

Planning & Regulation Committee Monday, 18 May 2015

ADDENDA

1. Apologies for Absence and Temporary Appointments

<i>Apology for absence</i>	<i>Temporary appointment</i>
Councillor Anne Purse	-

4. Petitions and Public Address

<i>Speaker</i>	<i>Item</i>
M. Kerford-Byrnes (Finmere Parish Council)	6. Finmere Quarry – Application MW.0031/15
D. Symes (for the Applicant)	7. Sutton Wick – Application MW.048/05

- 6. Finmere Quarry - Retrospective planning permission for minor changes in orientation to a limited part of and an extension to the footprint of the Materials Recycling Facility (MRF) building the subject of planning permission reference 10/00361/CM, changes to the surface water management system, the provision of boundary fencing and non-material amendments to the consented MRF building including the addition of doors, roof lights, signage, generators and air management equipment, external stairs, amendments to the offices and internal layout of the building and the variation of planning permission reference 10/00361/CM to remove Condition C24 (landscaping mitigation measures) and Condition C29 (relating to landfill engineering works). - Application MW.0031/15**

Deputy Director for Environment & Economy (Strategy & infrastructure Planning)

The following response has been received from MJCA (agents for the applicant) in response to an enquiry submitted by the Deputy director.

“Further to your email of 14 May 2015 we have the following comments with respect to the operation of the MRF.

As discussed during the site visit on 13 May the MRF currently is in the commissioning phase. Commissioning is a necessary part of the construction process and, in accordance with the construction contract, must be completed before the plant can be taken over by Opes. The waste processing plant at the MRF has not yet achieved the contracted waste tonnage throughput and other contractual targets and for that reason Opes has not yet issued the formal ‘Taking-Over Certificate’ hence the plant remains in the ownership and under the control of the contractor, Vecoplan.

As the members of the Planning and Regulation Committee will have seen the only way to carry out commissioning to assess whether the plant can meet the necessary targets is to feed the maximum permitted throughput through the plant and see whether the plant can process waste to a suitable quality at full capacity. As the plant is not doing so consistently Vecoplan are making adjustments and repeating the process. It is necessary for Vecoplan to repeat this process until the plant can be demonstrated to perform consistently to produce the necessary output quality at the necessary capacity. As you will appreciate this process cannot be carried out satisfactorily with a small sample of waste. The amount of waste, SRF/RDF and recyclates on site currently is not unusual at the commissioning stage and is not an indicator of the plant having moved from the commissioning phase to operational phase.

As explained to Bill Stewart-Jones during the monitoring visit on 22 April 2015 Vecoplan and Opes are hoping that the commissioning process will be completed around the end of May 2015. However this timescale is entirely dependent on Vecoplan to achieve the necessary contractual targets.

We trust that this clarification is of assistance to the members of the Planning and Regulation Committee. Should you have any queries or need any further information please do not hesitate to contact us.”

Revised Recommendation (additional recommendation set out in bold italics)

In order to comply with normal practice at Oxfordshire provision needs to be included for the application to be refused if the legal agreement referred to in recommendation (a) has not been entered into within 13 weeks.

It is RECOMMENDED that:

- a) subject to the applicant first entering into a Section 106 Legal Agreement to

secure that the development will be carried out in accordance with the same requirements of the existing legal agreements including the hinterland from which the majority of waste can be imported that Application MW.0031/15 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with those set out in Annex 2 to the report PN6;

- (b) the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (a) above is not completed within 13 weeks of the date of this meeting on the grounds that without it the development would not comply with OMWLP policy W3 (a) with regard to the identified hinterland.***

7. Progressive extraction of sand and gravel, importation of inert waste materials with restoration to nature conservation and an agricultural reservoir at Sutton Wick - Application MW.048/05

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

1. Clarification is required to paragraph 6 of the report. The correct names of the two properties to the immediate north west of the site are Willowdene and Fairview. Additionally, on the other side of the Stonehill Lane there are two further semi-detached properties, 7 and 9 Oday Hill. Stonehill Farm and Stonehill House and associated dwellings lie further to the north west, also gaining access from Stonehill Lane.
2. No representations had been received from the occupant of Fairview and on further investigation it appeared that the property had not been sent notification of the application. Although there is no statutory requirement to notify neighbouring properties it is, however, usual procedure and therefore it is considered that the occupant of this property should be notified of the application prior to issuing a decision on this application.
3. It is not anticipated that there would be any unacceptable impact on

Fairview. This property was included in the noise assessment, which found that noise levels would be within acceptable limits. The Environmental Health Officer had no objections.

4. Therefore, an amended recommendation is set out below

It is RECOMMENDED that:

a) subject to:

i) notification of the application being sent to the property known as Fairview and no overriding additional reason for objection being raised following officer consultation with the chairman;

ii) the applicant first entering into a Section 106 legal agreement to cover the funding and implementation of a 20 year long term management plan for the restored site and the provision of a mains water supply should it be necessary to properties currently served by wells;

that Application DRA/3595/3-CM be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with those set out in Annex 1 to this report;

(b) the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (ii) above is not completed within 13 weeks of the date of this meeting on the grounds that without long term management of the restored site the development would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF.