

To: Members of the Planning & Regulation Committee

Notice of a Meeting of the Planning & Regulation Committee

Monday, 4 September 2023 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

August 2023

Committee Officer: **Committees Team**
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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.

Membership

Chair – Councillor Geoff Saul
Deputy Chair - Councillor Richard Webber

Councillors

Robin Bennett
Felix Bloomfield
Yvonne Constance OBE
Imade Edosomwan

Mohamed Fadlalla
Stefan Gawrysiak
Judy Roberts
David Rouane

Les Sibley
Ian Snowdon

Notes:

- ***Date of next meeting: 16 October 2023***

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 (Pages 1 - 24)**

To approve the minutes of the meeting held on 17th and 18th July 2023 (**PN3**) and to receive information arising from them.

- 4. Petitions and Public Address**
- 5. Sutton Courtenay Landfill Site, Appleford Sidings, OX14 4PP (Pages 25 - 50)**

Application to modify or discharge Section 106 Planning Obligations to remove the existing waste catchment area and amend permissive path at Sutton Courtenay Landfill Site.

Report by Director of Planning, Environment and Climate Change

It is RECOMMENDED that

- i) Oxfordshire County Council enter into a deed of variation to amend the existing Section 106 legal agreement with regards to removing the hinterland restriction and amending the date for the provision of a permissive path.**
- ii) The Director of Planning, Environment and Climate Change is authorised to enter into negotiations with the applicant and any other parties to the legal agreement with regard to making the variations set out in this report.**

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.

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Agenda Item 3

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 17 July 2023 commencing at 1.00 pm and finishing at 5.50 pm and Tuesday, 18 July 2023 commencing at 10.00 am and finishing at 3.52 pm.

Present:

Voting Members:

Councillor Geoff Saul – in the Chair

Councillor Richard Webber (Deputy Chair)

Councillor Robin Bennett

Councillor Yvonne Constance OBE

Councillor Imade Edosomwan

Councillor Mohamed Fadlalla

Councillor John Howson (In place of Councillor Stefan Gawrysiak)

Councillor Ian Middleton (In place of Councillor David Rouane)

Councillor Judy Roberts

Other Members in Attendance:

Councillor Charlie Hicks (Registered Speaker)

By Invitation:

Officers:

David Periam, Development Management Team Leader

David Mytton, Solicitor

Nicholas Perrins, Head of Strategic Planning

Rachel Wileman, Director of Planning, Environment and Climate Change

Owen Jenkins, Director of Place, Transport Policy and Infrastructure

Jonathan Hill, Planning Consultant, AECOM

Dan Townsend, Application Team, OCC

Anna Savage, Air Quality Lead, AECOM

Sean O'Connell, Transport Planner, AECOM

Kt Hamer, Transport Officer, OCC

John Disley, Head of Transport Policy, OCC

Victoria Sykes, Climate Change Lead, OCC

John Lee, Public Health, OCC

17/23 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence were received from Councillors Felix Bloomfield, Stefan Gawrysiak, David Rouane, Les Sibley and Ian Snowden.

Councillor John Howson substituted for Councillor Gawrysiak and Councillor Ian Middleton substituted for Councillor Rouane.

18/23 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE BELOW

(Agenda No. 2)

Councillor Constance felt it important to make her position clear on the Committee. Councillor Constance was, until May 2021, the Cabinet Member for Environment and Transport, responsible for promoting the HIF1 scheme. Councillor Constance continued that case law showed that even Members who had expressed clear views historically could and should take part in the consideration of planning applications, unless they were unable to exercise their decision making with an open mind and to weigh all considerations in the light of the debate having not predetermined how to exercise their vote with an open mind. Councillor Constance confirmed that she was attending with an open mind and therefore intended to take part.

Councillor Bennett declared that he has a role as Deputy Leader for South Oxfordshire District Council and some of the portfolio included some responsibility for Didcot Garden Town. Councillor Bennett was attending the meeting with an open mind.

19/23 MINUTES

(Agenda No. 3)

Resolved: that the minutes of the meeting held on 5th June 2023 be confirmed as a true record and signed by the Chair.

20/23 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

There had been 26 requests to address the Committee and two written statements, which had been published on the Council website.

The speakers were as follows:

Mr Charlie Hopkins
Mrs Gwendolyn Mockler
Councillor Emily Kerr (Oxfordshire City Council)
Ms Vicky Johnson
Mr Ng Chien Xen
Dr Angela Jones
Councillor Charlie Hicks (Attending on a personal level)
Mr Nick Fielding
Mr Mark Beddow
Dr Caroline Baird
Mr Robin Draper
Mr Greg O'Broin
Councillor Sarah James (Vale of White Horse District Council)
Ms Zuhura Plummer
Mr Chris Hancock

Mr Roger Williams
Sam Casey-Rerhaye
Mr Chris Church
Mrs Frances Reid
Mr Richard Tamplin
Mandy Rigault
Mrs Victoria Shepherd
Ms Debbie Davies
Mr Emmanouil Mavrikis
Mr Owen Jenkins

Councillor Duncan Enright could not attend the meeting.

The written statements had been received from Mr Andy Holding and Mr Ian Palmer.

21/23 DIDCOT GARDEN TOWN HIF 1 SCHEME

(Agenda No. 5)

The Director of Planning, Environment and Climate Change, Rachel Wileman, introduced the report and provided a presentation which included plans and photographs relating to the planning application for a major highway development, comprising four parts:

- The dualling of the A4130 to the east of Milton Gate towards Didcot
- The construction of a bridge, known as Didcot Science Bridge, and a single carriageway road that will connect the A4130 to Collett Roundabout via a route that crosses the former Didcot A Power Station Site
- A new, single carriageway road between Didcot and the A415 which would include a bridge over the Appleford Rail sidings and a bridge and viaduct over the River Thames and Bridge Farm Quarry, and
- A Bypass for Clifton Hampden, which would connect the A415 with the B4015 via a new route to the northwest of Clifton Hampden

The proposed development also included a new, continuous walking and cycling network along its length as well as related highway infrastructure such as roundabouts, bus stops, lighting, and drainage infrastructure and landscaping.

Further points raised by the Director of Planning, Environment and Climate Change included the following:

- The delivery of the HIF1 Scheme, if permitted, would be part-funded by a £240 million Housing Infrastructure Fund grant from Homes England. However, Members were reminded that the availability of the grant was not a material planning consideration. Members were therefore advised to disregard the availability of the funding in their consideration of the planning application.
- The nature of the application as one submitted under Regulation 3 of the Town and Country Planning General Regulations 1992, as amended. This meant that the County Council was both the applicant and the planning authority determining the application. The 1992 Regulations require that the planning

application must not be determined by the committee, sub-committee or officer of the council who was also responsible (wholly or partly) for the management of the land or buildings concerned. Members were advised that only officers and their advisors on the regulatory side of the Environment and Place Directorate had been involved in carrying out the planning functions of the County Council in gathering information, assessing the application, and producing the report. Legal officers had also kept a separation of functions, so some had been involved in advising the local planning authority and different officers had advised the applicant.

- The application was accompanied by an Environmental Statement, and therefore fell under the provisions of the Town and Country Planning Environmental Impact Assessment (or EIA) Regulations 2017, as amended.
 - The application and Environmental Statement were originally submitted in November 2021 and were subject to a statutory 30-day consultation period, ending on 11th December 2021.
 - A request for further information under the provisions of Regulation 25 of the EIA Regulations were issued by the officers in April 2022 and that further information was subsequently submitted in November 2022. This information was subject to publicity and consultation ending on 24th December 2022.
 - The applicant voluntarily submitted further information in December 2022 in response to advice that had been provided directly to them by the Environment Agency.
 - In March 2023, the officers issued a second request for further information under the provisions of Regulation 25 of the EIA Regulations. Further information in response to that second request was submitted in April 2023 and was subject to publicity and consultation ending on 12th June 2023.
 - The application and Environmental Statement had therefore been subject to three formal periods of publicity and consultation. In each of these periods, the application was advertised by multiple site notices, a newspaper advert, notifications to statutory and non-statutory consultees, and letters to residents in close proximity to the site or who had previously commented on it.
 - Whilst the consultation period was formally published as 30 days each time, all comments received over the 20-month determination period had been accepted and considered by planning officers in their consideration of the application. No comments had been turned away or disregarded.
 - Nearly 400 comments had been received in total from local residents and interested parties. Some of these had expressed support for the development, however the majority had expressed concern or stated objections to it.
- The EIA Regulations required that the Environmental Statement, together with any other information which was relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the

development. A summary of the conclusions of the Environmental Statement was included in Annex 3 of the committee report. A summary of the main points raised through consultation responses was included in Annex 4 and a summary of the main points raised through third party representations was included in Annex 5.

- Planning Officers had been working closely with the applicant to address comments and concerns raised by third parties and consultees. In particular:
 - Amendments had been achieved to ensure that tree loss was reduced as far as possible and to protect all notable and veteran trees, some of which were originally proposed to be removed or impacted by the development.
 - The landscaping proposals had also been improved in response to concerns raised, and the development before members included more extensive planting and screening than was originally proposed. Planning Officers and their advisors were now satisfied that all reasonable opportunities to increase planting had been taken to screen the development as far as possible and to help integrate it into its surroundings.
 - The Biodiversity Net Gain Assessment had been amended through the determination process, to enable a robust understanding of the impact of the development on habitats. As a result, the development would now provide a substantial net gain in biodiversity amounting to a 23% increase in habitat units, a 40% increase in hedgerow units and a 10% increase in river units, some of which would be provided via an offsetting provider outside of the application site.
 - The application had also been amended to improve the flood mitigation proposals, which had enabled the initial objections from the Environment Agency and the Lead Local Flood Authority to be overcome.
 - Additionally, further information had been provided to ensure that the application properly and robustly assessed the effects on noise, heritage assets, minerals and waste developments, recreational facilities, the local highway network, climate, and landscape, amongst other things.
- The planning application was supported in principle by the Vale of White Horse (VoWH) Local Plan and the South Oxfordshire Local Plan, which taken together were the principle documents that set out the spatial strategy for the application area. The proposed development was required to address existing severe congestion, poor access and air quality issues in Science Vale, which had arisen because the existing highway infrastructure had failed to keep pace with housing and other development. These impacts affected all modes of travel, including walking, cycling, public transport and private car use. They were also difficult to address due to the severance caused by the Great Western Mainline and the River Thames.
- However, the proposed development would cause localised harms and impacts that were of concern to affected residents and communities. The proposal would cause significant harm to the occupants of some individual properties, schools, and commercial developments through adverse noise effects that, for some, would not be fully mitigated and this would be a permanent harmful effect.

- The landscape and character of the local area would be changed, and this would cause localised harmful effects through changes to views, urbanisation, loss of trees and other vegetation, and the impact of associated infrastructure such as lighting. Whilst the applicant had sought to minimise these effects as far as was practicable, it remained the case that there were aspects of the development where there were limited opportunities available to soften its impact and to integrate it fully with its surroundings.
- The development would also cause less than substantial harm to the significance of the Grade I Nuneham Courtenay Registered Park and Garden, the Nuneham Courtenay Conservation Area, the Sutton Courtenay Conservation Area, and the Grade II Listed Fullamoor Farmhouse due to changes to the asset's settings. The development would also cause less-than-substantial harm to the significance of the Scheduled Monument 1006345, due to changes within its setting. The harms to designated heritage assets should be given great weight and importance when weighed against the public benefits of the development. There would also be harm to non-designated heritage assets, including Hill Farm and New Farm as well as to archaeological deposits.
- Finally, the proposed development would cause harm to the Green Belt by way of its inappropriateness and impact on openness. This harm should only be allowed in very special circumstances and where the harm to the Green Belt and all other harms were outweighed by the benefits of the scheme. It was the advice of officers that very special circumstances were present in this instance and therefore that the development was in accordance with national and local policies that seek to protect the Green Belt. In accordance with the Town and Country Planning (Consultation) (England) Regulations 2021, should members be minded to approve the application, it would first need to be referred to the Secretary of State to consider whether the application should be called-in for their own determination.
- Turning to the benefits of the development, both the VoWH and South Oxfordshire District Councils and the Highway Authority were clear that the development underpinned the spatial strategy for the Science Vale area, and was essential for the delivery of homes on allocated land adjacent to Culham Science Centre, at Berinsfield Garden Village, and in and around Didcot in South Oxfordshire; and land at East of Sutton Courtenay, Milton Heights, Valley Park and North West of Valley Park in the VoWH. The development would enable jobs growth and would support the social and economic prosperity of the Science Vale area.
- As was set out in the committee report, the proposed development was the cornerstone of mitigation that was required to enable planned growth to occur without severe harm being caused to the highway network. Without the development, planned housing and employment development may be unlikely or less likely to come forward, or otherwise would be delayed. Refusal of the application therefore had the potential to undermine the spatial strategy for both South Oxfordshire and the VoWH. Members were advised that this in-principle support for the development should carry very strong weight in the decision-making process.
- Other benefits of the development would include the delivery of a high quality, near continuous, segregated footway and cycleway route that would provide a genuine alternative to private car travel. The beneficial impacts on the road

network in terms of improved connectivity across the Great Western Mainline and the River Thames would ease congestion and reduce journey times and reliability for bus travel. Additionally, there would be reductions in traffic volumes through some local villages including Clifton Hampden and Appleford which would improve the quality of the environment and bring associated reductions in noise levels to some properties.

- Taking all of the above into consideration, it was clear that members would need to balance the planning merits of the proposed development in reaching a decision on the application. Paragraph 11 of the NPPF stated that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, the NPPF stated that this means approving development proposals that accord with an up-to-date development plan without delay. The officer advice to Members, as set out in the report, is that, notwithstanding the conflict with some policies in relation to noise, the proposal accords with the development plan when read as a whole.
- Therefore, it was recommended that, subject to the application first being referred to the Secretary of State to consider whether they wish to call it in for their own determination, planning permission should be granted subject to the recommended conditions including those listed in Annex 1 of the report.

The Development Management Team Leader, David Periam, presented and explained the plans in detail and informed the Committee of what was proposed as part of the application.

The Head of Strategic Planning, Nicholas Perrins, updated the Committee on the addendum to the reports since the report had been published. Members were informed that sixteen further representations had been received, raising concerns on a range of issues, which had already been covered in the published Officers report. A representation had also been received from Councillor Charlie Hicks setting out objections to the proposal in respect of compliance with the County Council Local Transport Connectivity Plan and the recent advice to the government from the Climate Change Commission. Councillor Hicks representation had been sent to the Committee Members and published on the Council's website. A further representation had also been received from the neighbouring parish councils joint committee, setting out concerns with the Officers report, this had also been summarised in the addendum report including clarification where required. This had also been sent to the Committee Members and published on the Council's website. The addendum also reported that FCC, owners of the Sutton County Landfill had withdrawn their objection subject to working further with the applicant going forward and also amendments to three conditions which were acceptable to Officers and in the addendum report with amended wording for consideration and an amendment to paragraph 2.30 of the Officers report to provide further clarification on the County Council's declaration of the climate emergency.

The Committee were addressed by the following registered public speakers:

- Mr Hopkins representing the Joint Committee of the neighbouring Parish Councils that are most affected by the scheme. These included Appleford, Burcot, Clifton Hampden, Culhum, Nuneham Courtenay and Sutton Courtney. The combined total of population from these areas was 4200 residents. Mr

Hopkins referred to the report with the detailed responses at Paragraphs 112 to 154, pages 145 to 158 and then to the response to the Officers report that had been published with in the addendum, pages 25 to 38. The residents needed a solution but one that was fit for the future, that met the vision, aims, objectives and the targets of the Council's recently adopted Local Transport Plan (LTCP), which represented the most up-to-date material considerations, that did not carry as much weight as the adopted local plan. The Parish Councils had fully participated at all stages of the development of this scheme from preapplication through to three rounds of public consultation of the application. All of the concerns that had been expressed to the Council had been ignored. Two leading transport policy professors and other specialists had also inputted to the responses. The report set out 17 key priorities but gave Members no information of which ones carried more weight. Mr Hopkins concluded by asking Members to refuse the application.

Councillor Constance asked if the 17 key issues were correct and was informed that they were and commented that at paragraph 243, Officers commented that although it would not reduce private car travel, it did lead to overall carbon reduction because of the reduction in congestion. Mr Hopkins agreed that Officers were seeking to reduce carbon emissions but felt it would not.

Councillor Bennett asked a question about the transport modelling that had been carried out, had other travelling modes been factored in as the model used by Officers had not factored these in. Mr Hopkins informed the Committee that no transport modelling had been carried out, only critiques of the modelling had been provided by experts in the field.

- Mrs Mockler addressed the Committee with Mr Anthony Mockler's statement as he was unable to attend. Mr Mockler owned and managed the family trust of the land bordering the A4130 between Valley Park and almost up to the Middleton interchange. Mr Mockler was requesting that the application be refused or at least be deferred until after the inspector's inquiry into the Compulsory purchase order.
- Councillor Emily Kerr from Oxford City Council raised the following points:
 - That more people were now working from home.
 - The traffic forecasts used were out of date.
 - There was limited ambition for active travel when the scheme was initially developed.
 - People now wanted good public transport, strong rails links and walking and cycling routes.
 - Many relevant new policies had been adopted by the County since the start of the application.
 - Cycle routes were cheaper to put in than the HIF1 scheme and would cover a larger area.
 - With the current inflation concerns, would the housing be built in the relevant timeframe.
 - The assumptions and modelling appeared to be very out of date.
 - LTCP 5 and the Climate Change Committee report were both material considerations, which would be reasons to reject this proposal.

- LTCP 5 stated specific goals for reducing car use, which HIF1 was in direct contravention.
- The adopted decide and provide approach had not been followed and failed to provide reasonable alternatives.
- The effect of additional traffic on Abingdon had not been adequately considered.
- Further work was required on the alternatives within the HIF1 scheme.
- This was the wrong use of money to build the wrong road in the wrong place and it repeatedly breached County policy.

Councillor Constance commented that she was more persuaded that buses would function effectively and both, more economically and more immediately than trains would on this route but Councillor Kerr didn't feel that enough robust research had been done.

- The following detrimental impacts were raised by a concerned resident of Appleford, Ms Vicky Johnson:
 - Noise and pollution during construction and when completed.
 - Air pollution risks to public health.
 - The health and welfare of residents had not been considered.
 - Local transport plan had not been considered.
 - The new roads were not a long-term sustainable solution for Oxfordshire, to alleviate congestion.
 - Climate Change carbon neutral policy had not been followed.
 - There was potential detrimental effect on quality of life.
 - How was the Council going to meet the cost of this road and would there be an increase in the Council tax with all other cost of living concerns.
 - Reject the plan and look for alternatives and to follow Council's made policies and commitments.

Councillor Constance provided clarification that the scheme was not being funded out of Council tax, it was being funded by government support and Homes England. The funding of the scheme was not a consideration for the Committee.

- Ng Chien Xen, a transport economist who had previously advised on large projects such as HS2 and the Northern Powerhouse Rail and was currently advising Oxford Friends of the Earth on a voluntary basis. The following points were raised:
 - The Officers report explained that if the HIF1 scheme was not built, there would be severe traffic congestion problems and that the scheme would alleviate the problems.
 - The report also explained that if the scheme was built, there would be no significant impacts on climate and air quality, so the benefits were high, and the impacts were low.
 - Traffic modelling – it was a well-known fact that people travelled if there was a financial and time cost reduction. If a new road was built, more people would take the car than would otherwise. This was known as induced demand. The traffic modelling had not taken account of this induced demand, assuming that the same number of car trips for having the scheme compared to not having the scheme. Research had repeatedly

shown that new roads did generate traffic. This would produce 13000 tonnes of carbon emissions per year.

- The Officers report had concluded that the vehicle emissions would be lower because congestion would be lower, but this did not account for there being more cars on the road.

Councillor Howson asked if the size of the car had been taken into account and was informed that there was no reference to this in the report.

Councillor Constance asked what modelling the speaker had carried out and was informed that he had taken a sample of 50 past delivered road schemes and calculated the carbon emissions using the size of the road scheme and calculated a high-level estimate. The modes of transport would change going forward using the Department of Transport's predictions for future travel. The speaker informed the Committee that only much smaller schemes tended to have some reductions of carbon emissions and they did induce more traffic.

Councillor Bennett asked about modal change and was informed that private travel tends to make travel slower including buses. By putting private road space side by side with public road space, the change would probably not happen because people needed an active nudge to make the change to use public transport.

- Dr Angela Jones addressed the Committee as a retired GP and resident of Appleford. Dr Jones commented that she with other villagers had attended the exhibition for the first consultation in 2018 and it had been immediately obvious that the option to build a huge flyover behind the houses in Main Road, Appleford and over the Appleford sidings would have a massive impact on the residents of Appleford visually and a source of noise and air pollution and it was difficult to see what mitigation could be applied. The residents of Appleford had responded to the consultation and proposed an alternative alignment, which would take the proposed road slightly further west in the key section close to the village. Dr Jones also commented that she was very surprised that a health impact statement had not been provided to assure the Council and Committee that the proposal did not risk the health of the residents. The impact on traffic locally was also highlighted.

Councillor Bennett asked what noise and air pollution was currently being experienced as a result of the operations of the sidings and was informed that since the sidings had been expanded, the levels of noise had increased, and the proposal would increase the levels of noise further. Dr Jones believed that there had been no assessments made.

Councillor Howson asked about the proposed barriers and if that would make sufficient difference and was informed that adding another 9-10 feet onto the already 37 feet, made it an even bigger and imposing structure and had seen no evidence to show this would be sufficient and would be interested to hear if the Officers had a response to the question.

- Councillor Charlie Hicks addressed the Committee with the material planning reasons to reject the application, some of which were as follows:

- The HIF1 application did not align with the LTCP policy 36, parts B, D and E, road schemes and provide traffic modelling.
- Did not align with the assisted documents to the LTCP called implementing decide and provide requirements for transport assessments.
- The Council would overshoot the LTCP 2030 targets to reduce car trips by 25% by 2030, instead the trips would increase by 42% by 2034.
- The recommendations of the UK government Climate Change Committee Progress report to Parliament was to get the UK surface transport on track with the Paris Agreement, all UK road schemes were to undergo net zero roads review, including for new road schemes to not increase the capacity for cars, which the scheme did.

Councillor Constance asked if the Committee could decide to provide transportation for 15-18000 more houses in the area and the roads could provide buses as well as private car travel. Councillor Hicks responded that the Council needed to reduce car trips by one in four by 2030, the buses would be slowed down by the congestion that would be created and that there needed to be a multiple approach of walking, cycling and public transport, especially as there was an existing railway line and the already looked into tram-train option.

Councillor Hicks agreed with Councillor Edosomwan that if the application was approved, it would not be consistent with the Council's policy on climate change that all Members unanimously voted for in 2022 and would go against it.

Councillor Hicks agreed with Councillor Bennett that many of the issues he had raised had been sufficiently addressed by Officers in the addenda. However, there was no referencing to parts D and E of the policy 36. Many other points needed to be considered for a modal shift to take place.

- Mr Nick Fielding addressed the Committee on behalf of Burcot and Clifton Hampden Parish Council. Mr Fielding addressed the impacts on the Parish and then the road. The points raised by Mr Fielding were as follows:
 - The environmental heavy impacts would include serious damage to the Green Belt status with the destruction of more than 130 trees out of 169 that were due to come down and significant damage to the hedgerows. There would be major atmospheric and noise pollution.
 - The Parish was in favour of a by-pass to reduce the traffic and long queues in the village. The mitigation plan for the atmospheric and noise pollution suggested by the Environmental Officer was supported to provide a construction noise and vibration management plan be submitted and approved before the start of the development. The 3m high noise barrier that had been proposed was an unsuitable solution to the problem of noise and would be very unsightly.
 - The destruction of the trees would result in the loss of habitat of birds, insects, mammals and the destruction of the badger set. The bats would be seriously affected.
 - The footpaths and walkways would be affected with residents having to cross an extremely busy road to get to the open countryside to the north of the village.

- The road itself started as a motorway, then a B road, ending at the Golden Balls Roundabout and going nowhere from there. This would increase the traffic at all the roadways around the Golden Balls roundabout, causing traffic everywhere else.
- Mr Mark Beddow addressed the Committee representing East Hendred Parish Council, opposing the proposed application. The points raised included the increase in CO2 emissions, increased traffic, entirely on Green Belt land and in a flood plain. This was not a sustainable application.
- Dr Caroline Baird addressed the Committee and objected against the application as a resident of Culham Village. The points raised by Dr Baird were as follows:
 - The majority of responses to the three consultations had been negative.
 - The five rural Parishes most affected by the application joined forces to represent their constituents. Huge amounts of time and locally raised funds had seen the commissioning of expert reports. Research pointed out the numerous flaws in the application including traffic modelling, conflict with policies, health and wellbeing, air quality and financial viability.
 - The site area for these roads covered 155 hectares of agricultural land including wetland habitat. The proposed route of the interconnected roads would ruin the rural footpaths connecting the villages. As well as crossing the River Thames and the Thames National Path, the route crossed 13 footpaths, bridle ways and would involve some permanent closures and diversions to the public rights of way.
- Mr Robin Draper, representing Sutton Courtenay Parish Council, made the following comments to the Committee:
 - The Parish council had been very optimistic about the aims of HIF1 of ensuring that the impact of increasing housing on the traffic network was acceptable, whilst future proofing local infrastructure provision, reducing congestion and providing value for money. The scheme failed to meet any of its aims. The scheme did not meet the NPPF, District and County Council policies, and this reason alone was sufficient to justify rejection of the application.
 - The traffic modelling had not taken into account the impact of the scheme or the allowance of the induced traffic. The modelling did show there would be a 42% increase in travel by private cars which was not compatible with reducing traffic. The congestion levels would reach significant levels by 2034. The impacts on Abingdon and the Golden Balls roundabout had not been fully considered.

Councillor Bennett asked about the concern of induced traffic and if the traffic through Sutton Courtenay would be from Abingdon, travelling to use the road and joining it at the new roundabout. Mr Draper commented that these questions had been asked to the County Council and no response had been received so the Parish Council were highly concerned.

- The Chair of Appleford Parish Council and neighbouring Parish Council Joint Committee, Parish Councillor Greg O’Broin addressed the Committee. The points raised included the following:
 - The Environmental Statement was not robust enough.
 - Public Support – 97.5% of consultation responses had expressed concern with the HIF scheme. The neighbouring Parish Councils within the Joint Committee and others represented 13000 residents. There was no public support for the scheme.
 - HIF1 required two Regulation 25 requests, many of the submissions were inadequate and required further clarification on the scheme.
 - The heavy reliance on contractors would impact delivery.
 - There was no health impact assessment included and the information was not in the report.
 - The scheme was contrary to OCC policies, the 2019 Climate Emergency Declaration, the Framework and the LTCP.
 - The impact to Abingdon and the Golden Balls roundabout had been scoped out of the analysis.
 - The Appleford flyover and the elevated road were close to and overlooking the village and would damage it irreparably, resulting in the loss of amenity of homes and gardens from excessive noise vibration, pollution, air quality and visual outlook.
 - The amount of HGV’s and commercial traffic would increase exponentially with every HGV and large goods vehicle in the area travelling north and south over Appleford village at 40-50 feet high. Parish Councillor O’Broin asked how Officers could conclude that Appleford would have no adverse impact on residential amenity. The modification to close windows was not acceptable.
 - It seemed as though the benefits could not be balanced against the harm to public health of the residents of Appleford.

Councillor Constance commented that the impact on Appleford Village was a major issue and a suggestion had been put forward to move the application 250m to the west to be further away from the village. Parish Councillor O’Broin agreed and added that two sets of technical architectural drawings had been submitted and this was referenced in the report but due to the slightly increased cost implications, the moves were not feasible. This small change would make a huge impact on visual impact and noise. The move would be in the distance, on the edge of the village. Councillor Constance commented that the application could not be moved as the land was not suitable and it was suggested that the land had not been examined in sufficient detail. The current Ramp Road that went around the lake, currently used by the HGVs, could have been used and that could cross at the railway sidings. Therefore, the elevation could be lowered and the trees in front of the Appleford railway line would not have to be destroyed.

- District Councillor for Hendreds Ward, Sarah James commented that this was at the southern end of the scheme and the other side of the Milton interchange. The concerns raised were about the traffic and congestion impacts that would arise from the HIF1 scheme in neighbouring areas and the inadequacy of the environmental statement in addressing this and that the alternatives considered being very limited as with the considerations for

climate change impacts. The OCC Local Transport and Connectivity Plan quotes that new road schemes generate new demand and quickly reach capacity again; it was therefore not a sustainable long-term solution for Oxfordshire's transport network. The roads in the ward were regularly congested during peak times and the scheme would just add to this strain. It had been stated in the report that the HIF1 scheme had a positive impact on the A34 as the new road would take away traffic from the Milton interchange more quickly, however the traffic in the other direction had not been considered.

- Ms Zuhura Plummer addressed the Committee with the statement that new roads did not solve congestion, they increased it. If it was made easier for people to drive, then people would drive, and traffic would fill whatever space was made available. Also, people tended to take up walking, cycling, and using the bus if driving was made inconvenient. The new road and additional bus stops were not enough if the buses would be stuck in traffic on the new roads and the result would be that the buses would not be used. The increasing budget of the scheme would impact other schemes that were planned.
- Mr Chris Hancock, an Appleford resident, addressed the Committee about two issues, noise and air quality. With respect to the noise, it was recommended that strong weight was applied to the adverse noise impacts, undertaking the balancing exercise. The full extent of the noise harm had not been presented in the report. Part of southern Appleford had been designated by Defra as a noise important area, one of four, around Didcot. Defra stated that for rail noise, the population of these locations were likely to be at the greatest risk of experiencing a significant adverse impact to health and quality of life as a result of their exposure to noise. The main rail line ran alongside Appleford. The noise from the already existing aggregate handling site at Appleford rail sidings, adjacent to the village, caused distress. A combined analysis of noise from the railway, industrial site and HIF1 had not been undertaken. Mr Hancock continued to address the air quality and the report stating that there were no adverse impacts for human health. No pollution monitoring had been carried out close to and facing the HIF1 route in Appleford. There had been no health impact assessment carried out as required by the LTCP and therefore the Environment Statement was not compliant in regard to noise, air quality, immunity and health.
- Mr Roger Williams addressed the Committee in an independent capacity. Mr Williams used to be the Head of Transport Planning at the Council some years back. Mr Williams did not live in Oxfordshire and had no involvement with Didcot or any of the villages. Mr Williams had got involved in the proposals as they seemed fundamentally wrong and would lead to further problems and cost for the Council and the Oxfordshire environment. Mr Williams commented as follows:
 - The Council were going to considerable lengths to restrain traffic in Oxford with road closures and restrictions, yet these proposals in Didcot would have the opposite effect, increasing and encouraging car use. The cycle routes and public transport suggestions would have marginal effects when

considering the additional road capacity and the removal of traffic bottlenecks.

- There would be traffic jams to all other surrounding areas around Didcot.
 - The traffic in Abingdon and the traffic, east of Didcot would increase.
 - There was no information on the improvement of the Golden Balls roundabout, including no costings and no other information of how it was going to be provided and whether it was environmentally accepted and the traffic leading to and from the roundabout function.
 - There was a lack of considerations of alternatives to this road building solution. Mr Williams asked about the master plan that had been instructed by Cabinet and asked where it was, what had been considered within it, who had seen it and commented on it and judged it against the proposals in the report.
 - Mr Williams would have included all the wider impacts including costs, had he still been the Head of Transport Planning.
- Parish Councillor Sam Casey-Rerhaye, Culham Parish Council and the District Councillor for South Oxfordshire addressed the Committee on the following three points:
 - Ecology and the ecological emergency and the effects on fauna and flora and major consequences on river ecology.
 - Very Special Circumstances – this meant that alternatives had been considered and deemed unsuitable. This was the higher test for building in the Green Belt.
 - The application should not have been considered as one application to offer Members the opportunity to scrutinise better how and whether the LTCP could be applied.
 - Mr Chris Church, representing Oxford Friends of the Earth addressed the Committee, objecting for the following reasons:
 - The objectives 5,6,7 and 8, within the LTCP which states reduce the need to travel, reduce the number of car journeys, reduce carbon emissions and the answer for these was not to build new roads.
 - Evidence had been submitted in January on traffic modelling highlighting the flaws that had significant implications such as the traffic flows, noise and carbon emissions.
 - The building of the road was assumed to save on carbon emissions, but this does not take into account the induced traffic. The predictions showed that it would take many years to pay for this in terms of carbon. The Council's Climate Action Framework, that was a material consideration, was about aligning key strategies and policies with climate action commitments to get to net zero and integrating climate considerations into decision making. This application would not accelerate the transition to zero carbon across transport and connectivity.

Members asked some clarification questions to Mr Church about the figures stated.

- Mrs Frances Reid addressed the Committee as a resident of Appleford, objecting to the application. Mrs Reid commented that over the last two years, residents of Appleford had experienced an increase in noise levels with a

mainline railway to the west of Main Road and to the west of that, the Appleford Sidings, Hanson's aggregates and asphalt plant, a cement plant, a recycling plant and a landfill site. All of these adding to the pollution problem and adding to the misery of the residents, not being able to enjoy the garden and when indoors, having to close windows and still being affected by low resonance noise, vibrating through the house. It seemed that the true extent of the severity of the noise in Appleford had not been properly examined in the environmental statement and would be more harmful than quoted. Therefore, the balance of harm to Appleford versus the benefits elsewhere may not have been properly shown to the Committee. Mrs Reid commented that paragraph 185 of the report suggested that all options of noise reduction had been exhausted or were not available as they could not reduce the noise further. The benefits would not outweigh harmful landscape and visual effects. The true mental and physical impacts on the residents of Appleford had not been adequately investigated.

