed to achieve this.

27. Second Response – OCC Biodiversity reviewed the new information submitted in support of Ferris Hill Farm. It largely does not relate to their previous response; therefore, they do not believe a new biodiversity response is needed at this stage.

28. First Response - The recommendation is for further information to be provided. The proposed development will impact habitat suitable for great crested newts (GCN), with one pond identified nearby. The reasoning for excluding this pond from further assessment is

insufficient, and surveys should be conducted to determine GCN presence. Another water body within 500 metres should also be included in the assessment.

Further justification is needed for the 50-metre survey area for otters; surveys should cover 250 metres. Clarification is required for the badger survey area, which should include the application site and 30 metres beyond.

Hedgerows impacted by the development need assessment for their 'importance' under the Hedgerow Regulations 1997. Details of the condition assessment for the non-native hedgerow should be included in the BNG metric calculation.

The development will affect habitat with low potential for bats; further reasoning is needed for the absence of bat activity surveys. Justification is also required for using swift bricks/nest boxes as mitigation.

The surveyed area should match the application boundary for BNG calculations. A 10% BNG in hedgerow units is required, with priority for on-site provision. Offsite compensation details should be provided if necessary.

All relevant fields in the BNG metric should be completed. The restoration scheme should include management and maintenance plans for 30 years, considering protected species.

## **OCC Landscape**

### **MW.0006/23**

29. First Response – The Landscape and Visual Impact Assessment (LVIA) concludes that the proposed development's impact on landscape character will range from negligible (adverse) in the first year to moderate (beneficial) by year ten. Visual impacts are expected to be well-contained, with localised views restricted to the nearby road network and distant glimpses from public rights of way. The mitigation proposals are deemed to substantially minimise impacts, resulting in negligible adverse effects initially and beneficial effects in the long term.
30. However, some impacts may have been underestimated, and some long-term benefits overestimated. The absence of photomontages or wireframe images makes it difficult to fully assess the scheme's impact on local views. Effective mitigation, in keeping with the landscape character, is crucial, especially considering the potential adverse effects of losing mature vegetation, changes in landform, and unnatural gradients.

31. Clarification is needed on several points, including the exclusion of a flat area west of the proposed CHP plant, the removal of a mature hedgerow to the north, and the lack of a tree survey. Policy C8 requires that proposals respect and enhance local landscape character, and further information on design options to minimise adverse effects is needed. Details on distances, levels, and growth rates for hedgerows and trees should be provided, along with greater species diversity to increase resilience.
32. The potential distribution of energy to local customers and the associated works should be included in the application, as these can cause landscape and visual effects. Lighting should be kept to a minimum, and a longer management period than the proposed five years is recommended to ensure the successful establishment of woodland planting.
33. Second Response –The comments should be read alongside previous remarks. The applicant has provided further information on design options, vegetation impacts, cross-sections, and connections to the underground network. The proposed mitigation measures, including bunding, woodland and hedgerow planting, and hedgerow management, are satisfactory for making the development acceptable in landscape and visual terms.
34. However, there is a discrepancy in the Landscape and Visual Impact Assessment (LVIA) regarding a new boundary hedgerow at the southwestern corner of the site, which is not shown on the Landscape Mitigation Proposals drawing. Clarification and an updated drawing are needed.
35. Additionally, the materials and colour of the CHP building and its flue should be agreed upon with the planning authority to mitigate visual impacts. The applicant's offer to extend the aftercare period from five to ten years is welcomed but still considered too short for establishing a healthy woodland. A ten-year aftercare scheme is recommended.
36. In conclusion, there is no objection to the proposal, but clarification on the mitigation plan is required. Several conditions related to landscaping will be necessary if the development is approved, including a detailed landscaping scheme, lighting details, external materials of the CHP plant, retention of existing vegetation, and an aftercare scheme.
37. Third Response - I have commented on this application before raising no objection subject to conditions. The additional information appears to primarily seek to address ecological concerns. I have no further

comments to make on the application. My previous comments still apply.

### **Oxfordshire Fire and Rescue**

38. First Response – No comments received.

### **Annex 2 – 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 2017 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, survey results and consideration of the habitats within the site area indicate that, with appropriate mitigation, European Protected Species are unlikely to be harmed as a result of the proposals.

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