

Planning & Regulation Committee Monday, 25 November 2024

ADDENDA

- 5. Application for a Certificate of Lawfulness of Existing Use or Development for retention of a Waste Transfer Station (Pages 1 - 4)**

Since the report was published, a representation has been received from Ewelme Parish Council. This is attached along with the officer response.

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Addendum Agenda Item 5 – Application for a Certificate of Lawfulness of Existing Use or Development for retention of a Waste Transfer Station at Rumbold's Pit, Eyre's Lane, Ewelme, Wallingford, Oxfordshire OX10 6HF

1. Since the report was published, a representation has been received from Ewelme Parish Council as follows:

I have been carefully through the response by the Head of Strategic Planning to the H&J CLEUD application, prepared for the Planning and Regulation Committee meeting next Monday. I am addressing this note to the two of you as I am not sure which of you represents the most appropriate route. Forgive me if this cuts across lines of communication but I am very aware of the short lead-in time available for any useful response.

At first sight, the document appears to be thorough and balanced. Most of the points we raised appear to have been covered in a very clear and objective manner. However, we do have some important reservations regarding possible interpretation of the proposed conditions and the practicalities of enforcement, which I would like to raise in advance of the meeting in the hope that you can allay my concerns. These are:-

1. *Throughout the "General Limitations" of the First Schedule the term "the Land" is used to identify the area to which the limitation refers. This does not appear to be defined. Could this be clarified? Could the term "the site" or "the planning unit", defined in Para 6, be used instead?*
2. *The suggested limit on operational vehicle numbers is given as 25 in and 25 out "per day". Is this a maximum on any one day? If so, could the wording be amended to read "on any working day" rather than "per day"?*
3. *The limit of 25 in and 25 out includes the words "transporting materials". Does this therefore exclude empty vehicles? If so, this would allow up to 100 operational vehicle movements per day, very much more than the figure for 2008 (your para 46) on which this limitation is said to have been based. Please can the words "transporting material" be removed? Incidentally, empty vehicles are as much of a danger in the village as are loaded ones, and represent a greater noise nuisance.*
4. *At the end of the draft certificate it is stated "for the avoidance of doubt", that the Certificate does "not control the use of the land to the South of the primary working area, and which is covered by Planning permission P17/S4066/CM (MW.0098/17)". Does this potentially mean that unlimited numbers of operational vehicles could use the Planning Unit (as defined in your para 6) - and thus local roads - in addition to the 25/25 limit, if they are deemed to be primarily associated with the storage of waste material allowed by the above planning permission? This would be of major concern to us. And a lesser concern, would staff vehicles using the northern area, covered by planning permission*

P17/S4069/CM (MW0099/17), not be included in the 7 in/7 out limitation for the site?

I am writing this as Chair of Ewelme Parish Council, but the timing of release of the OCC response did not allow us to discuss this as a Council. Nevertheless, I hope any views expressed are a fair consensus of local concerns.

2. The Officer response is set out below:

Point 1: The Officer Recommendation set out in paragraphs 67 and 68 is revised as follows with amendments as underlined:

RECOMMENDATION

67. It is RECOMMENDED that a Certificate of Lawful Existing Use or Development is GRANTED for the MW.0171/23 application site (as shown edged red on the attached Location Plan and described in the certificate as "the Land"), for the uses set out in Schedule 1.
68. The claimed uses, as set out in Schedule 1, are considered lawful within the meaning of Section 191(2) of the 1990 Act. Oxfordshire County Council considers that there is, on the balance of probabilities, sufficient evidence that the claimed use has been carried out on the Land for the past 10 years. The issue of a Certificate of Lawful Existing Use and Development on the terms set out below is accordingly justified.

Point 2: The 25 vehicles in and 25 vehicles out is a maximum per day. The working hours limitations is the site is not operated other than between 0700 hours and 1900 hours Mondays to Saturdays; and between 0900 hours and 1300 hours Sundays and Bank Holidays. Therefore there are no non-working days.

Point 3: The words "transporting materials" are not used in the PCN response which is the source of the number of vehicle movements used as a limitation and so can be removed. The relevant limitation in the Recommendation is therefore amended to read as follows:

- There are no more than 50 movements per day (25 in 25 out) of operational vehicles into and out of the Land.

Point 4: The planning permission for the southern area has at condition 1 that it will be carried out strictly in accordance with the particulars of development and plans. The description of development is for storage of recycled material and empty waste skips which must be interpreted as related to the waste material processed on the central area the subject of the Certificate of Lawful Existing Use or Development application. Therefore the area must be used

only for storage of recycled materials and empty skips, not for processing waste. The approved Planning Statement for planning permission no. MW.0098/17 states:

The application proposal will have no effect upon the total amount of waste taken into the site. It will, therefore, have no impact upon vehicle movements.

Similarly, the planning permission for the northern area has at condition 1 that it will be carried out strictly in accordance with the particulars of development and plans, so the area must be used only for parking motor vehicles.

The approved Planning Statement for planning permission no. MW.0099/17 states:

The motor vehicles will be those of visitors to the waste transfer station and employees based at the waste transfer station. Therefore, the use is ancillary or incidental to the primary waste transfer station use.

There is no separate access to or exit from either of these areas to the surrounding road network other than via the central area the subject of the Certificate of Lawful Existing Use or Development application. It is considered that in effect the vehicle movement limitations on the Certificate of Lawful Existing Use or Development would therefore apply to the whole planning unit.

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