- The Committee was addressed by Mr Richard Tamplin, a planning inspector before retirement, who had dealt with a wide range of planning applications, appeals and developments that required an environmental statement. Mr Tamplin commented on, what he thought was the biggest issue, the failure of the environmental statement to not assess the impacts on the roads on Abingdon. Abingdon was of a similar size to Didcot and the major settlements of Oxfordshire. The additional traffic generated by the proposed scheme on Abingdon town centre had not been assessed in the Environmental Statement in terms of volume, nature, emissions, air quality, noise, vibration and impacts on human health as the environmental statement regulations required. All the traffic to the west of Culham would pass through the town centre. All the housing and employment along the A415 and the new road would add to the traffic load in Abingdon town centre which was already at gridlock at peak times. The centre was subject to an air quality management area due to the existing harmful effects of traffic passing through it. It was already at 88% of capacity and beyond at peak times, yet no environmental assessment of the effects of the additional traffic load generated by the proposed road was made. It was a failure not to include the town in the scoping, in the environmental statement and not to provide any environmental assessment of the effects was fatally flawed and invalid.

Councillor Howson asked what distance should be covered, in Mr Tamplin's professional experience, for a scheme like this and was informed that there were two towns, Didcot and Abingdon, these towns were not very far from each other so for the assessment to end at Abingdon Bridge and not include the town when the traffic along the A415 must pass through the town centre was completely unreasonable.

Councillor Bennett asked if the scheme was being determined by Mr Tamplin as the Inspector, would it have been refused and was very clearly informed that Regulation 3 of the EIA Regulations which were headed Prohibition on granting planning permission or subsequent consent for EIA development, stated the relevant planning authority or SOS or an Inspector must not grant planning permission or subsequent consent for EIA development, unless an EIA had been carried out in respect of that

development. This is because the effects of the new road would affect Abingdon town centre significantly.

- Mandy Rigault addressed the Committee, speaking on behalf of the residents of Nuneham Courtenay and the Parish Council. Nuneham Courtenay was a historic village of national importance, one of two of the preserved removed villages in the UK, in a conservation area with both the grade one listed house and garden landscape with all the original cottages along the main road having a grade two listing. Despite this, the traffic and its impact passing these cottages had not been investigated. The noise, pollution and vibration had also not been investigated. The existing air quality in the village was poor and already exceeded three WHO limits for pollutants PM2.5, PM 10 and nitrogen dioxide. Once again it was pointed out that no health impact assessment had been carried out.
- Mrs Victoria Shepherd addressed the Committee as a resident of Appleford and the Vice Chair of the Parish Council, representing residents and local wildlife that couldn't attend. There were many harms of the scheme that did not outweigh the benefits to the local populations and the environment. The transport options that would be put into place would not benefit Appleford residents or promote the suggestions of active transport.

Councillor Howson asked about where the new 18 bus stops would be located in relation to Appleford and was informed that the current bus stops were not serviced and as far as she knew the new bus stops would be a significant walk up and over a railway crossing, across a shared cycle path and footpath, which would be a hazard.

- Debbie Davies, representing the Oxfordshire Roads Action Alliance addressed the Committee. The Alliance was a community alliance and campaign group that supported local residents who had concerns about climate and ecological crisis. The three concerns raised by Ms Davies were in respect to:
 - There was not much information on HGVs and how they would use the new road. The traffic modelling was based on volume of vehicles and not the size of vehicles.
 - The responses from the Transport Development Control to the late submissions particularly addressed the local transport and connectivity plan was not part of the development plan but was a material planning consideration. The District Council development plans contained policies to support measures in the LTCP.
 - The traffic modelling had already been raised and why a number of communities had been scoped out. It would be interesting to understand why.
- Emmanouil Mavrikis addressed the Committee as a Parish Councillor for Appleford. Mr Mavrikis asked his children, whilst waiting to address the Committee and since many of the points he had, had already been raised, he decided to share the views of his three children. The points included building on the Green Belt and the effects on nature, the trees and people's gardens and that would affect oxygen levels. The cycling route to nearby villages to visit friends by bike and from what he had heard from the discussions, the new

road was promoting car travel and therefore increased pollution. The scheme was not promoting public transport and reducing the carbon footprint. Mr Mavrikis highlighted that sustainable transport needed to be at the forefront of the planning process.

- Mr Owen Jenkins, Director of Place, Transport Policy and Infrastructure, addressed the Committee on behalf of the applicant. There were plenty of technical Officers available to answer questions. Mr Jenkins highlighted to the Committee that the principle of the HIF1 scheme was firmly established in policy and was compliant. The scheme was the cornerstone of enabling works for the planned growth proposed within the Vale of White Horse District Council and South Oxfordshire District Council local plans, and that would bring significant environmental and economic benefits to the area. Land had been safeguarded in the SODC local plan and the Vale of White Horse District Council local plan for the delivery of the HIF1 scheme and planning inspectors had proven the local plan sound on three separate occasions. Mr Jenkins referred the Committee to the Planning Inspectorate's report. Mr Jenkins commented that the bulk of the funds for the HIF1 Scheme had been secured from central government and could only be used for HIF1.

Day 2 – Tuesday 18 July 2023

Councillor Constance asked about the status of the meeting and the reference to the Secretary of State calling the application in and where the decision ultimately sat. The Development Management Team Leader, David Periam, informed the Committee that the application would only be referred to the Secretary of State if the Committee were minded to approve the application.

The following questions were asked to the applicant and the technical Officers, Jonathan Hill, Aecom, Planning Consultants for the application and Dan Townsend, OCC, application team:

- Councillor Webber commented that speakers had asked about why such a large application was being considered as one application and not split into sections. Was it because there was only one solution to where to have the new road, hence it was one application covering the entire scheme. Mr Owen Jenkins reported that the report covered all the options and that the suggested scheme was the most suitable and was the best option to go forward on and hence this was the one that had been developed for the planning application. Councillor Webber asked if the Committee had seen all the options and it was reported that there was a design and access statement, of which Appendix A commented on all the different options considered. This was on the Council's website but did not form part of the report pack. There were 17 options considered that included bus and rail. Once the preferred option had been found, sub options had been investigated of individual parts of the development.
- Councillor Bennett asked for clarification if the entirety of the scheme in South Oxfordshire was on the South Oxfordshire DC Plan safeguarded land and was informed that most of it was but there had been some minor changes.

- Councillor Constance was interested in the alternatives and asked how closely the recommended scheme was aligned to rail provision and secondly was the full extent of the route provided with footway and cycleway. The Officer reported that the rail provision had been fully considered in the report. The footway and cycleway were provided along the entire route from Milton Exchange to Culham. They were not segregated along the entire route, some would be shared but whilst designing, the pedestrians and cyclists had priority. Councillor Constance asked if the footway and cycleway would be delivered at the same time as delivering the road infrastructure and was informed that it would.
- Councillor Fadlalla asked why the induced demand had not been included in the traffic modelling even though the effect was acknowledged in the LTCP and secondly, why did the road increase capacity for private cars and not for buses. Officers informed the Committee that the traffic modelling was in phases and phase 1 was in the Oxford strategic model which was a variable demand model so that included induced demand. The outcomes from that model then fell into a microsimulation model and then to the final stage of local junction modelling. Mr Jenkins added that the decide and provide methodology had been used as part and parcel of this assumption and the modelling and the design work that had been done for this scheme to bring to this stage, the decide and provide would be both utilised for the developments, the 16000 homes that were planned for the area and those extra employment sites and therefore the traditional approach would not be used, looking for conversion of people into active travel modes or public transport modes within those sites and at the same time, there was an assumption within the modelling that there would be significantly reduced trips from the developments and that people would use active travel and walking infrastructure. This was the reason that this scheme that had been put forward had a modest amount of road infrastructure supported by high quality of active infrastructure.
- Councillor Howson asked what the strategic highway infrastructure was, what further documentation was available on the website and what discussions took place at the Advisory Cabinet Committee for the HIF1 bid and if the discussions impacted the application. It was pointed out that the full documentation over time was available on the website for HIF1 and the Committee report provided a comprehensive overview of the issues. The Legal Officer advised the Committee that Members did not need to know anything about what the Cabinet Advisory Group had said and only had to take the application before them into consideration to make their decision. The strategic highway infrastructure referred to in the report was that it had been classified as to deliver strategic allocations in the local plans.
- Councillor Middleton asked why there was not more information in the report about induced demand as the little reference to induced demand was not sufficient. The Officer on behalf of the applicant commented that they had had no input into the report, and it had already been explained that induced demand had been considered.
- Councillor Roberts commented that she had been informed, as was in the report, that there had been no modelling for Nuneham Courtenay, Abingdon, East Didcot and the other side of the A34 even though all of those areas were going to be massively impacted. Councillor Roberts was also concerned that vehicles arriving at the Golden Balls roundabout had nowhere to proceed.

Councillor Roberts asked why the decision had been made to not carry out the modelling for these areas. The Applicant's technical Officers commented that the project had been scoped with the Transport Development Control, throughout the early stages of the project and this was in addition to being scoped with National Highways. The scheme was a mitigation to the planned growth and the allocation.

- Councillor Constance asked if the county would grind to a complete halt if the scheme was not taken forward and was advised it would with the planned development.
- Councillor Bennett asked why the County Council's advice hadn't changed, since there had been a complete change in policy environment, the promoters had changed, the climate change committee report had come out. It was noted for the Planning Authority Officers to respond to.
- Councillor Howson suggested that there seemed to be three lots of traffic, housing traffic, business traffic and through traffic. Was the intention to divert through traffic from the A34 to use the new road? Officers responded that the A34 was a strategic road which was direct into Oxford and had grade separated junctions. Mr Jenkins added that the scheme was based around the decide and provide approach and effectively provided good cycling and walking infrastructure that allowed people to connect between villages where there were currently no provisions.
- Councillor Constance asked about the timing that had been reduced from 36 months to 30 months and why this had been agreed. Mr Jenkins reported that there had been a change in approach in the planning and delivery as the utilities and the main construction work had been overlapped. The timetable for delivery was under constant review. Councillor Constance continued to ask what local air quality monitoring was considered to be necessary. Anna Savage, Air Quality Lead on the scheme, AECOM, commented that air quality monitoring had been carried out from the four elements of the scheme in late 2019 and early 2020, to provide a baseline of concentrations in the area and used to verify AECOM's model. The monitoring was done along the route, including in Appleford, for nitrogen dioxide. Councillor Bennett asked if there were any areas that exceeded WHO air quality limits. Ms Savage commented that air quality was assessed against air quality objectives which were in UK legislation and there were no exceedances with or without the scheme. In terms of the WHO guidelines, the PM2.5 was around 10 around Oxfordshire instead of 5, from natural rural sources, not from vehicle emissions.
- The noise at Appleford had been mitigated as much as possible. Where levels were already being exceeded; benefits would need to be weighed up against the harms. Since the EIA already had the information, with the agreement of Officers, standalone health impact assessments were not required.
- Councillor Fadlalla commented that the UK Climate Change Committee had recommended that the UK undergo a net zero road review like Wales had done and how much more capacity for additional cars did the new road create. Mr Jenkins informed the Committee that the provision of the scheme allowed for other things to occur in the area, such as other traffic and area improvements.
- Councillor Roberts commented that it was a shame that there were no visuals of the two new bridges, it would have been great to see all the information in report shown on a visual diagram. The Committee agreed. The Officers

commented that many criteria were dictated by National Rail and the Environment Agency.

- Sean O'Connell, Transport Planner for AECOM, responded to Councillor Constance on the accuracy of the traffic modelling that had been challenged many times, he commented that the modelling was carried out by another consultant and that information and then used for the transport assessment. The outputs had been reviewed by AECOM, who were satisfied with the results.
- The induced demand had been brought up by many speakers and Members, there were many definitions for induced demand. The model used had come from the Oxfordshire Strategic Model, this was multimodal, so took into consideration any changes in mode due to changes in conditions. The modelling included 5-6 vehicle types including cars, light goods vehicles, heavy goods vehicles, articulated vehicles, coaches, and buses. The model indicated that by 2034, with the growth planned in and around Didcot, the existing highway did not have the capacity to cope, it would become gridlocked. With the addition of the scheme, the traffic would start moving again, simply accommodating the traffic that would be generated.
- Councillor Fadlalla asked again why the traffic impacts to Abingdon town centre had not been assessed in the EIA and was informed that it had been agreed at the scoping phase that Abingdon town centre would not be included as the traffic was generated at other parts of the scheme.
- The report stated that the traffic modelling carried out was from 2020, the traffic survey data used had been collected in late 2016-2017 and that data was used to create the 2020 model.

OCC Transport Team

Kt Hamer, OCC Transport Officer in the South and Vale locality team, had the responsibility to assess the planning application made the following points:

- The traffic data used was from 2016-17 was used to produce a 2017 model. However, before the planning application was submitted in November 2021, the model was updated to 2020 and this was done using the housing completions obtained from the local planning authority for all submissions received between 2017 and 2020, to create another base model.
- Abingdon was not included in the modelling and the rationale for not including this was provided by the applicant in the submission for the Regulation 25 consultation in October 2022, this was agreed and accepted and therefore Abingdon was not required to become part of the modelling, of which the outputs remained acceptable. There would be potential changes and flows in Abingdon in the future, but it would be for the transport assessments for all of the allocated growth and the sites coming forward in and around the Abingdon area that would have to be assessed for their impact on the highway network in Abingdon. It would not be the HIF1 scheme that would be the generator of the traffic, it was more about the reassignments of trips.

- The HIF1 scheme aimed to put the active travel in place for the planned growth. The active travel provision had all been designed in accordance with the guidance.

John Disley, Head of Transport Policy at OCC, commented that the Local transport connectivity plan made it clear that schemes of this type were required including the need to access new developments planned in the area. A number of options had been explored and this scheme seemed to address all the needs.

Victoria Sykes addressed the Committee on the review on the climate assessment undertaken by the applicant on behalf of OCC. With respect to the induced traffic and carbon emissions, the calculations showed that there would be a reduction in carbon emissions with the scheme. The FOE figures seemed overestimated.

Rachel Wileman addressed the Committee about the spatial strategy, the proposed development was in accordance with local plans, both of Vale of White Horse and South Oxfordshire. The proposed development was the cornerstone of mitigation that was required to enable the planned growth to occur without severe harm being caused to the highway network. Without the development, the planned housing development and the employment development may be unlikely to come forward or would be delayed. It was up to the Committee to decide to approve the application with conditions or refuse the application with the reasons why. The spatial strategy was set out in a number of points within the report.

Mr John Lee, Public Health, OCC, provided the following comments.

- At the time of the scoping review for the EIA in 2020, there was no requirement for a separate full health impact assessment to be undertaken for major infrastructure schemes. Today, one would be required. A number of concerns identified from a public health perspective such as air quality and that it was essential that monitoring was undertaken to ensure that the noise and vibration management plan and the dust management plan were fully implemental and adhered to. The most vulnerable receptors to noise and dust pollution was that there was a nursery and pre-school in the vicinity of the noise and dust impacts and therefore asked for mitigations from the applicant. Physical activity was also looked into and access to blue and green open spaces and concluded that the levels of planting vegetation that needed to be enhanced. A noise and management plan was to be submitted if the application was to be approved, before the works commenced.

The Legal Officer commented that the HIF funding, the separate compulsory purchase order process going on, good use of funds and value for money and the cost to the Council of carrying out this scheme were not material considerations. However, the County Council's Climate Action Framework, the Climate and natural environment Policy, the Climate Change Committee Annual Report and the Local transport and Connectivity Plan were all material planning consideration.

The Legal Officer read out points from a statement received from an objector who was not aware of the meeting but had submitted their formal objections which included the scheme failed to provide an appropriate access to their land, however,

they had provided an alternative, which they felt should be included in the planning proposal.

The Development Management Team Leader, David Periam, presented the Committee with the modelled fly-through of the development during which members asked further questions, particularly with regard to the location of the proposed road in and around Appleford and the River Thames and that further advice was provided by the LPA’s landscape advisor with regard to interpretation of photomontages from the application and ES documentation which was shown to the committee.

Councillor Constance formally proposed the recommendation that subject to the application first being referred to the Secretary of State to consider whether they wish to call it in for their own determination, planning permission for R3.0138/21 be approved subject to conditions to be determined by the Director of Planning, Environment and Climate Change, to include those set out in Annex 1. This motion was not seconded, hence the motion, fell.

Councillor Webber formally proposed the recommendation that planning permission be refused. This was seconded by Councillor Bennett. The reasons for the refusal were as follows:

- The Climate Change Committee’s June 2023 Report to Parliament had not been properly taken into account in the application.
- Lack of Very Special Circumstances for the development set against Green Belt policy.
- The impact of traffic on Abingdon and Didcot had not been assessed in the application.
- The noise impacts on Appleford.
- The absence of a Health Impact Assessment.
- The harm to landscape.
- The Science Bridge was not of adequate design for a gateway feature to Didcot.
- Conflict with policy of the Council’s Local Transport and Connectivity Plan 2022-2050 (LTCP)

A named vote was carried out. Councillors Bennett, Edosomwan, Fadlalla, Howson, Middleton, Roberts and Webber voted for the motion. Councillors Constance and Saul voted against the motion.

RESOLVED: that the Planning application for Didcot Garden Town HIF 1 Scheme be **REFUSED** for the reasons set out above.

..... in the Chair

Date of signing

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Division Affected: Sutton Courtenay and Marcham

PLANNING AND REGULATION COMMITTEE

Application to modify or discharge Section 106 Planning Obligations to remove the existing waste catchment area and amend permissive path at Sutton Courtenay Landfill Site

Report by Director of Planning, Environment and Climate Change

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

Location: Sutton Courtenay Landfill Site, Appleford Sidings, OX14 4PP

Application No: MW.0034/23 **District Ref:** P23/V0529/CM

Applicant: FCC Environment (UK) Limited

District Council Area: Vale of White Horse

Date Received: 27th February 2023

Consultation Period: 9th – 30th March 2023

Summary

1. This application was considered by Planning and Regulation committee on 5th June 2023 and deferred pending further information. The requested information has now been provided and considered. Therefore, the application is being brought back to the committee for decision.
2. The application is a Section 106A application to amend a legal agreement associated with an existing planning permission. The applicant proposes to remove the hinterland obligation so that there would be no geographical limitation on the source of waste. They also propose a change to the timescale for delivery of a permissive path.
3. There is no change to the recommendation of the June report. It is recommended that the application is approved, and a deed of variation is entered into to, to amend the legal agreement.

Introduction

4. This report does not seek to duplicate information provided in the June committee report. This is appended as Annex 1 and sets out the details of the site, planning history, details of the application, consultation responses and representations and consideration of whether the planning obligations continue to serve a useful purpose. It concludes that both the proposal to remove the hinterland and to delay the provision of a permissive path are considered to be acceptable.

Further Information

5. On 5th June, the committee deferred the decision pending further information related to the proposal to remove the hinterland obligation. This was provided by the applicant on 21st June.
6. A Planning Contravention Notice (PCN) was served on FCC Environment (UK) Limited on 29th June. This formally requires information to be provided about alleged breaches of planning control. Detailed information was provided setting out, amongst other things, the quantity of waste imported by road and rail from inside and outside the hinterland every year since 2012. Some of these figures were different to the figures previously provided in relation to this application. The applicant has confirmed that the PCN figures are correct and supersede the previously provided figures. Therefore, the PCN figures are provided below, except for the figures for 2023 (to date) which were not requested in the PCN.

Recent Data and Road/Rail Split

7. The report to June committee contained Environment Agency data from 2021, which is the most recent publicly available data. This showed that the operator was in breach of both the hinterland restriction and also condition 52 on the consent setting a maximum annual tonnage of 600 000 tonnes. The PCN response subsequently confirmed, that another element of condition 52 had been breached as the maximum 350 000 tonnes per annum (tpa) by road was shown to have been exceeded.
8. The committee requested more recent data about waste imports. The applicant was asked to provide their own data for 2021, 2022 and 2023 to date.
9. The publicly available Environment Agency data does not specify the quantities of waste imported by road and by rail. This information is necessary to determine whether condition 52 has been complied with, in respect to total imports by road.

10. Relevant information from the PCN response provided by the applicant is set out in Table 1. Figures are given in tonnes.

Year	Road	Rail	Total
2021	496 777	213 995	710 772
2022	92 107	538 220	630 327

Table 1

11. The response to the request for information in relation to this application also included figures for 2023 (up to 21st June). This stated that no waste had been imported by rail and 23 633 tonnes had been imported by road.
12. The information shows that the total waste imported in 2021 was 710 772 tonnes, and the total waste imported in 2022 was 630 327 tonnes. In both years the 350 000-tonne maximum by road was breached. This data also confirms that in both years, the 600 000 tonnes overall maximum waste limit to the site was also breached.
13. Both the total amount of waste imported to the site and the split between waste imported by road and by rail, is controlled by condition 52 on the consent and therefore is not directly relevant to the application to remove the hinterland obligation from the Section 106 agreement. The breach of conditions is being dealt with separately by the enforcement team.

Type of Waste Landfilled

14. A query was raised at the meeting about why so much waste was being sent to Oxfordshire for landfill from other areas, and whether Oxfordshire should provide landfill capacity to areas which have failed to move waste up the waste hierarchy to treatment and recycling. Information was not available at the meeting about whether the waste being imported from other areas was proportionately more of their total waste arisings compared to the proportion of Oxfordshire's waste which is landfilled. Therefore, it wasn't clear whether landfilling in Oxfordshire was facilitating a failure to move waste up the hierarchy, or whether the waste being imported was only the proportion of waste which cannot be treated or recycled, which may have to travel further to an alternative landfill if it is not able to be disposed of at Sutton Courtenay. Therefore, further information was also requested on this.
15. The 2021 Environment Agency data showed large quantities of waste imported to Sutton Courtenay originating from outside the hinterland. For example, in 2021, 59 578 tonnes of household/industrial/commercial waste was sent to Sutton Courtenay from Hampshire and 46 702 tonnes from Portsmouth, compared with just 25 851 tonnes from within Oxfordshire. Therefore, the applicant was asked to demonstrate that the waste being

imported from areas outside the hinterland is residual waste which cannot be treated or recycled.

16. The applicant has confirmed that 'the wastes that are typically delivered to the site are residual wastes from waste treatment processes and construction projects and some municipal bulky wastes. If there are increases in municipal wastes from other authorities these are due to the planned shutdowns/unavailability of waste treatment and energy recovery facilities within these counties which means that the wastes need to come into the site as a contingency backup option while the plants undergo maintenance/repairs etc. before coming available again.' They have confirmed that their gate records show that waste from Hampshire is commercial waste rather than municipal waste and advised that this travels to Oxfordshire as there are no alternative landfills available. They state that whether waste is sent for disposal or recovery depends on availability of a suitable facility, travel distances and gate price.
17. The OCC Planning Policy team do not currently have capacity to undertake further work on understanding the waste streams entering Oxfordshire for disposal. As part of their work in preparing the new Oxfordshire Minerals and Waste Local Plan, they will identify all waste streams in and out of Oxfordshire and confirm with the relevant authority if this is intended to continue or cease in the future. However, there is not currently a timescale for the completion of this work and the scope of the work will not include consideration of whether the waste streams are residual.
18. Oxfordshire Minerals and Waste Local Plan policy W2 states that proposals for the management of all types of waste should demonstrate that the waste cannot reasonably be managed through a process that is higher up the waste hierarchy. This means that waste should not be disposed of when it could be recycled or treated instead. The low volumes of waste imported to the site from within Oxfordshire suggest that waste arising within the county is being treated at Ardley ERF wherever possible rather than being disposed of. It is less clear that waste imported from outside the county is only that which cannot be treated or recycled. However, policy W2 is considered to have limited relevance because this is not an application for a new facility. The existing consent does not explicitly restrict imports to residual waste, and it would be difficult to precisely require this as what can be recycled changes over time as new technologies become available.

