



## Planning & Regulation Committee Monday, 11 January 2016

### ADDENDA

#### 4. Petitions and Public Address

<i>Speaker</i>	<i>Item</i>
Mike Kerford-Byrnes (Finmere Parish Council)	6.Finmere Quarry,- Application No. MW.0139/15

- 6. Section 73 application for planning permission to continue development without complying with Conditions 1, 7, 17 and 26 (to allow the storage of Refuse Derived Fuel (RDF) and Solid Recovered Fuel (SRF) outside the storage bay at the consented MRF (the subject of planning permission 10/00361/CM), to amend the operational hours of the MRF and to extend the acoustic barriers of planning permission reference 15/00245/OCC at Finmere Quarry, Banbury Road, Finmere - Application No. MW.0139/15**

*Additional representations and comments from the Deputy Director for Environment & Economy*

1. There is a clarification to paragraph 15 iii) of the report (page 20). The applicant has pointed out that the proposed extended hours of operation would only be for the processing of the commercial and industrial waste stream not the construction and demolition waste stream which would continue to only be processed during the existing consented hours. As worded in Annex 1 to the committee report, condition 24 (page 30) would inadvertently prevent processing of the construction and demolition waste stream at any time. The condition as worded also failed to provide for the requested processing of commercial and industrial waste and transfer to the storage area to occur between 23:00 and 01:00 hours Mondays to Fridays with the acoustic barriers in place. Resultantly, the wording of condition 24 in Annex 1 has been corrected as set out below in Annex 1 to the revised

recommendation.

2. Paragraph 20 of the report (page 22) – The Cherwell District Council Environmental Health Officer has commented as follows:

“I’ve reviewed the Noise Assessment Report referenced R15.8804/1/2/AP submitted by Vibrock Ltd in respect of this application.

Based on the findings of the report there would be no objections to the proposal to extend the operating hours subject to the mitigation measures outlined in section 7 of the report being in place, and also the general recommendations outlined in paragraph 7.3 being complied with.”

3. Paragraph 21 of the report (page 22) - Finmere Parish Council has commented as follows with regard to the application:

The Parish Council met this week to consider the application, and the additional information provided in your email of 20 December 2015. We wish to raise several points.

#### Operational hours

The logic behind the need to process the consented waste within the consented time is acknowledged. We would note that the problem is caused by the inability of the equipment to meet its specification and feel that it is inappropriate to use the planning system to compensate for the equipment inadequacies. We also note that further improvements are planned which may remedy the shortcomings.

Throughout its life, the site has continually changed and increased its scope of operation. None of these increases have enhanced the amenity of the surrounding area. If extended hours are granted, throughput improvements will present the opportunity to apply to process more waste than is currently consented. Again there will be no benefit to the amenity of the area.

i)Accordingly we request that, if this application is permitted, OCC set a condition that requires the operators to submit monthly returns recording the MRF throughput. Furthermore, if the throughput reaches a mutually acceptable value, approaching that of the original specification, the operational hours revert back to those currently in place.

Secondly, the actual hours. The village is quiet from around 1900 - 2000 hrs. And after 2300 hrs, very, very quiet indeed. From our perspective it does not seem reasonable to have any operation at all after this latter time. We acknowledge the location of the site, but draw your attention to the fact that the village is downwind in respect of the prevailing wind and, in the (almost) silent night, sound travels a long way.

- ii) Accordingly, if this application is permitted, we would request that the conditions are worded to limit processing to 2300 hrs each day.

Thirdly, the noise. We do not pretend to be experts in noise, but we all can form a view as to the intrusiveness of any sounds.

- iii) In order to have ongoing evidence to support, or refute, any allegations over noise, we request that the conditions specify that regular noise measurements are carried out, especially in the evening and night-time. We would suggest no less frequently than once every 2 months with a further provision that the Parish Council could request a limited number of 'ad-hoc' measurements each year, should they so deem it appropriate to address local concerns.

#### Extension of storage area

When the MRF was first proposed, and a Public Inquiry was held, there was a very strong feeling concerning the amount of recycled material that should be stockpiled outside the building. As a consequence, conditions were imposed, with which the Parish had no argument. We see no reason to change these constraints, notwithstanding the commercial advantage that would befall the applicant if they are allowed. The increased size would be even more unsightly in what is, currently, a far from attractive sight. We also believe that the increased storage of such material would impact the environmental consequences of any industrial incident, such as fire. Similarly, the enlarged storage area would increase the opportunity for rodent infestation. Landfill and recycling plants are not the most fragrant of sites, offering a concentration of attractions to rats and such like.

