

# Planning & Regulation Committee

## Monday, 3 December 2012

### ADDENDA

#### 1. Apologies for Absence and Temporary Appointments

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor Neil Owen	Councillor Tim Hallchurch -

#### 4. Petitions and Public Address

<i>Request from</i>	<i>Item</i>
Mark Baker (Vale District Committee CPRE)	) 6. Sutton Courtenay Landfill Application MW.0174/12
Robin Draper (Resident, Sutton Courtenay)	
Nicola Simonson (Resident, Culham)	
Nick Hards (Didcot Town Council)	
Dr Angela Jones (Appleford Parish Council)	
Mike Graham (Pelorus, Agent for the Applicants)	
<i>Sutton Courtenay Parish Council had originally nominated a representative to address the Committee but were now unable to do so. Their comments have instead been tabled.</i>	

**6. Variation of conditions 1,3 and 22 of planning approval P12/V1497/CM for the establishment of recycling facilities on land west of Corridor Road to extend the end date of operations from 31 December 2019 to 31 December 2030, to increase the annual MRF throughput from 70,000 tpa and for some alterations to approved elevations at Sutton Courtenay Landfill Site, Sutton Courtenay, OX14 4PW - Application No MW.0174/12**

*Appropriateness of Application Type*

Since the publication of the report a query has been received regarding whether it is appropriate to consider this Section 73 application for changes to conditions on an existing development given that the reason given in the application for requesting those changes requires a separate planning consent.

The application supporting statement does refer to the proposal to use the building for waste transfer in the reason for extending the life of the MRF to 2030. However, other reasons are given for the changes to condition to increase the MRF throughput and changes to the building elevations.

The proposal to extend the life of the MRF building has been considered in the report and it is concluded that it is supported by planning policy. If the MRF is operational for the life of the adjacent landfill this will ensure that as much material as possible can be recycled. This policy support is regardless of any proposal to use the site for waste transfer, which has not been considered as part of this application. The fact that the submitted application includes an irrelevant reason in support of an element of the proposal is not significant as only valid planning matters have been taken into account in assessing the application. The applicant has confirmed that they seek this change to the life of the MRF building irrespective of any future application for waste transfer which may be forthcoming.

As set out in the main report the applicant has been advised that the approval of this application would not allow waste transfer as this is not a recycling operation and therefore not permitted by the existing consent. A separate application would need to be made. A number of objectors have suggested that as the changes sought to the conditions are not minor, the entire application should not have been made under Section 73. In fact Section 73 is the appropriate application type to amend conditions regardless of whether the consequences of amending those conditions are considered minor.

*Further Consultation Response*

The following consultation response has now been received from the Vale of White Horse District Council which in summary states:

No objection to the extension in the life of the MRF to match the landfill as this

would maximise recycling. Any further increase in time beyond 2030 is unlikely to be acceptable. No objection to the increase in throughput provided this would not be in addition to overall waste import to the landfill. No objection to building alterations as long as there is no change to the size or location of the building. Objection to the inclusion of the storage and transfer of clinical waste. This was not part of the original application and needs to be the subject of a separate planning application.

*Updated Conditions Annex*

The officer proposed Condition under Condition 22 in Annex 3 to the report contains an error in one of the figures. This should reflect the officer comment in the paragraph above it and read: "No more than 40,000 tonnes per annum of green wastes and 200,000 tonnes per annum of other wastes shall be imported to the site. These tonnages shall form part of the limit of 600,000 tonnes per annum of waste that may be imported to the associated landfill development surrounding the site"

A further condition is proposed requiring that the operator maintain records of waste imports. This is to ensure that condition 22 can be monitored and enforced.

A replacement Annex 3 is attached addressing these two matters.

- 7. Continuation of permission WCH/5048/3-CM to continue infilling of a former chalk quarry with inert waste for a further 3 years - the proposals included some excavation of chalk for use only in the final restoration of the site) without complying with the requirements of condition 2 (the development and restoration hereby granted shall be for a limited period expiring on 31 December 2010) to allow for an extension to the end date of the planning permission and restoration until 31 December 2015 a**

*Additional Information*

Since the report was written the agent for this application has contacted officers concerning the following conditions:

**Condition 3**

The agent asks if this condition could be amended to allow a further year for the removal of the machinery and final restoration of the site. She states it is usual practice for such a development (i.e. bringing in of restoration materials) to have a certain life span, and then for the final restoration (i.e. grading of material, spreading of soil layers, first cultivation practices, e.g. ripping of soils, and removal of structures etc.) to be carried out over a further period, usually a year.

She is aware that the existing Childrey permission doesn't allow any additional time for restoration, but considers this an oddity for which there is no planning justification and provides some examples of other sites (the permission for City Farm Landfill site and the proposed conditions for Woodeaton Quarry restoration) which show that additional time is standard practice.

*Officer Comment:* Yes, this is standard practice and accordingly a change to this condition as requested is not unreasonable and it is recommended that the time period in this condition is altered to 31 December 2016 (rather than 2015, the end of the restoration period).

### **Condition 5**

This condition, as it currently stands in the report (a repeat of the condition on the 2005 permission) requires the submission of a scheme for the preservation of and access to the main area of the chalk face as a geological feature, thus enhancing the geodiversity of the restored site. Since the Committee report was written the agent has met members of the Oxfordshire Geology Trust and agreed such a scheme as well as providing us with evidence that the Trust are happy with it. Accordingly she requests that this condition be altered to refer to the chalk face being retained in accordance with the scheme as submitted.

*Officer Comment:* Yes. Officers recommend that condition 5 read as follows:

*“The chalk face shall be retained as shown on approved plan 135CQA/3 Rev A and in accordance with the scheme set out in the letter from Suzy Coyne dated 26 November 2012, such scheme to date from the date of this permission.*

*Reason: To protect and afford access to this regionally important geological feature and enhance the geodiversity of this site.”*

## ITEM 6 – APPLICATION MW.0174/12

### UPDATED ANNEX 3 – PROPOSED CHANGES TO CONDITIONS

#### Condition 1

*Currently states:* 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 this permission. The application comprises: Supporting Statement reference PEL/SC73/19471/001 dated October 2011, Site Location Plan CH6737-P01/C, Building Elevations CH6737-P02/C and landscaping drawings SC-RF-LR1 and SC-RF-LR2 dated December 2011.

*Applicant Proposed replacement condition:* 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 this permission. The application comprises: Supporting Statement reference PEL/SC73/19471/002 dated July 2012, Site Location Plan CH6737-P01/C, Building Elevations B3793 C004 A and B3793 C005 A, site layout drawings CH6737/002 E and CH6737/003 E.

*Comments:* Document list should also include details approved under the previous MRF consent to ensure that they are brought forward into the new consent and must be complied with. Therefore the following replacement condition is recommended:

*Officer Proposed replacement condition:* **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 this permission. The application comprises: Supporting Statement reference PEL/SC73/19471/002 dated July 2012, Site Location Plan CH6737-P01/C, Building Elevations B3793 C004 A and B3793 C005 A, site layout drawings CH6737/002 E and CH6737/003 E, 427R262A ‘Landscaping Scheme for MRF facilities,’ CH6737\_004\_C Drainage Details, CH6737-003\_C Utilities, MRF-TM-001 Rev B Traffic Management Plan, 44135111 Draft Concept GA Layout, CH6737\_010\_E Access Road Sections and Details, CH6737\_009\_E Access Road GA Layout.**

#### Condition 3

*Currently states:* The operations shall cease and buildings, plant and machinery to which this permission relates shall be removed by 31 December 2019 and restoration shall be completed by 31 December 2020.

*Proposed replacement condition:* The operations shall cease and buildings, plant and machinery to which this permission relates shall be removed and restoration complete by 31 December 2030.

*Comments:* This change is acceptable as set out in the report.

## Condition 22

*Currently states:* No more than 40,000 tonnes per annum of green wastes and 70,000 tonnes per annum of other wastes shall be imported to the site

*Proposed replacement condition:* No more than 200,000 tonnes per annum shall be managed by the Materials Recycling Facility and no more than 40,000 tonnes per annum of green wastes shall be imported to the site

*Comment:* This change is acceptable as set out in the report. The additional wording 'These tonnages shall form part of the limit of 600,000 tonnes per annum of waste that may be imported to the associated landfill development surrounding the site' should be added for clarity.

*Officer Proposed replacement condition: **No more than 40,000 tonnes per annum of green wastes and 200,000 tonnes per annum of other wastes shall be imported to the site. These tonnages shall form part of the limit of 600,000 tonnes per annum of waste that may be imported to the associated landfill development surrounding the site***

**Additional condition:**

## Condition 24

From the date of this permission the operators shall maintain records of their quarterly waste imports to the MRF and green waste composting site and shall make them available to the Waste Planning Authority within 14 days of request.

Reason: In order that the Waste Planning Authority can monitor the waste imports to the site and ensure that the development is carried out as proposed (OMWLP PE18)

## Additional heads of conditions

Additional conditions proposed by the applicant relating to clinical waste and the transfer of waste to Ardley should not be added as the permission would not allow this.