Forecast Completion Dates

19. The report to June committee stated that on the basis of Environment Agency data on void space and imports in 2021, the remaining void would not be filled by the end date of 2030 if the existing hinterland requirements remained in force and were enforced. The committee requested forecasts to demonstrate this.

20. The forecast information provided by the applicant is available at Annex 2. This is the applicant's forecasts based on the void space as it was in March 2023 (2 016 766 cubic metres). The forecasts provided demonstrate that the remaining void would need to be filled at a rate of between 300 000 and 350 000 tonnes per annum, in order for the void to be filled by the 2030 end date. The PCN data shows the following totals for waste imported to Sutton Courtenay from within the approved hinterland area by road plus waste imported by rail. This gives an indication of the quantities of waste available when complying with the hinterland agreement:

Year	Total: waste by rail plus waste by road from inside hinterland (tonnes)
2022	279 129
2021	356 241
2020	169 163
2019	362 282
2018	274 877
2017	297 890

Table 2

21. The applicant has stated that with the hinterland in place, available waste arisings would be between 50 000 and 100 000 tonnes per annum. On this basis, it would not be possible to complete the landfilling by 2030 if waste was limited to within the hinterland. The applicant's forecasts suggest that at that level of importation it would take until between 2047 and 2071 (a further 17-41 years of operations) to complete the approved final landform whilst complying with the hinterland obligation. However, this does not take into account the contribution of rail borne waste, which is not limited to the hinterland. Table 2 above shows that average annual imports over the past six years, when imports by rail are also included, have been slightly less than 300 000 tpa (289 930 tpa). At this rate, the site would still not quite be finished by 2030, but it would be finished 1-2 years later. However, it should be noted that imports by rail are highly variable and some years (for example 2017, 2018 and 2020) there were no imports by rail at all.
22. The applicant has explained that their forecasts must be conservative because they do not have control over waste generation and the quantities of waste available for import by rail fluctuate greatly. They have also stated that the average road borne waste from inside the hinterland has been declining over recent years, so it cannot be assumed that waste importation from within the hinterland would continue at previous levels until 2030. Table 3 contains information from the PCN response and shows that waste from inside the hinterland by road has been lower in the past three years than the three years before that, although there was an increase in 2022 compared to the previous two years.

Year	Waste from inside the hinterland by road (i.e. total waste imported minus waste by rail and waste from outside hinterland)
2022	187 022
2021	142 246
2020	169 163
2019	265 004
2018	274 877
2017	297 890

Table 3

23. Whilst it is accepted that rail importation fluctuates and road borne waste from inside the hinterland has been lower in recent years, the forecasts provided by the applicant in Annex 2 showing a completion date of between 2047 and 2071, are not considered to be realistic. An importation rate of between 300 000 – 350 000 tpa would be necessary to complete the landfill by 2030. It is evident that the total importation from rail and within the hinterland in recent years have been close to but below the rate that is required. Based on the evidence provided it is evident, therefore, there is a very realistic prospect of the landfill not being completed by the required 2030 date contained with the extant planning permission by using road borne waste imported from within the hinterland and rail borne waste alone. On the basis of waste importation levels remaining similar to past levels, the landfill would take until around 2031-32 to complete. It is noted that this is longer than the permission allows, but only by a couple of years. However, the applicant has highlighted that there is less certainty over the ability for the hinterland to provide the required levels of waste as well as the fluctuating nature of rail imports to ensure completion by even the current forecast 2031-32 date as waste imports might be lower over the next few years. It is evident from the evidence provided that it is likely that FCC Environment (UK) Limited would not be able to reach the 2030 end date without waste from outside the hinterland. Alternatively, in the event that waste importation levels are higher, in which case the end date could be met without waste from outside the hinterland.
24. The applicant has also stated that it would not be possible to complete landfilling by 2030 with different restoration contours using a lesser volume of waste, because of the site topography and the need to create a final landform that provides appropriate gradients for shedding surface water.
25. The information provided supports the advice in the June report that it would not be likely that FCC Environment (UK) Limited could complete the site by the approved 2030 end date if the hinterland agreement remains in force and is enforced. However, the new information shows that the difference in end date may only be a few years, rather than many years. It also shows that it might be possible to complete the landfill by 2030, depending on how much waste is imported by rail over the coming years.

26. Since the Section 106 agreement was originally signed in 2008, Ardley Energy Recovery Facility (ERF) has been constructed and brought into use and now takes Oxfordshire's municipal waste. This has significantly changed the volumes of waste available within the hinterland. As set out in the original report, the distribution of waste facilities has changed since 2008 and the non-hazardous landfills that remain are becoming important on a regional level.
27. Overall, and on balance it is considered that the additional information provided demonstrates that the existing hinterland restriction does pose a constraint on the completion of the landfill by 2030, in line with the planning permission. Officers consider that the benefits of completion of the landfill by 2030, which removal of the hinterland restriction would help facilitate, should be given considerable weight.

Other Matters

28. At the June committee, a question was raised about the impact of the HIF1 road scheme on the landfill restoration, as the report stated that if HIF1 went ahead it would affect the restoration of the site, and also stated that if the hinterland obligation remained in place, it seemed highly unlikely that the site could be restored in accordance with approved plans by 2030. The HIF1 application has not yet been determined and has now been called-in for determination by the Secretary of State following a Local Inquiry. However, the HIF1 scheme would not affect the restoration of the active landfill cells. It would affect the wider site, including 90 Acre Piece, an area of the site which has already been restored, and Bridge Farm Quarry.

Conclusion

29. It is considered that to provide certainty that the landfilling of the site would be completed by 2030, flexibility to import road borne waste from outside the hinterland would be needed. The difference in estimated timescale for the completion of the landfill with and without this waste is not as great as suggested in the June report, as on years when waste is brought in by rail this makes a significant contribution to the total waste import, which mitigates the impact of falling waste imports by road from within the hinterland. However, there are significant fluctuations in waste imports by rail and no certainty about contracts over the next few years. Removing this restriction would ensure that the landfill could be completed and restored in a timely manner.
30. Concern about carbon emissions from waste being transported long distances by road is understood, however, there is no specific support in waste policy for controlling the source of waste through the planning system. It is considered that transport costs would prevent waste from travelling large distances where a suitable facility significantly closer to the source of waste exists. The existing condition limiting total import by road

to 350 000 tpa has the effect of limiting emissions associated with transportation of waste to the site and incentivises the use of rail. This application does not propose any changes to the total amount of waste imported to the site. This is controlled by condition and breaches of this condition are being dealt with separately. Taking into account the additional information provided, it is not considered that the hinterland continues to serve a useful purpose. There is no change to the recommendation in the June report.

Financial Implications

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

Legal Implications

32. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

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

RECOMMENDATION

34. **It is RECOMMENDED that**
- i) Oxfordshire County Council enter into a deed of variation to amend the existing Section 106 legal agreement with regards to removing the hinterland restriction and amending the date for the provision of a permissive path.**
 - ii) The Director of Planning, Environment and Climate Change is authorised to enter into negotiations with the applicant and any other parties to the legal agreement with regard to making the variations set out in this report.**

RACHEL WILEMAN
Director of Planning, Environment and Climate Change

Division Affected: Sutton Courtenay and Marcham

PLANNING AND REGULATION COMMITTEE

Application to modify or discharge Section 106 Planning Obligations to remove the existing waste catchment area and amend permissive path at Sutton Courtenay Landfill Site

Report by Director of Planning, Environment and Climate Change

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

Location: Sutton Courtenay Landfill Site, Appleford Sidings, OX14 4PP

Application No: MW.0034/23 **District Ref:** P23/V0529/CM

Applicant: FCC

District Council Area: Vale of White Horse

Date Received: 27th February 2023

Consultation Period: 9th – 30th March 2023

Contents:

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

Summary

1. This report sets out the details of a Section 106 A application to amend a legal agreement associated with an existing planning permission. The applicant proposes to remove the hinterland obligation, which currently means that waste can only be brought in to the landfill from Oxfordshire, Reading, Bracknell, Wokingham and West Berkshire. They also propose a change to the timescale for delivery of a permissive path. This report considers whether these obligations continue to serve a useful purpose and recommends that the application is approved, and a deed of variation is entered into to, to amend the terms of the legal agreement.

• Part 1 – Facts and Background

Location (see plan 1)

2. Sutton Courtenay Landfill Site covers 263 hectares between Appleford and Sutton Courtenay villages, containing land in both parishes.

Site and Setting

3. Sutton Courtenay is a 264-hectare site. The site is bordered by the B4016 to the north and by the Oxford to London railway line to the east. Didcot power station lies immediately south and to the west lies open agricultural land.
4. The site is crossed by two private roads, Portway which runs east-west and Corridor Road which runs north-south. These roads are both rights of way for at least part of their lengths.
5. There are two vehicular accesses to the site, one to the north and one to the south. The northern access is onto the Sutton Courtenay to Appleford Road (B4016) and over the Thames at Culham Bridge. Landfill traffic is required to use the southern access, which exits onto a roundabout on the Didcot perimeter road (A4130.) The site has a rail siding entering the site from the east off the main Oxford to London line.
6. The closest properties to the site are Hill Farm and Bridge House, which lie adjacent to the planning permission boundary. Bridge Farm House, Crossing Cottage and properties on Chambrai Close and Main Road, Appleford fall within 100 metres of the application boundary.
7. Oxfordshire County Council are dealing with a planning application for the 'HIF1' road scheme. This application has not yet been determined. If approved, this would permit the construction of a new road which would cut through the site from the south east to north west, which would require amendments to the approved restoration proposals.

Background and history

8. Sand and gravel working at the Sutton Courtenay site commenced in the 1930s and landfilling has been ongoing as part of the restoration works since the 1970s. A number of consents have been permitted over the years to alter the duration of the landfilling consent and vary the conditions associated with the operations. There are a number of active consents for minerals and waste developments within the landfill site. Some of these are temporary for the life of the landfill.
9. A planning application was submitted in 1992 to consolidate all earlier permissions and extend mineral extraction and landfilling. This was issued

in 1996 (SUT/APF/616/33-CM.) In 2001 a new permission was issued (SUT/APF/616/45 CM) which varied the conditions to allow an increased proportion of waste to be imported by road for a temporary period. In 2009 a permission (APF/616/56-CM) was issued to extend the landfill end date for the landfill from 2012 to 2021. This was issued following the completion of a routeing agreement and a Section 106 legal agreement dated 4th November 2008. This agreement covers highway contributions, a levy for waste imported by road, long term management, footpath provision and a hinterland restriction limiting waste imported by road to that originating in Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell Forest. This replaced the hinterland area of the previous Section 106 agreement, which was based on distance from the site rather than local authority areas.