- iv) Accordingly, we object to the extension of the storage area on the grounds that the area will become more unsightly, and that the environmental risks will be increased.
4. The applicant has commented that there is a correction to recommended condition 21 in Annex 1 (Page 24) in that the date of the letter referenced should be 22 October. The applicant has also commented that it is not considered that recommended condition 2 with regard to notification of the commissioning certificate serves any purpose given that the existing conditions referenced in paragraph 49 of the report linked to securing the capping of cells 4, 5 & 8 of the landfill site (page 26) are no longer required and indeed the applicant was never of the opinion that it was necessary.
  5. The applicant has also advised as summarised below with regard to the comments raised by Finmere Parish Council:
    - i) In order to process the permitted 150,000 tonnes of waste per annum, it has been identified that even further improvements to the plant, the MRF is not processing at the consented throughput. It is not anticipated that even with further improvements to the plant, the permitted throughput will be delivered within the existing permitted operational hours. It is not envisaged

that more waste than currently consented could be processed at the MRF. There are no proposals to process more waste than currently consented and the application should be determined as submitted. Waste returns are already required to be provided quarterly to the Waste Planning Authority and also to the Environment Agency under the Environmental Permit. The applicant does not therefore support the suggested condition.

- ii) The Noise Assessment which has been carried out demonstrates that the proposed development would not result in any unacceptable noise impact and the Environmental Health Officer has raised no objection. A condition limiting the operational hours to 23:00 hours would not be reasonable.
- iii) With regard to the suggested noise monitoring, the applicant does not object to a reasonably worded condition requiring a monitoring scheme to be submitted to the Waste Planning Authority for approval. This could include an action plan to be implemented should a noise complaint be received. The noise mitigation measures set out in section 7 of the Noise Assessment would be implemented.
- iv) With regard to the additional storage of RDF & SRF, the site is well screened and the distances to the nearest residential properties mean that it will not result in any significant adverse visual impact. The storage is also the subject of conditions of the Environmental Permit for the site including management, operating techniques and emissions and detailed schemes have been submitted with respect to fires, fire water management and accidents. These will be updated and agreed with the Environment Agency. The Fire and Rescue Service has also raised no objection to the application and there is no reason to believe that the fire prevention measures will not be entirely effective. The RDF/SRF is stored in plastic wrapped bales in accordance with a stock rotation system and these procedures have proven to be effective as no complaints have been received and there is no evidence on site of pests or odour problems. These are matters which would in any instance be subject to detailed conditions of the Environmental Permit

#### Officer comments

- 6. The Noise Assessment referred to by the Environmental Health Officer will form one of the approved application documents should the application be approved. The measures for noise mitigation set out in section 7 of the document as well as the proposed noise attenuation barriers are:
  - No waste deliveries to the MRF building will be made during any of the extended operating hours.
  - The demolition and construction waste processing plant will not be operated during any extended hours of operation.
  - All doors (including personnel doors) will be kept closed, with the exception of one access door to allow a telescopic handler to collect

processed bales of RDF/SRF for transport to the external stockpiling area.

- No other mobile plant such as the loading shovel and second tele-handler will operate externally during any of the extended operating hours.
- Audible reversing alarms will be disabled during any extended period of operation and replaced with a silent visual alternative.
- No metal bins will be emptied during any of the extended operating hours.
- No non-essential repairs and maintenance will be conducted externally during any of the extended operating hours.

In addition, the further measures set out are:

- Adhere strictly to the stated operating hours of the site.
- Ensure plant and machinery is regularly well maintained.
- Avoid unnecessary revving of engines and switch off equipment when not required.
- Keep the hard-standing surface surrounding the MRF building well maintained to avoid pot-holes that may create excessive sound when contacted by vehicles.
- Ensure boundary screening is well maintained with no gaps or inconsistencies.
- Operatives should be trained to employ appropriate techniques to keep site noise to a minimum, and should be effectively supervised to ensure that best working practices in respect of noise reduction are followed.

7. With regard to the comments raised by Finmere Parish Council:

- i) The existing planning permission already contains a condition limiting the annual throughput to 150,000 tonnes per annum and that the records of waste input be provided quarterly and it is recommended that this condition continue to be attached to any planning permission. Should members wish it this condition could be amended to provide for the reports to be provided more often. If the impacts of the operational hours are otherwise considered to be acceptable then it is not considered that there would be sustainable planning reasons to include a mechanism for them to revert back to the standard operational hours should the throughput meet the original specification of the plant. A further planning application would in any instance be required to amend the condition limiting the annual throughput and this would then be subject to consideration on its own merits at that time.
- ii) The Environmental Health Officer has not objected to the application having reviewed the submitted Noise Assessment which would form one of the approved documents should the application be approved. Therefore, whilst the concern about the operation of the site after 23.00 hours (11.00 pm) is understood, it is not considered that there would be sustainable planning reasons to support a condition limiting the extended operational hours to this time.
- iii) The existing permission contains a condition requiring that set noise levels

at nearby properties are not exceeded during the standard operational hours and it is recommended that a similar condition be attached to any planning permission to also provide for noise levels to not exceed these levels during the standard hours and that they also do not exceed 3 decibels above the background noise levels during the extended hours. These arise from the Noise Assessment which has been assessed by the Environmental Health Officer. The applicant has advised that they would see merit in a condition requiring a scheme for a noise monitoring scheme to be submitted pursuant to a condition for approval and subsequent implementation. I have therefore added an additional condition to this effect to the conditions set out in Annex 1 to the revised recommendation below.

iv) With regard to the use of the external yard for the additional storage of SRF and RDF bales, officers are not aware that any complaints have been received to date with regard to the attraction of vermin. These matters would in any instance be a matter for control under the Environmental Permit from the Environment Agency. With regard to potential fire hazard, the Fire and Rescue Service's comments are set out in paragraph 28 of the committee report (page 22). The Environmental Permit also contains detailed schemes for the prevention of fire and dealing if necessary with any fire water. The MRF storage area is located towards the centre of the quarry and landfill site and is generally well screened from public view by the existing surrounding vegetation. I do not therefore consider that there are sustainable planning reasons to refuse the application with regard to the additional storage proposed.

8. With regard to the comments raised by the applicant on the recommended conditions, the date referred to has been corrected in condition 21 set out in Annex 1 to the revised recommendation below. Recommended condition 2 with regard to providing notification of the commissioning certificate was specifically required by the committee when the previous MRF application was considered by this committee at its meeting on 18<sup>th</sup> May 2015. The reason given on the decision notice for that application for the condition is:

To ensure the development is carried out in a manner that minimises impact on the environment and amenities of Finmere residents

I consider it is a matter the committee to consider whether it still wishes to attach this condition should planning permission be granted to the application.

Revised Recommendation:

**It is RECOMMENDED that subject to no over-riding objections being raised by outstanding consultees, Application MW.0031/15 be approved subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out at Annex 1.**

### **Annex 1–Proposed Conditions:**

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of the permission.
2. The operators shall notify the County Council as Waste Planning Authority within 3 working days of the date of issue of the commissioning certificate (Taking-Over certificate under the plant supply contract).
3. The acceptance of waste shall cease by 31 December 2020. All buildings, plant and machinery to which this permission relates shall be removed and restoration shall be completed by 31 December 2021.
4. The storage bays shall not be constructed other than in the location shown on drawing no. OP/FI/09-14/18137revB and in accordance with the details set out in the letter dated 06 June 2014 and drawing nos. OP/FI/06-14/17850, 3216-BUNKER WALL Rev P1 and B1.
5. Recyclates (i.e. waste that has been processed in the building other than SRF and RDF and other residues that are going to be landfilled) shall not be stored on site except in the building or in the storage bay unless otherwise approved in writing by the Waste Planning Authority. SRF and RDF shall not be stored at the site except in the building or in the SRF/RDF storage area shown on drawing no. OP/FI/10-15/18921 Figure 3 unless otherwise approved in writing by the Waste Planning Authority. The height of the stockpiles or stacks of RDF, SRF, reclaimed or salvaged materials shall not exceed the height of the walls of the bays.
6. No waste transfer/recycling operations or unloading or deposit of waste shall take place on site outside the confines of the building approved for this purpose. No loose waste materials shall be deposited or stored outside the storage bays or the building.
7. Waste imported to the site that cannot be recycled at the site shall not be taken off-site other than to the land the subject of planning permission 13/00973/CM or any superseding planning permissions provided that it is suitable for deposition on that land.
8. The colour of the external walls of the building shall be Van Dyke Brown and the colour for the roof of the building (excluding the roof lights) and the ventilation stack shall be Olive Green.
9. The maximum height of the ventilation stack shall not exceed 16 metres above ground level as shown on approved drawing no OP/FI/09-14/18139revB.