10. Permission SUT/616/59-CM was issued in 2010. Amongst other changes this further extended the life of the landfill, until 2030. This was issued following the completion of a supplemental Section 106 legal agreement dated 12th October 2009. This agreement ensured that the provisions of the 2008 agreement, including the hinterland, continued to apply and replaced the plan for the long-term management of the restored site and included a new footpaths plan.
11. In 2014 a further Section 73 application was made to amend the conditions on the landfill consent, to extend the date for the completion of sand and gravel extraction under the mineral processing plant. Although mineral extraction operations were complete within the landfill, the processing plant was within the site and covered by the landfilling consent. When permission P14/V0479/CM (OCC reference MW.0009/14) was issued it became the main consent for landfilling operations. No new legal agreements were needed as the existing Section 106, supplemental Section 106 and routeing agreement would continue to apply, including the hinterland provisions.
12. In 2015 a further Section 73 application was approved, amending the conditions on the extant landfilling consent to amend the landfill phasing, the restoration plan for phase 3, the restored contours of phase 3 and the restoration method for phases 3 and 4. This resulted in permission P15/V0530/CM (OCC reference MW.0039/15) which was issued in August 2015. This is the extant permission for landfilling. No new legal agreements were needed as the existing Section 106, supplemental Section 106 and routeing agreement would continue to apply, including the hinterland provisions.

Details of the Application

13. This is an application made under Section 106A of the Town and Country Planning Act 1990 (as amended). This allows a person against whom a planning obligation is enforceable to apply to modify or discharge the obligations in a Section 106 agreement.

14. FCC have applied for two modifications to the obligations contained in the 4th November 2008 agreement and the 12th October 2009 supplemental agreement. The changes proposed are removal of the obligation relating to the waste hinterland and a revision to the timescale for the provision of one of the permissive paths required as part of the restoration.

Waste Hinterland

15. The existing legal agreement requires that no waste is imported by road, other than from Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell. This replaced an earlier hinterland restriction which showed the hinterland as a radius on a plan, not linked to local authority boundaries. The restriction was considered to be necessary to ensure that waste was disposed of near its source and waste was not transported long distances by road.
16. Oxfordshire County Council's monitoring team regularly check compliance with conditions and legal agreements on active waste sites. The monitoring team identified that waste was coming in from outside of the approved hinterland area and raised this non-compliance with the operator.
17. As a result, the applicant has made this application to regularise the situation by removing the hinterland restriction so that waste can be brought from anywhere. No information has been supplied predicting what proportion might still come from the current hinterland and what proportion might be from further afield, or indicated likely sources of waste from outside the current hinterland. However, data showing the source of waste to the landfill over recent years indicate that waste is brought from across the South East in quantities which far exceed waste imported from within the approved hinterland.
18. This proposed change relates to the source of waste, rather than the quantity of waste. Condition 52 on the planning consent (MW.0039/15) limits annual waste imports to 600 000 tonnes, with no more than 350 000 tonnes by road. These limitations on the quantity of waste would remain unchanged.

Permissive Path

19. The applicant is seeking to amend the timescale for provision of a north-south permissive path running from the existing Byway Open to All Traffic (BOAT) on Portway, north and then north west to meet footpath 373/12/40 which on its definitive route runs east-west in the northern part of the site.
20. This footpath 373/12/40 is currently diverted along the northern boundary of the site, to allow completion of restoration of Phase 3. However, the permissive path would meet this footpath at the point where the definitive

route and the diversion meet, so this diversion would not impact the provision of the permissive path.

21. The existing Section 106 legal agreement requires that the path be put in 'progressively' during the restoration of the relevant part of the site and opened to the public no later than 30th September 2023. The application states that this cannot be provided within the timescale specified in the agreement because a cement plant occupies the land. This is understood to refer to an operation which crushes and recycles reject building blocks and a mineral processing area, both operated by other parties.
22. It is proposed that the path would be provided after landfilling has ceased in 2030, as the life of the other activities on the site are linked to this.

• Part 2 – Other Viewpoints

Representations

23. Two representations were received. The first expresses concern about HGVs passing through Henley on Thames and requests clarification of the routes to be used. No change proposed to the maximum HGV movements or the routes permitted by the routeing agreement. The routeing agreement is intended to ensure that HGVs do not travel through local villages to reach the site and therefore the routeing plan does not cover, or place any restriction on, the roads in Henley on Thames.
24. The second supports the objections from the Parish Councils. It goes on to state that it is unacceptable that the hinterland agreement has already been breached and that a company be allowed to be in breach of a planning condition aimed at protecting the amenity of the local community and preventing the transport of waste over long distances. It was clear from discussion at the liaison meeting that the old concrete batching plant is being removed and therefore there is no need to further delay the implementation of the permissive path.
25. The hinterland is secured by a legal agreement, rather than a condition. It is the usual approach when a breach of planning control is identified to invite the applicant to make an application to regularise the development as being carried out, to establish whether it is acceptable. The application refers to a cement plant being the reason for the delay to the implementation of the path. At the liaison meeting it was queried whether this referred to the concrete batching plant. However, it then became clear that it referred to the block crushing operations which have permission until 2030 and does prevent the implementation of the permissive path in the affected area.

Consultation Responses

Sutton Courtenay Parish Council

26. Object. The suggestion that the current hinterland restriction dates back 14 years and so is out of date is disingenuous as it was effectively implemented after FCC lost a contract to take waste from London. The provisions are not considered to be out of date and the need for sustainable waste management is even more relevant today due to global warming reduction targets. There were several reasons for the restriction including growing public concern that Sutton Courtenay was being used as a waste bin for London and the South East and the need to husband landfill void. Whilst it was related to the proximity principle, it was also to protect the amenity of local communities after the extensive and noisy imports from London and to avoid providing a disincentive to self-sufficiency in the wider area. The applicant has not proved that there is a requirement to restart waste imports from the wider south east and London in order to complete the landfill by 2030. It is possible under OMWCS policy W6, but there must be proof it is necessary. The available void should be filled by 2030 without the need to go outside the hinterland. The application should have specified the timescales. If waste is brought from a wider area it should be by rail. However, rail imports by Hanson and Forterra are already severely affecting Appleford residents. The impacts of the HIF road scheme also need to be considered. Further FCC rail traffic would add to noise pollution. The Milton Keynes appeal referred to in the application documents is not comparable as it had a much larger void.
27. At first glance the request in relation to the permissive path seems understandable. However, this should have been completed some time ago and allowance made for it when Hanson expanded the concrete batching facility. This highlights the ongoing saga of the permissive paths and FCC's failure to implement the agreed footpath plan and OCC's inability to enforce permissions and conditions.

Appleford Parish Council

28. Object. The application should include supporting information regarding the volumes of waste, void and fill rates. It should be clear what proportion of the remaining void would be filled with waste from outside the current hinterland. Residents are concerned about noise nuisance and no information has been provided on this. A noise management plan is required including all three operators, FCC, Hanson and Forterra. The impact of increased activity due to HIF1 being constructed (if approved) should be addressed. A new application should be required rather than an amendment to the Section 106 agreement. It seems strange that they are seeking amendments to agreements in relation to permissive path provision given that existing conditions have not been addressed and remain outstanding.
29. Further Response – Would like to respond further in light of clarifications. Object to an increase in road transport over current levels. Relevant

information on expected tonnages has not been provided. Longer trips from outside the hinterland are contrary to climate and sustainability policies. The existing hinterland restriction was applied for good reason. Maximum tonnages should not be treated as a target to achieve. If the HIF1 road is approved, waste deliveries will pass close to Appleford. The HIF1 traffic assessment assumes the same volume of traffic, but the relaxation of the S106 would result in more HGV traffic.

Didcot Town Council

30. Didcot Town Council's Planning and Development Committee would like to object to this application in regard to the extension of the waste catchment area, the additional waste being brought into the town, and the additional vehicle movements it will bring. The Committee are also disappointed with the delay to reinstating/creating public right of way.

Vale of White Horse District Council

31. It is noted that waste management practices and the availability of landfill within the south-east of England have evolved over the last 14 years since the restriction was placed on the permission. In the interests of local amenity and road safety, request that OCC give consideration to ensuring that the proposal continues to be bound by the existing condition 52 limiting the annual import of waste to 600 000 tonnes, no more than 350 000 tonnes to be imported by road.

OCC Rights of Way Officer

32. No comments on the hinterland restriction removal provision. Regarding the permissive path issue; although this delay isn't particularly welcome, I don't think an objection is possible. We would urge the applicant and wider site operatives to commit to improve all existing PRow and permissive routes through and connecting to the site to deliver public benefits and contribute towards achieving positive relationships with local communities. The same goes for bringing forward restoration activities.

OCC Transport Development Control

33. No response received.

• Part 3 - Relevant Planning Documents

Relevant Development Plan and other policies

34. This is not a planning application for new development and therefore does not need to be assessed against development plan policy in the same way as a planning application would. The test for this application is whether the

relevant provisions continue to serve a useful purpose. However, a consideration of relevant planning policy can be helpful in making that assessment.

35. The Development Plan for this area comprises:

- The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
- The Vale of White Horse Local Plan 2031 Part 2 (VLP2)
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)

Emerging Policy

36. South Oxfordshire and Vale of White Horse District Councils are working together to prepare a new Joint Local Plan 2041 (JLP). Once the JLP is adopted, it will replace the VLP1 and VLP2. The plan is at an early stage of preparation and therefore carries no weight in decision-making.

37. The Sutton Courtenay Neighbourhood Plan area was formally designated on 27th January 2017. The Parish Council has started the process of gathering evidence and engaging with the local plan. Given the very early stage of preparation of the plan, it carries no weight in decision-making.

38. In December 2022, the Oxfordshire Minerals and Waste Local Development Scheme (13th Edition) (OMWDS) was approved at Cabinet. This sets out a process for pursuing a new Minerals and Waste Local Plan which will combine Part 1 and Part 2, and upon adoption will replace the OMWCS 2017. The emerging OMWLP is scheduled for submission in March 2025 and there are no draft policies to consider at this time. The OMWCS 2017 remains part of the Development Plan, until the adoption of a new OMWLP.

Relevant Policies

39. The relevant Oxfordshire Minerals and Waste Core Strategy (OMWCS) policies are:

- M10 – Restoration of mineral workings
- W6 – Landfill
- C1 – Sustainable development
- C2 – Climate Change
- C5 – Local environment, amenity and economy
- C11 – Rights of Way

40. The relevant Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996 policy is:

SC3: Routeing agreements in the Sutton Courtenay Area

41. The relevant Vale of White Horse Local Plan Part 1 (VLP1) policies are:
 CP 1 – Presumption in favour of sustainable development
 CP17 – Delivery of Strategic Highway Improvements within the South East Vale sub-area
 CP18 - Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area

42. The relevant Vale of White Horse Local Plan Part 2 (VLP2) policies are:

CP 18a – Safeguarding of Land for Strategic Highway Improvements
 DP 23 – Impact of development on amenity

43. Other material considerations include:

National Planning Policy Framework (NPPF)
 National Planning Policy for Waste (NPPW)
 Planning Practice Guidance (PPG)

• **Part 4 – Analysis and Conclusions**

Comments of the Director of Planning, Environment and Climate Change

Background

44. This is not a planning application for new development and therefore the relevant considerations are different. The test for a Section 106A application is whether the relevant provisions continue to serve a useful purpose. This is not necessarily the same as being fully compliant with current development plan policy.

Hinterland Area

45. The hinterland area was modified through the 4th November 2008 Section 106 agreement. The previous hinterland area for the site was not based on local authority areas, but a radius from the site which created practical difficulties due to the way that waste is collected and managed. The restriction was required to ensure that the development was carried out in a sustainable manner by preventing waste being transported to the site by road over long distances. The site has a rail siding and the hinterland area does not apply to waste transported by rail. There is no geographical restriction on the source of waste brought in by rail.

46. The applicant has argued that the restriction is now 14 years old and is not supported by current planning policy as the OMWCS does not specifically support the imposition of waste catchment areas and the supporting text refers to waste being brought to Oxfordshire from London and Berkshire with the expectation that this would continue. They point to government guidance, including NPPW paragraph 4, which states that planning authorities should plan for this disposal of waste while, 'recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.'
47. It is correct that the OMWCS, adopted in September 2017, does not provide any specific policy support for imposing hinterland restrictions on waste facilities. Paragraph 5.13 acknowledges that Oxfordshire receives substantial quantities of waste from other areas, and this is anticipated to continue for as long as the landfills in Oxfordshire operate. However, this simply describes the existing hinterland restriction on Sutton Courtenay. Policy W6 states that provision will be made for the disposal of waste from other areas (including London and Berkshire) at existing non-hazardous landfill facilities, again reflecting the hinterland agreement.
48. I consider that provision is made for waste from outside Oxfordshire under the existing hinterland provisions. Waste can be brought in from road from parts of Berkshire and by rail from London and all other areas. Therefore, the hinterland restriction is not considered necessarily contrary to policy W6. However, policy W6 does lend some support to proposals to provide for the disposal of non-hazardous waste from outside Oxfordshire at existing non-hazardous landfill facilities.
49. Paragraph 4 of the NPPW is not considered directly relevant as this proposal relates to an existing landfill facility. It is not a new facility and does not relate to a 'plant'. Paragraph 4 is understood to relate to decisions on new waste management plants, for example Energy Recovery Facilities (ERF).
50. Oxfordshire County Council was unsuccessful in negotiating an agreement or agreeing a condition to require a hinterland for the importation of waste by road on the Ardley ERF. However, this is not considered directly comparable to the hinterland agreement for Sutton Courtenay Landfill Site. At Ardley it was proposed to impose a condition requiring waste processed at the plant to be from within Oxfordshire and stating that waste from adjoining counties could also be imported only if there was residual capacity. The inspector noted that the site was in the north of Oxfordshire and close to the M40 and it would be more sustainable and consistent with the proximity principle to accept waste from close to the Oxfordshire boundary, albeit outside the county, if the facility would be the one which was the nearest. In the case of Sutton Courtenay, it is a landfill facility, and the site is located centrally within the hinterland area.
51. The applicant has undertaken a detailed analysis of landfill capacity within the South East Waste Authority Planning Advisory Group (SEWPAG) and

Greater London and concluded that there is a significant shortfall in non-hazardous landfill capacity, most of the remaining capacity is in Buckinghamshire, Milton Keynes and Oxfordshire, and there will be a continued need for landfill capacity for waste which cannot be recycled. If current disposal rates are maintained landfill capacity in the SEWPAG area will run out within a relatively short timeframe therefore the remaining capacity, such as that at Sutton Courtenay is becoming strategically important.

52. It is accepted that there are not many remaining non-hazardous landfill facilities in the south east and therefore those that remain are becoming important on a regional level. This is reflected in the monitoring data showing that Sutton Courtenay Landfill Site has already been taking significant quantities of waste from outside the hinterland area, contrary to the Section 106 provisions.

53. Sutton Courtenay Parish Council (SCPC) has objected to the proposal. They suggest that the application is incorrect in stating that the current hinterland restrictions date back 14 years as they were actually implemented after FCC lost a contract to bring waste from London. In fact, when waste was brought from London to Sutton Courtenay landfill site, it was transported by train. The current hinterland boundary has been in force since 2009, as stated in the application. Prior to that there was a similar hinterland boundary that was based on a radius from the site rather than local authority boundaries. SCPC set out potential difficulties associated with an increased rail traffic associated to the landfill site, however the hinterland only applies to road traffic. The applicant is already able to bring in waste by rail without a limit on the area it can be brought from. Therefore, concerns about increases to tonnages brought by rail are not considered relevant to this application.

54. Appleford Parish Council has also objected to the application. They are concerned about increased noise from the rail sidings and initially queried whether there would be an increase in waste volumes. No change is proposed to the annual limit on waste importation and the hinterland only applies to waste imported by road so does not affect imports through the rail sidings. They requested more information about current void space and recent fill rates. A further response confirmed that they have concerns about any increase over existing road transport, regardless of the fact that no change is proposed to the maximum tonnage. They also express concerns about climate and sustainability impacts.

55. It must be considered whether the hinterland restrictions serve a useful purpose. It is understood that the original purpose of the hinterland provisions was to ensure that waste was managed at one of the nearest suitable locations and waste did not travel large distances as this would not be a sustainable approach.

56. Planning permission for landfilling at Sutton Courtenay expires at the end of 2030. Only small quantities of waste are now sent to Sutton Courtenay landfill from within Oxfordshire, as suitable waste is now treated at the Ardley Energy Recovery Facility, rather than disposed of at landfill. Using the Environment Agency Waste Data Interrogator, in 2021 (the most recent date for which data is available) approximately 65 000 tonnes of waste was imported to Sutton Courtenay from within Oxfordshire and approximately 80 000 tpa was imported from outside Oxfordshire but within the approved hinterland area. A total of approximately 713,000 tonnes was imported to the landfill site. The Environment Agency Remaining Landfill Capacity report states that Sutton Courtenay landfill site had a remaining void of 2 355 040 cubic metres at the end of 2021. It is therefore clear that the remaining void would not be filled by the end date of 2030 if the existing hinterland requirements remained in force and were enforced.
57. Whilst there remains policy support for ensuring that development is sustainable and carbon emissions are minimised, it is considered that the costs of transporting waste to the landfill would act to prevent waste from travelling very large distances for disposal. Although data shows that waste has been brought from outside the hinterland, it is generally from within the South East region. There are some areas that do not have a non-hazardous landfill site in close proximity and so waste which must be landfilled has to travel further.
58. It is considered that there could be a benefit to the local community for the site to be filled and restored as soon as possible, subject to the planning condition limitations on the import of waste by road, which would not change. Continuing restrictions on the areas from which waste can be imported from would mean that landfilling and restoration of the site could not be completed within the timescales required by the planning consent.

Consideration of Other Policies

59. The test for a Section 106A application is whether the relevant provisions continue to serve a useful purpose. This is not necessarily the same as being fully compliant with current development plan policy. However, a consideration of planning policy is helpful in making this determination.
60. OMWCS policy W6 states that provision will be made for disposal of Oxfordshire's non-hazardous waste at existing facilities. It goes on to state that landfill sites shall be restored in accordance with the requirements of OMWCS policy M10. OMWCS policy M10 refers to sites being restored to a high standard and in a timely manner. The development, without the hinterland requirement, would allow for the disposal of Oxfordshire waste and waste from outside Oxfordshire to be disposed of at an existing facility, in line with W6. As noted above, it is not considered that policy W6 gives specific support for the importation of waste from outside the existing hinterland, however the proposal is not contrary to it. The continuation of the existing development without the hinterland would help to ensure that

the site could be restored in a timely manner in accordance with approved plans, in accordance with OMWCS policy M10.

61. OMWCS policy C5 states that waste development must not have an unacceptable adverse impact on the local environment, human health and safety or residential amenity, including through traffic, noise, air quality, litter and odour. VLP2 policy DP 23 states that proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to a range of factors including noise, emissions and pollution. OMWLP policy SC3 states that planning permission will not be granted unless there is a routeing agreement to encourage HGVs to use the Didcot Perimeter Road, prevent HGVs from entering local villages and limit HGV use of Culham Bridge. There would be no change to existing limits to waste imports, or the existing routeing agreement setting out the routes which HGVs must take to bring waste to the site. Overall, the continuation of the existing development without the hinterland is considered to be in accordance with OMWCS policy C5 and OMWLP policy SC3.
62. OMWCS policy C2 states that proposals should take account of climate change for the lifetime of the development. The importation of waste over longer distances from outside the existing hinterland has the potential to increase the transport related carbon emissions associated with the development. However, it is recognised that waste is travelling further to existing landfill sites as non-hazardous waste landfills close and more waste is diverted to treatment facilities, which have a positive impact on carbon emissions and climate change compared with disposal at landfill. Therefore, the development without the hinterland restriction, is not considered to be contrary to OMWCS policy C2.
63. VLP1 policy CP18 safeguards land for highway schemes and states that planning permission will not be granted for development which would prejudice the construction or effective operation of the schemes listed. VLP1 policy CP17 lists a new strategic road connection and River Thames crossing between the A415 and the A4130 north of Didcot. VLP2 policy CP18a safeguards land to support the delivery of a new Thames road crossing between Culham and Didcot and adds further detail. It is not considered that the removal of the hinterland agreement would prejudice the road scheme proposed in the area.
64. VLP1 policy CP 1 and OMWCS policy C1 reflect the NPPF's presumption in favour of sustainable development. The proposal, without the hinterland, is considered to be in accordance with development plan policies and therefore comprises sustainable development.
65. Overall, it is considered that the development would be acceptable in terms of compliance with planning policy without the hinterland agreement.

Permissive Path

66. OMWCS policy C11 states that improvements and enhancements to the rights of way network will generally be encouraged, and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.
67. The application states that the path cannot be provided within the timescale set out in the Section 106 agreement, due to a cement plant. This is understood to refer to the processing plant for the sand and gravel quarry (which has consent under MW.0039/15 (which requires final restoration of the wider site by 30th September 2031 and topsoiling of the whole site by 30th September 2036) and a block recycling operation (which has consent under MW.0135/15 until 31st December 2030, with final restoration by 31st December 2032).
68. Due to the existing developments occupying the site, it is accepted that it is not possible to provide this permissive path until after the restoration of the land.
69. The applicant has proposed a revised timescale for the provision of the permissive path until landfilling ceases at the end of 2030. This is considered to be acceptable and it is recommended that the date for the provision of this path for use by the public is linked to the completion of restoration of the block crushing operations, which is required by December 2032. There has been no objection from the OCC Rights of Way team and it is clear that it cannot be safely installed and used by the public until the current operations have ceased. This is in accordance with OMWCS policy C11. Any requirement to put the path in prior to the cessation of minerals and waste development on that part of the site is not appropriate. It is acceptable for the footpath to be installed as part of the restoration following the cessation of the development currently taking place in this part of the site.

Conclusions

70. In relation to the proposal to remove the hinterland restriction on waste imported to the landfill by road, this is considered acceptable. This requirement no longer serves a useful purpose, because if it was complied with, waste importation levels would be too low to complete the landfill within the approved timeframes thus potentially prolonging the development (subject to planning permissions) or affecting the implementation of the approved restoration scheme. Since the Section 106 agreement was originally completed, a number of non-hazardous landfill sites in the South East have closed and those that remain are becoming more important on a regional level.

71. In relation to the proposal to delay the provision of a permissive path until the cessation of concrete batching operations in the area, this is considered to be acceptable. It would not be safe or practical to install this footpath until minerals and waste activities have ceased in this area.

Financial Implications

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

Legal Implications

73. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

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

RECOMMENDATION

75. It is **RECOMMENDED** that

- i) **Oxfordshire County Council enter into a deed of variation to amend the existing Section 106 legal agreement with regards to removing the hinterland restriction and amending the date for the provision of a permissive path.**
- ii) **The Director of Planning, Environment and Climate Change is authorised to enter into negotiations with the applicant and any other parties to the legal agreement with regard to making the variations set out in this report.**

RACHEL WILEMAN
Director of Planning, Environment and Climate Change

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