10. The storage of any skips on the land shall only be incidental to the recycling use of the site and shall not take place except in accordance with details that have been submitted to and approved in writing by the Waste Planning Authority.
11. Access and egress shall not be taken other than via the existing access to the permitted quarry and landfill site onto and from the A421 and thence via the haul road as shown on drawing no. OP/FI/09-14/18134revB.
12. No loaded vehicles shall leave the site unsheeted except those only carrying recyclates which do not have the potential to give rise to dust.
13. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
14. No development shall take place except in accordance with the approved dust suppression measures specified in document PR/FI/AV/1347/01 unless otherwise approved in writing by the Waste Planning Authority.
15. Between the hours of 07:00 and 18:00 the noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour) freefield at Warren Farm House, Hill Leys, Foxley, Widmore Farm, Boundary Farm or Gravel Farm. Between the hours of 05:00 and 07:00 and 18:00 and 01:00 the rating level (Lar,Tr) arising from the development shall not exceed 3 dB above the background sound level (LA90,1h) when determined in accordance with BS 4142:2014 at Widmore Farm, Warren Farm, Hill Leys, Foxley, Glanwin Meadows, Foxley Fields Farm or Boundary Farm.
16. All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers.
17. The noise emitted at any time from the site shall not contain any discrete continuous note, i.e. whine, hiss, screech, hum etc or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable at the locations identified in condition 15.
18. No development shall take place except in accordance with arrangements for ensuring that reversing vehicles do not emit warning noise that would have an adverse impact on residential or rural amenity, as specified in the approved document PR/FI/AV/1347/01 unless otherwise approved in writing by the Waste Planning Authority.
19. Any chemical or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the largest container's total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.
20. Repair, maintenance and refuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor.



21. The operation of the MRF shall not take place other than in accordance with the approved external lighting details set out in the letter dated 15 January 2015 and Drawing no. 3201-002 Rev P1 (Appendix A to the letter dated 22 October 2015) and no other external lighting shall be installed except in accordance with the approved details unless otherwise approved in writing by the Waste Planning Authority. The approved details shall be implemented for the life of the site
22. Any external lights shall not be illuminated between the hours of 18.00 to 7.00 Monday to Friday and 13.00 to 7.00 Saturday and at no time on Sunday or National Holidays (save for security lighting activated by unauthorised entry by persons or vehicles).
23. The existing trees, bushes and hedgerows in Finmere Plantation to the north of the MRF site and the green lane feature to the east of the MRF site, as shown on approved plan M04.134.14 Revision A, shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Waste Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be specified by the Waste Planning Authority in the planting season immediately following any such occurrences. The new hedgerow and woodland planting shown on on approved plan M04.134.14 Revision A is not required to be carried out.
24. Except for plant maintenance and emergencies no operations authorised by this permission, including vehicles entering or leaving the site, shall take place except between the following times:

Operation of the MRF, deliveries of waste to the MRF and the export of SRF, RDF and recyclates from the MRF:

07:00 to 18:00 Mondays to Fridays 07:00 to 13:00 Saturdays;

Operation of the MRF solely for the commercial and industrial waste processing operations to be carried out and transfer to storage of processed materials (without acoustic barriers shown on drawing no. OP/FI/10-15/18921):

06:00 to 7:00 and from 18:00 to 23:00 Mondays to Fridays;

Operation of the MRF solely for the commercial and industrial waste processing operations to be carried out and transfer to storage of processed materials (with acoustic barriers shown on drawing no. OP/FI/10-15/18921):

05:00 to 06:00 Mondays to Fridays and from 23:00 to 01:00 Mondays to Fridays and from 00:00 to 01:00 on Saturdays;

Except for plant maintenance and emergencies no operations shall take place on Sundays or Bank or Public Holidays unless otherwise approved in

writing by the Waste Planning Authority.

25. The site shall be restored in accordance with approved drawing PR/FI/09-10/15770 and aftercare shall take place in accordance with conditions 24, 25, 26 and 27 of planning permission 13/00973/CM or equivalent conditions in any superseding planning permissions.
26. The annual throughput of waste shall not exceed 150,000 tonnes per annum. Records shall be maintained of all inputs of waste. The records shall be held on site for inspection. Records of inputs of waste to the development shall be forwarded to the Waste Planning Authority quarterly.
27. No further steps shall be taken to implement or operate the recycling facility for inert wastes permitted under planning permission 00/01480/CM.
28. No later than one month from the date of this planning permission, a scheme for the monitoring of noise from the development during all permitted operational hours shall be submitted for approval in writing by the Waste Planning Authority. The submitted scheme shall include an action plan for the undertaking of noise measurements should a noise complaint be received. Should noise measuring subsequently be required to be carried out and the noise measurements confirm that the levels in condition 15 have been exceeded, details of the measures to be taken to mitigate the additional impact and reduce the levels to those set out in condition 15 shall be submitted for approval to include a programme for implementation. The approved measures shall be implemented thereafter.